

Committee: House State Affairs

Wednesday, February 15, 2023 7:45 AM

Roll Call

Present: Rep. Bartels, Rep. Blare, Rep. Cammack, Rep. Chaffee, Rep. Chase,
Rep. Drury, Rep. Healy, Rep. Lesmeister, Rep. Reimer, Rep. Wangsness,
Rep. Rehfeldt, and Rep. Mortenson
Excused: Rep. Hansen

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Mortenson

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 13TH

Moved by: Blare
Second by: Chase
Action: Prevailed by voice vote

HB 1105 : establish the legal standing of the Legislature to bring suit and be a necessary party in actions involving election law violations by public officials.

Presented by: Representative Tina L. Mulally
Proponents: Rick Weible, Self, Elkton
Jordan D. Mason, State Freedom Caucus Network, Washington, DC
Opponents: Deb Halverson, Lyman County Auditor, self, Kennebec
Sheri Lund, Lincoln County Auditors Office, self, Worthing

MOTION: DO PASS HB 1105

Moved by: Chaffee
Second by: Blare
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HB 1105 TO THE 41ST LEGISLATIVE DAY

Moved by: Drury
Second by: Bartels
Action: Prevailed by Majority Members Elect (10-2-1-0)

Voting Yes: Bartels, Cammack, Chase, Drury, Healy, Lesmeister, Reimer, Wangsness,
Rehfeldt, and Mortenson

Voting No: Blare and Chaffee

Excused: Hansen

HB 1199 : require postelection audits.

Presented by: Representative Julie Auch
Proponents: Jordan D. Mason, State Freedom Caucus Network, Washington, DC
Rick Weible, Self, Elkton

Jessica Pollema, self, Tea
 Linda Montgomery, self, Lincoln County
 Joanna Smith, self, Rapid City
 Opponents: Deb Halverson, Lyman County Auditor, self, Kennebec
 Sheri Lund, Lincoln County Auditors Office, self, Worthing
 Brenda McGruder, Lawrence County Auditor, self, Lead

MOTION: AMEND HB 1199

1199A

On page 2, line 5, of the Introduced bill, after "of" delete " a single record"
 On page 2, line 5, of the Introduced bill, after "record " insert "all records "
 On page 2, line 8, of the Introduced bill, after "election" delete " and at least two days before any
 postelection audit"

On page 3, after line 6, of the Introduced bill, insert: "

Section 8. That § 12-20-47 be AMENDED:

12-20-47. Within seven days ~~after the day of election of the completed county canvass,~~ the Board of State Canvassers shall open and examine the returns from each county. However, if the returns from each county have not been received, the board may adjourn, not exceeding ten days, for the purpose of obtaining the returns from each county. The board shall proceed with the canvass after the returns have been received from each county."

On page 3, line 28, of the Introduced bill, delete "Twenty-five" and insert "Ten"

On page 3, line 32, of the Introduced bill, delete "Ten" and insert "Five"

On page 4, line 2, of the Introduced bill, after "election." insert "

The precincts selected for the audit must be selected at random by the counting board prior to the start of the vote count on election night. The random drawing must be completed in full view of the public."

On page 4, line 5, of the Introduced bill, delete " comparison of each vote or selection marked on each paper ballot must be made with the original, corresponding automatic tabulating or electronic ballot marking system record and the report used for unofficial results" and insert " manual hand count must be completed on all selections marked on all paper ballots randomly drawn to be counted and each selection must be compared to the original corresponding automatic tabulating or electronic ballot marking system record or report used for unofficial results"

On page 4, line 10, of the Introduced bill, delete " selected election districts" and insert " county"

On page 4, line 11, of the Introduced bill, delete " in ten" and insert " of one-half"

On page 4, line 13, of the Introduced bill, after "question;" insert " or"

On page 4, line 14, of the Introduced bill, after "recorded" delete "; or"

On page 4, line 15, of the Introduced bill, after "or" delete "(4) Five percent or more of the paper ballots have irregularities or insufficiencies"

On page 4, line 15, of the Introduced bill, after "insufficiencies." insert "

If there is any variance in vote totals between a tabulator and the hand counted ballots of a post-election audit, the hand counted totals become the new unofficial results to be presented to the canvassing board. All reports from both tabulation and hand counts must be delivered by the person in charge of the election. A violation of this is a Class 6 felony."

