

Committee: House State Affairs

Wednesday, March 01, 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 MONDAY, FEBRUARY 27TH

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

SB 189 : prohibit purchasing agencies from contracting with companies owned or controlled by certain foreign entities or governments.

Presented by: Senator Jim Stalzer
Proponents: Representative Tyler Tordsen
Katie Hruska, Governor's Office
Scott Bollinger, Bureau of Administration
Matthew Monfore, Self, Oral

MOTION: DO PASS SB 189

Moved by: Cammack
Second by: Reimer
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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 189 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 207 : provide a penalty for the expenditure of public funds to influence the outcome of an election.

Presented by: Senator David Wheeler
Proponents: Marty Jackley, South Dakota Attorney General, Pierre
Opponents: Darin Seeley, Bureau of Human Resources
Rick Wieble, self, Elkton

MOTION: DO PASS SB 207

Moved by: Lesmeister
Second by: Hansen
Action: Prevailed by Majority Members Elect (8-4-1-0)

Voting Yes: Bartels, Blare, Chaffee, Chase, Hansen, Healy, Lesmeister, and Reimer

Voting No: Drury, Wangsness, Rehfeldt, and Mortenson

Excused: Cammack

SB 40 : revise the process for nominating candidates for statewide offices.

Presented by: Senator David Johnson

Proponents: Representative Roger Chase
Larry Elieson, self, Potter County

Opponents: Senator John Wiik
Thomas J Brunner, Butte County Republican Central Committee, NISLAND
Rick Sattgast, self, Pierre
Brock Greenfield, self, Ft. Pierre
R. Shawn Tornow, self, Sioux Falls
Gretchen Weible, self, Elkton

MOTION: AMEND SB 40

40L

On page 1, line 20, of the Senate Engrossed bill, after "stated " insert "as provided for "

On page 1, line 20, of the Senate Engrossed bill, remove the overstrikes from "in § 12-5-21"

On page 1, line 20, of the Senate Engrossed bill, after "§ 12-5-21" delete ", in the years the President of the United States is to be elected, for the purpose of nominating candidates for:

- (1) Presidential elector;
- (2) National committeeman;
- (3) National committeewoman; and
- (4) Public utilities commissioner, if the political party is unable to nominate a candidate at the primary election"

On page 2, line 8, of the Senate Engrossed bill, delete "In the years" and insert " In a year when"

On page 2, line 8, of the Senate Engrossed bill, delete " if a political party is unablestate convention shall to nominate candidates a candidate for lieutenant governor," and insert " the"

On page 2, line 11, of the Senate Engrossed bill, remove the overstrikes from " and"

On page 2, line 11, of the Senate Engrossed bill, after "and" delete " or"

On page 2, line 11, of the Senate Engrossed bill, after "years" insert " must be nominated by state convention. In a year"

On page 2, line 11, of the Senate Engrossed bill, remove the overstrikes from " when a President of the United States is to be elected, presidential electors and national committeeman and national committeewoman of the party"

On page 2, line 13, of the Senate Engrossed bill, delete " at the primary election, the political party may hold a state convention to nominate a candidate for an office listed in this section" and insert " must be nominated by state convention"

On page 2, line 15, of the Senate Engrossed bill, after "section." delete "Section 4. That § 12-5-25 be AMENDED:"

On page 2, line 16, of the Senate Engrossed bill, after "AMENDED:" delete "12-5-25. A political party with alternative political status may nominate a candidate for United States Senate, United States House of Representatives, Governor, attorney general, secretary of state, state auditor, state treasurer, commissioner of school and public lands, public utilities commissioner, and any legislative seat by convention, if the nomination is submitted with the proper documentation to the Office of the Secretary of State no later than 5:00 five p. m. central time on the second Tuesday in August, of the year of the election.

A candidate registered with a political party with an alternative political status may choose, if allowed by the party bylaws, to participate in a primary election by submitting a candidate petition no later than the last Tuesday of March in accordance with § 12-5-1. 4."

On page 2, line 27, of the Senate Engrossed bill, after "5-1.4." delete "Section 5. That § 12-5-26 be AMENDED:"

On page 2, line 28, of the Senate Engrossed bill, after "AMENDED:" delete "12-5-26. A new political party may nominate a candidate for United States Senate, United States House of Representatives, Governor, attorney general, secretary of state, state auditor, state treasurer, commissioner of school and public lands, public utilities commissioner, and any legislative seat by convention, if the nomination is submitted with the proper documentation to the Office of the Secretary of State no later than 5:00 five p. m. central time on the second Tuesday in August, of the year of the election."

