

EXHIBIT 1



South Dakota Secretary of State

Monae L. Johnson
Secretary of State

Thomas J. Deadrick
Deputy Secretary of State

MEMORANDUM

To: County Auditors
CC: DPS, DSS, DLR, DOH, DHS
From: Office of the Secretary of State
Date: March 26, 2026
Re: Implementation Guidance for Senate Bill 175 (Voter Registration US Citizenship Requirements)

I. Purpose

On March 26, 2026, Governor Larry Rhoden signed [Senate Bill 175](#) into law. The Act contains an emergency clause and was therefore effective immediately.

As the state's chief elections officer, the Secretary of State is responsible for the uniform and lawful administration of voter registration. This memorandum provides guidance on

- The requirements SB 175 imposes on individuals seeking to register to vote, and
- Expectations for state agencies to ensure consistent implementation in compliance with applicable state and federal law.

II. Overview of Senate Bill 175

The Act establishes new requirements related to documentary proof of United States citizenship for certain voter registrations and clarifies the distinction between full voter registration and federal-only voter registration.

III. Federal-Only vs. Complete Voter Registration

South Dakota law recognizes a bifurcated voter registration system under SDCL § 12-4-1.3:

- **Complete Registration:** Allows participation in all federal, state, and local elections.
- **Federal-Only Registration:** Limits participation to federal offices (President, Vice President, U.S. Senate, and U.S. House of Representatives).

SB 175 expands the circumstances under which an individual may be designated a federal-only voter. In addition to existing law (e.g., failure to meet residency requirements), an individual who does not provide documentary proof of citizenship at the time of registration must be registered as a federal-only voter.

This framework is intended to remain consistent with the National Voter Registration Act (NVRA) by not imposing documentary proof of citizenship requirements for *federal* elections, while requiring such proof for full voter registration in *state* elections.



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IV. Applicability

SB 175 is not retroactive and **does not** affect currently registered voters.

The requirements apply only to

- Individuals registering to vote for the first time or
- Individuals registering to vote after having previously been removed from the voter registration list.

The following individuals are **not subject** to the new proof of citizenship requirement:

- Currently registered voters and
- Inactive voters who remain on the voter rolls.

V. Acceptable Documentary Proof of Citizenship For Voter Registration Only

Under SB 175 Section 3, or at SDCL § 12-4-1.4, acceptable proof of citizenship for voter registration includes:

1. A South Dakota driver license or nondriver identification card issued after July 1, 2025;
2. A driver license or nondriver ID card from another state indicating citizenship has been verified;
3. A tribal identification card; or
4. A photocopy of one of the following:
 - Birth certificate;
 - United States passport;
 - Consular Report of Birth Abroad issued by the U.S. Department of State;
 - The individual's certificate of naturalization; or
 - Any other documentation permitted under 42 C.F.R. § 436.407.

VI. Agency Coordination and Verification

Existing verification practices used by state agencies may satisfy SB 175 requirements, including:

- **Department of Public Safety (DPS):**

Beginning in 2010, South Dakota began issuing REAL ID-compliant driver's licenses and identification cards. To obtain a REAL ID, applicants demonstrated lawful status. U.S. citizens were therefore required to provide documentation verifying their citizenship to the Division of Driver Licensing (DL), where the documentation was scanned and retained in an electronic database.

When an individual registers to vote through the DL, citizenship status is electronically transmitted to the Secretary of State. In addition, as of July 1, 2025, REAL ID-compliant driver's licenses and identification cards for individuals whose citizenship has been verified include a citizenship designation



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on the back of the ID card. Electronic confirmation of citizenship status is sufficient for voter registration purposes.

- **Other Agencies (DOH, DHS, DLR):**

The divisions within these public assistance agencies will transmit the original voter registration form (current version found [here](#)), the SOS Citizenship Documentation Checklist, and a copy of the proof of documentation to county auditor. Agencies should rely on existing verification systems and data-sharing practices to the greatest extent possible to minimize duplication and ensure consistency.

VII. Citizenship Documentation

SB 175 **does not** require that copies of documentary proof of citizenship be retained, transmitted, or filed with the Secretary of State. However, it is recommended for best practices to send a copy of proof of citizenship status along with the voter registration form. Each agency may determine its own document retention policies, subject to applicable law.

The Secretary of State's Office will rely on driver licensing system's electronic data fields indicating citizenship verification status, consistent with current practice.

VIII. Implementation Considerations

Agencies should review internal policies to ensure alignment with SB 175. In particular:

- **Photocopies of Documents:**

SB 175 permits the use of photocopies for certain voter registration documents. Agencies should consult Section V, subsection (4) for specific examples of when a photocopy is acceptable. By contrast, the documents listed in Section V, subsections (1) through (3) must be presented as original, physical documents to establish proof of citizenship. Once the physical copy has been presented, a photocopy may be made to send along with the voter registration form.

- **Federal Regulatory Alignment:**

Agencies should ensure that any reliance on 42 C.F.R. § 436.407 is consistent with federal law, particularly regarding verification methods used during renewals or ongoing eligibility determinations.

IX. Conclusion

The Secretary of State's Office will continue to work with all relevant agencies to ensure uniform, lawful, and efficient implementation of SB 175.

Questions regarding implementation should be directed to the Office of the Secretary of State.