

Committee: Senate State Affairs

Wednesday, March 01, 2023 10:00 AM

Roll Call

Present: Sen. Schoenbeck, Sen. Davis, Sen. Duhamel, Sen. Nesiba, Sen. Rohl,
Sen. Tobin, Sen. Wheeler, Sen. Diedrich, and Sen. Crabtree

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Crabtree

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 27TH

Moved by: Nesiba
Second by: Davis
Action: Prevailed by voice vote

HB 1001 : allow the Government Operations and Audit Committee to issue subpoenas without Executive Board approval.

Presented by: Senator David Wheeler

MOTION: DEFER HB 1001 TO THE 41ST LEGISLATIVE DAY

Moved by: Schoenbeck
Second by: Tobin
Action: Prevailed by Majority Members Elect (5-4-0-0)

Voting Yes: Schoenbeck, Davis, Duhamel, Tobin, and Crabtree

Voting No: Nesiba, Rohl, Wheeler, and Diedrich

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

Presented by: Senator Casey Crabtree
Proponents: Rick Weible, Self, Elkton

MOTION: AMEND HB 1141

1141C

On page 1, line 1, of the Introduced bill, delete "to encourage the reduction of taxes in the State of South Dakota" and insert "provide property tax relief for owner-occupied single-family dwellings"

On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. This Act establishes and modifies provisions to encourage the reduction of taxes in this state."

On page 1, after line 4, of the Introduced bill, insert: "

Section 1. That chapter 10-13 be amended with a NEW SECTION:

For each owner-occupied single-family dwelling in a county, the county auditor shall annually submit by November 1 to the Department of Revenue the name of each property owner, address, and taxes due for the assessment year. The Department of Revenue may request additional information from the county auditor to verify the correct information from the county."

On page 1, after line 4, of the Introduced bill, insert: "

Section 2. That chapter 10-13 be amended with a NEW SECTION:

Beginning in assessment year 2023, for property taxes payable in 2024 and in each assessment and payable year thereafter, the Department of Revenue upon review and confirmation of the information required to be submitted pursuant to section 1 of this Act shall provide a property tax credit payment of three hundred dollars to the property owner of each owner-occupied single-family dwelling, as defined in § 10-13-39, within each county.

A tax credit payment, applicable under this section to an owner-occupied single-family dwelling, may:

(1) Be provided to or claimed by only one person; and

(2) Not exceed the lesser of three hundred dollars or the tax amount due on the property."

Moved by: Schoenbeck
Second by: Duhamel
Action: Prevailed by voice vote

MOTION: DO PASS HB 1141

Moved by: Schoenbeck
Second by: Tobin
Action: Prevailed by Majority Members Elect (8-1-0-0)

Voting Yes: Schoenbeck, Davis, Duhamel, Rohl, Tobin, Wheeler, Diedrich, and Crabtree

Voting No: Nesiba

HB 1142 : improve education outcomes and college affordability.

Presented by: Senator Casey Crabtree

MOTION: DO PASS HB 1142

Moved by: Schoenbeck
Second by: Rohl
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Schoenbeck, Davis, Duhamel, Nesiba, Rohl, Tobin, Wheeler, Diedrich, and Crabtree

HB 1144 : bolster the workforce of South Dakota.

Presented by: Senator Casey Crabtree

MOTION: DO PASS HB 1144

Moved by: Schoenbeck
Second by: Rohl
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Schoenbeck, Davis, Duhamel, Nesiba, Rohl, Tobin, Wheeler, Diedrich, and Crabtree

HB 1106 : revise certain provisions regarding voter registration records.

Presented by: Senator Helene Duhamel

Proponents: T.J. Nelson, Opportunity Solutions Project, Tallahassee, FL
Roger Tellinghuisen, South Dakota Association of County Officials, PierreOpponents: Representative Tina L. Mulally
Rick Weible, Self, Elkton
Matthew Monfore, Self, Oral**MOTION: AMEND HB 1106**

1106E

On page 1, line 1, of the House Local Government Engrossed bill, delete " regarding voter registration records" and insert " pertaining to poll watchers"

On the House Local Government Engrossed bill, delete everything after the enacting clause and insert:

Section 1. That § 12-18-9 be AMENDED:

~~12-18-9. Any person, except a candidate who is on the ballot being voted on at that polling place, may be present at any polling place for the purpose of observing the voting process. Any person may be present to observe the counting process. A candidate who is on the ballot being voted on at a polling place may only be present to cast the candidate's vote during voting hours. A number of poll watchers shall be permitted for each candidate at a primary election or political party and independent candidate at a general election pursuant to § 12-18-8.1. Each polling place shall be arranged in a manner that permits each poll watcher to be positioned in a location where the poll watcher can plainly see and hear what is done within the polling place~~

At a general, primary, or special election pursuant to § 12-18-8.1, any candidate, party, or ballot question committee as defined in § 12-27-1 is entitled to have a poll watcher present at any polling place for the purpose of observing the voting and counting process. This section may not apply to a candidate who is on the ballot being voted on at a polling place, and the candidate may only be present to cast the candidate's vote during voting hours.

