Committee: House State Affairs Monday, February 27, 2023 7:45 AM

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

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Mortenson

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 24TH

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

SB 74 : provide for the establishment of regional jail authorities.

Presented by: Representative Carl E. Perry
Proponents: Senator Jim Stalzer
Senator Helene Duhamel
Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Eric Erickson, South Dakota Association of County Commissioners, Pierre
Tobin J. Morris, Colliers Securitites LLC, Pierre
Opponents: Kirsten Jasper, Department of Revenue

MOTION: DO PASS SB 74

Moved by: Wangsness
Second by: Blare
Action: Prevailed by Majority Members Elect (12-1-0-0)

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

Voting No: Hansen

SB 160 : establish post-election audits.

Presented by: Representative Drew Peterson
Proponents: Senator David Wheeler
Tom Deadrick, Secretary of State
Roger Tellinghuisen, South Dakota Association of County Officials, Pierre
T.J. Nelson, Opportunity Solutions Project, Tallahassee, FL
Brenda McGruder, Lawrence County Auditor, self, Lead
Lindley Howard, McPherson County Auditor, self, Leola
Opponents: Rick Weible, Self, Elkton

MOTION: AMEND SB 160

On page 1, line 9, of the Senate State Affairs Engrossed bill, after "party." insert " A member of the county auditing board must be a registered voter in the county in which the audit takes place. An individual may not serve on the county auditing board if the individual is a candidate for the office that is on the ballot being audited.

The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the oath that each member of a county auditing board must take prior to discharging any duties."

On page 1, line 12, of the Senate State Affairs Engrossed bill, after "Act." insert " The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, administering the reimbursement process and defining reimbursable expenses and reimbursement rates for post-election audits."

On page 1, line 15, of the Senate State Affairs Engrossed bill, after "two" delete " statewide"

On page 1, line 16, of the Senate State Affairs Engrossed bill, after "canvass. " insert "The county auditor shall select "

On page 1, line 16, of the Senate State Affairs Engrossed bill, delete "The" and insert " the"

On page 1, line 17, of the Senate State Affairs Engrossed bill, after "precincts" delete " selected"

On page 1, line 17, of the Senate State Affairs Engrossed bill, after "audit" delete " must be selected"

On page 1, line 17, of the Senate State Affairs Engrossed bill, delete " by the county auditor" and insert

On page 1, line 18, of the Senate State Affairs Engrossed bill, after "computer" insert " in public during the meeting of the county canvasing board"

On page 1, line 23, of the Senate State Affairs Engrossed bill, delete "The two statewide contests selected for audit must be the two contests that had the closest statewide margin based upon the number of votes cast. If there is only one statewide contest on the ballot, the county auditor shall select the contest with the closest margin based on the number of votes cast as the second contest to be audited. If there are not statewide contests on the ballot, the auditor shall select the two contests on the ballot with the closest margin based on the number of votes cast. If there is only one contest on the ballot, that contest must be audited." and insert " The county auditor shall select the contests for the audit at random without the use of a computer in public during the meeting of the county canvassing board. One contest randomly selected for the audit must be a statewide contest. If there are no statewide contests on the ballot, the auditor randomly shall select another contest on the ballot. If there is only one contest on the ballot, that contest must be audited."

On page 2, line 7, of the Senate State Affairs Engrossed bill, after "public." insert " Members of the public shall keep a reasonable distance so as to not interfere with the audit process."

On page 3, line 2, of the Senate State Affairs Engrossed bill, after "audit" insert " pursuant to § 12-20-31"

On page 3, after line 2, of the Senate State Affairs Engrossed bill, insert: "

Section 9. That § 12-1-9 be AMENDED:

12-1-9. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, concerning:

(1) Forms for voter registration and voter file maintenance;

(2) Forms and color of ballots;

(3) Forms for notices;

(4) The uniformity of election procedures;

(5) The operation of the State Board of Elections;

(6) The procedure to accept a petition and verify petition signatures;

(7) Petition forms, including petition size and petition font size;

(8) Envelopes for absentee voting;

(9) Instructions to voters and absentee voters; ~~and~~

(10) Recounts; and

(11) Post-election audits."

On page 3, line 3, of the Senate State Affairs Engrossed bill, after "audit." delete "Section 9. That § 12-20-52 be AMENDED:

"

On page 3, line 4, of the Senate State Affairs Engrossed bill, after "AMENDED:" delete "12-20-52. The State Board of Elections may, by rule, in accordance with chapter 1-26, promulgate rules and regulations to clarify the procedure by which ballots are counted, audited, and canvassed in all elections."

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

MOTION: **DO PASS SB 160 AS AMENDED**

Moved by: Cammack
Second by: Chaffee
Action: Prevailed by Majority Members Elect (13-0-0-0)

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

SB 55 : prohibit ranked-choice voting.

Presented by: Senator John Wiik
Proponents: Representative Kirk Chaffee
Dale Allen Bartscher, South Dakota Right to Life, Rapid City
T.J. Nelson, Opportunity Solutions Project, Tallahassee, FL
Rick Weible, Self, Elkton
Opponents: Cheryl Otto, Self, Yankton

MOTION: **DO PASS SB 55**

Moved by: Chase
Second by: Chaffee
Action: Prevailed by Majority Members Elect (12-1-0-0)

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

Voting No: Healy

SB 69 : modify the composition of the State-Tribal Relations Committee.

Presented by: Representative Tamara St. John

MOTION: **DO PASS SB 69**

Moved by: Drury
Second by: Rehfeldt
Action: Prevailed by Majority Members Elect (11-2-0-0)

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

Voting No: Healy and Lesmeister

MOTION: **TO INVOKE RULE 7-1.5. CONSIDERATION OF MATTERS NOT POSTED.**

Moved by: Rehfeldt
Second by: Bartels
Action: Prevailed by Two-Thirds Majority (12-1-0-0)

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

Voting No: Healy

MOTION: **DO PASS SB 112**

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

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

Voting No: Healy

MOTION: **ADJOURN**

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

Pam Kean, Committee Secretary

/s/ WILL MORTENSON
Will Mortenson, Chair