



SOUTH DAKOTA
SECRETARY OF STATE
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Felony Convictions:

Under South Dakota law, a person convicted of a felony in federal court loses the right to vote if sentenced to a term of imprisonment in the adult penitentiary system and must complete his or her term of imprisonment, including supervised release, before becoming eligible to vote. SDCL 12-4-18. A person sentenced only to probation or only ordered to pay a fine or restitution for a federal felony does not lose the right to vote.

Under South Dakota law, a person convicted of a felony in state court who is sentenced to imprisonment in the adult penitentiary system loses the right to vote even if the execution of that sentence is suspended. SDCL 23A-27-35 and 12-4-18. A person so disqualified becomes eligible to register to vote upon completion of his or her entire sentence. A person who receives a suspended imposition of sentence or a sentence that does not include a term of imprisonment in the adult penitentiary system does not lose the right to vote.

Impact of State and Federal Felony Convictions on Voting Rights

Federal

1. Individuals who are convicted of a felony in federal court and sentenced only to probation retain the right to vote.
2. Individuals who are convicted of a felony in federal court and sentenced only to pay a fine or restitution retain the right to vote.
3. Individuals who are convicted of a felony in federal court and sentenced to a term of imprisonment lose the right to vote. The loss of voting rights continues for as long as the individual is serving a term of imprisonment including supervised release.

State

1. Individuals who are convicted in State court of a felony and sentenced only to probation retain the right to vote. A sentence of probation only may include fines, fees, restitution and other conditions associated with the sentence of probation.
2. Individuals who are convicted of a felony in State court and sentenced only to pay a fine or restitution retain the right to vote.
3. Individuals who receive a suspended imposition of sentence on a felony in State court retain the right to vote.
4. Individuals who are convicted in State court of a felony and receive a suspended execution of sentence to the adult state penitentiary system lose the right to vote during the term of the suspended sentence.
5. Individuals who are convicted in State court of a felony and receive a sentence to the adult state penitentiary system lose the right to vote during the term of imprisonment. The loss of voting rights continues as long as the individual is physically incarcerated or on parole.
6. Juveniles adjudicated as delinquent or as a child in need of supervision and sentenced to incarceration in a juvenile detention facility retain the right to vote once they have reached eighteen years of age.

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