On page 4, line 26, of the Introduced bill, delete "Any" and insert "Except as otherwise provided, a"

Moved by: Rehfeldt

Second by: Drury

Action: Prevailed by voice vote

MOTION: DEFER HB 1199 TO THE 41ST LEGISLATIVE DAY

Moved by: Reimer

Second by: Chase
Action: Prevailed by Majority Members Elect (11-0-2-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Lesmeister, Reimer, Wangsness, Rehfeldt, and Mortenson

Excused: Hansen and Healy

HB 1232 : revise provisions related to residency for voter registration.

Presented by: Representative Karla Lems

Proponents: Jessica Pollema, self, Tea
Kate Johnson, self, St.Onge
Rick Weible, Self, Elkton

Opponents: Jordan D. Mason, State Freedom Caucus Network, Washington, DC
Deb Halverson, Lyman County Auditor, self, Kennebec
Mary Arlington, SDCOA, Pierre
Sheri Lund, Lincoln County Auditors Office, self, Worthing
Stephen Saint, self, Custer
Brenda McGruder, Lawrence County Auditor, self, Lead

MOTION: AMEND HB 1232

1232B

On page 1, line 26, of the Introduced bill, delete " 1-26" and insert " 1-26D"
On page 2, line 8, of the Introduced bill, after "thirty" delete " consecutive"
On page 2, line 8, of the Introduced bill, after "days" insert " in the year prior to the election"
On page 2, line 13, of the Introduced bill, after "location" delete " or campground"
On page 2, line 14, of the Introduced bill, after "address" insert " unless the person has resided at the business location pursuant to section 1 of this Act and owns, is employed at, or has resided at the location for at least thirty days prior to the election"

Moved by: Drury
Second by: Rehfeldt
Action: Prevailed by voice vote

MOTION: DEFER HB 1232 TO THE 41ST LEGISLATIVE DAY

Moved by: Cammack
Second by: Wangsness
Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Healy, Lesmeister, Reimer, Wangsness, and Rehfeldt

Voting No: Mortenson

Excused: Hansen

HB 1141 : to encourage the reduction of taxes in the State of South Dakota.

Presented by: Representative Will Mortenson

MOTION: DO PASS HB 1141

Moved by: Chaffee
Second by: Wangsness
Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Lesmeister, Reimer, Wangsness, Rehfeldt, and Mortenson

Voting No: Healy

Excused: Hansen

HB 1142 : improve education outcomes and college affordability.

Presented by: Representative Will Mortenson

MOTION: DO PASS HB 1142

Moved by: Wangsness
Second by: Blare
Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Lesmeister, Reimer, Wangsness, Rehfeldt, and Mortenson

Voting No: Healy

Excused: Hansen

HB 1143 : improve the health and wellbeing of South Dakotans.

Presented by: Representative Will Mortenson

MOTION: AMEND HB 1143

1143A

On page 1, line 1, of the Introduced bill, delete "improve the health and wellbeing of South Dakotans." and insert "make an appropriation for the restoration, maintenance, and repair of the state capitol and to declare an emergency."

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. There is hereby appropriated from the general fund the sum of \$5,000,000 to the Bureau of Administration, for purposes of the restoration, maintenance, and repair of the state capitol building.

Section 2. The commissioner of the Bureau of Administration shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 3. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 4. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

Moved by: Bartels
Second by: Chase
Action: Prevailed by voice vote

MOTION: REFER HB 1143 TO JOINT COMMITTEE ON APPROPRIATIONS AS AMENDED DO PASS

Moved by: Mortenson
Second by: Drury
Action: Prevailed by Majority Members Elect (12-0-1-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Healy, Lesmeister, Reimer, Wangsness, Rehfeldt, and Mortenson

Excused: Hansen

HB 1144 : bolster the workforce of South Dakota.

Presented by: Representative Will Mortenson

MOTION: DO PASS HB 1144

Moved by: Chase
Second by: Drury
Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Healy, Lesmeister, Reimer, Rehfeldt, and Mortenson

Voting No: Wangsness

Excused: Hansen

MOTION: ADJOURN

Moved by: Healy
Second by: Chaffee
Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ WILL MORTENSON
Will Mortenson, Chair