The observation areas may not be less than three feet nor more than six feet from the table at which voters announce their name and address to be issued a ballot at the polling place. The observation areas must be so positioned to permit any poll watcher to plainly see and hear all public aspects of the voting process.

A violation of this section is a Class 2 misdemeanor.

Section 2. That § 12-1-3 be AMENDED:**12-1-3.** Terms used in this title mean:

- (1) "Candidate," a person whose name is on the ballot or who is entitled to be on the ballot to be voted upon for nomination or election at any election;
- (2) "Election," any election held under the laws of this state;
- (3) "Election officials," state and local officials charged with the duty of conducting elections and the canvass of returns;
- (4) "Elector," a person qualified to register as a voter, whether or not the person is registered;
- (5) "Electronic pollbook," an electronic system containing both the registration list and pollbook;

- (6) "General election," the vote required to be taken in each voting precinct of the state on the first Tuesday after the first Monday in November of each even-numbered year;
- (7) "Paid circulator," any person who receives money or anything of value for collecting signatures for a petition;
- (8) "Party office," an office of a political party organization as distinct from a public office;
- (9) "Person in charge of an election," or "person charged with the conduct of an election," the county auditor in all cases except local elections for a municipality, school district, township, or other political subdivision, in which case it is the officer having the position comparable to the auditor in that unit of government if not specifically designated by law;
- (10) "Petition," a form prescribed by the State Board of Elections, which contains the question or candidacy being petitioned, the declaration of candidacy if required and the verification of the circulator. If multiple sheets of paper are necessary to obtain the required number of signatures, each sheet shall be self-contained and separately verified by the circulator;
- (11) "Petition circulator," a resident of the State of South Dakota as defined under § 12-1-4, who is at least eighteen years of age who circulates nominating petitions or other petitions for the purpose of placing candidates or issues on any election ballot;
- (12) "Political party," beginning with the 2014 general election and each general election thereafter, a party whose candidate for any statewide office received at least two and one-half percent of the total votes cast for that statewide office in either of the two previous general election cycles;
- (13) "Pollbook" or "poll list," a list containing in numerical order the names of all persons voting at the election and type of ballot voted;
- (14) "Polling place," a designated place voters may go to vote;
- (15) "Poll watcher," a person appointed to observe the conduct of an election on behalf of a candidate, a political party, or a ballot question committee;
- ~~(15)~~(16) "Primary" or "primary election," an election held at which candidates are nominated for public office;
- ~~(16)~~(17) "Public office," an elected position in government;
- ~~(17)~~(18) "Registration list," a list of eligible voters;
- ~~(18)~~(19) "Registered mail," does not include certified mail;
- ~~(19)~~(20) "Registration officials," the county auditor and deputies and other persons authorized to assist in registration pursuant to chapter 12-4;
- ~~(20)~~(21) "Vote center," a polling place when the precinct has been defined as the entire jurisdiction and an electronic pollbook is utilized;
- ~~(21)~~(22) "Voter," a person duly registered to vote or one who is performing the act of voting;
- ~~(22)~~(23) "Independent (IND)" or "no party affiliation (NPA)," any currently registered voter who writes independent, I, Ind, no party affiliation, no party, no choice, nonpartisan, or line crossed off in the choice of party field on the voter registration form and any individual who is not currently registered to vote who leaves the choice of party field blank on the voter registration form;
- ~~(23)~~(24) "Independent candidate," notwithstanding the definition of independent as stated in this chapter, any registered voter regardless of party affiliation who declares to be an independent candidate for public office pursuant to this chapter;
- ~~(24)~~(25) "Other," any voter who writes a political party not recognized in South Dakota in the choice of party field on the voter registration form.

Section 3. That chapter 12-20 be amended with a NEW SECTION:

The process of sorting, validating, and counting of ballots must be open to poll watchers for the purpose of observing the process. Poll watchers shall keep a reasonable distance from ballots and identification information to protect the privacy of voters. No record associating an individual voter with a ballot may be created. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, setting the number of poll watchers allowed for the sorting, validating, and counting of ballots.

A violation of this section is a Class 2 misdemeanor.

Section 4. That chapter 12-21 be amended with a NEW SECTION:

A meeting of a recount board pursuant to this chapter must be open to the public. Members of the general public shall keep a reasonable distance from ballots.

A violation of this section is a Class 2 misdemeanor.

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Moved by: Nesiba
Second by: Schoenbeck
Action: Prevailed by voice vote

MOTION: DO PASS HB 1106 AS AMENDED

Moved by: Schoenbeck
Second by: Wheeler
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Schoenbeck, Davis, Duhamel, Nesiba, Rohl, Tobin, Wheeler, Diedrich, and Crabtree

MOTION: ADJOURN

Moved by: Rohl
Second by: Tobin
Action: Prevailed by voice vote

Doug Mortenson, Committee Secretary

/s/ CASEY CRABTREE
Casey Crabtree, Chair