On page 3, line 3, of the Senate Engrossed bill, after "election." delete "Section 6. That § 12-6-7 be AMENDED:"

"

On page 3, line 4, of the Senate Engrossed bill, after "AMENDED:" delete "12-6-7. A nominating petition may be composed of several sheets, each. Each sheet shall must have identical headings printed at the top and shall must be a self-contained sheet of paper. The petition for a candidate for the Legislature shall designate must specify the senatorial or representative legislative district number and house chamber for which the person is a candidate.

The petition for party office or political public office for a state a party's gubernatorial or federal candidate shall must be signed by not less than one percent of the voters who voted for that party's gubernatorial candidate at the last gubernatorial election in the state. The petition for a party's candidate for attorney general, secretary of state, state auditor, state treasurer, commissioner of school and public lands, or public utilities commissioner, must be signed by not less than one-half percent of the voters who voted for that party's gubernatorial candidate at the last gubernatorial election. A petition for the Legislature, county party office, or county political public office shall must be signed by not less than one percent of the voters who voted for that party's gubernatorial candidate at the last gubernatorial election, or fifty voters, in the county, part of the county, or district electing a candidate to fill the office, whichever is less.

If the party meets the requirement for alternative political status as defined in § 12-1-3. 1, the petition for party office or political public office for a state or federal candidate shall must be signed by not less than one percent of the voters who voted for that party's statewide candidate receiving the highest votes at the last gubernatorial election in the state. A petition for the Legislature, county party office, or county political public office shall must be signed by not less than one percent of the voters who voted for that party's statewide candidate receiving the highest votes at the last gubernatorial election in the county, part of the county, or district electing a candidate to fill the office, whichever is less.

If a county uses vote centers and does not print ballots by precinct, signature requirements are:

- (1) For both partisan and independent candidates, fifty signatures for a legislative candidate whose district either in whole or in part includes that county;
- (2) For a county candidate:
 - (a) Partisan candidate petitions shall must be signed by the lesser of fifty signatures or signatures from one percent of the voters who voted for that party's gubernatorial candidate, or the party's statewide candidate receiving the highest votes if the party meets the requirement for alternative party status as defined in § 12-1-3. 1, at the last gubernatorial election in the county electing a candidate to fill the office; or
 - (b) Independent candidate petitions shall must be signed by not less than one percent of the total combined vote for Governor at the last certified election within the county electing a candidate to fill the office;
- (3) Half the number of signatures required under subdivision (2), for county commissioner district candidates;
- (4) Five signatures for a new party legislative candidate whose district either in whole or in part includes that county;
- (5) Five signatures for a new party county candidate; or
- (6) Three signatures for a new party county commissioner district candidate."

On page 4, line 16, of the Senate Engrossed bill, after "candidate." delete "Section 7. That § 12-7-1 be AMENDED:"

On page 4, line 17, of the Senate Engrossed bill, after "AMENDED:" delete "12-7-1. Any candidate for nonjudicial public office, except judicial office, the office of lieutenant governor, and as provided in § 12-7-7, who is not nominated by a primary election, may be nominated by filing a certificate of nomination with the secretary of state or county auditor as prescribed by in the manner of nominating petitions as described in § 12-6-4, after December thirty-first and by but no later than five p. m. local time on the last Tuesday of in April at 5:00 p. m. local time before the election. A certificate of nomination shall must be executed as provided in chapter 12-6. If the certificate of nomination is mailed by registered mail by no later than five p. m. local time on the last Tuesday of in April at 5:00 p. m. local time before the election, it is timely submitted. The certificate of nomination shall must be signed by registered voters within the district or political subdivision in and for which the officers are to be elected. The number of signatures required may not be less than one percent of the total combined vote cast for Governor at the last certified gubernatorial election within the district or political subdivision. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certificate of nomination."

On page 5, line 19, of the Senate Engrossed bill, after "governor." delete "Section 9. That § 12-25-28 be AMENDED:

"

On page 5, line 20, of the Senate Engrossed bill, after "AMENDED:" delete "12-25-28. Any candidate for the United States Senate, the United States House of Representatives, Governor, circuit court judge, or the Legislature following offices shall file a statement of financial interest with the secretary of state not more than fifteen days after filing the candidate's nominating petitions:

- (1) United States Senate;
- (2) United States House of Representatives;
- (3) Governor;
- (4) Attorney general;
- (5) Secretary of state;
- (6) State auditor;
- (7) State treasurer;
- (8) Commissioner of school and public lands;
- (9) Public utilities commissioner;
- (10) Circuit court judge; and
- (11) Legislature.

Any Supreme Court justice shall file a statement of financial interest with the secretary of state not more than fifteen days following notice to the secretary of state of the justice's intention to place the justice's name on the retention ballot.

A violation of this section is a petty offense. Any intentional violation of this section is a Class 2 misdemeanor."

On page 6, line 6, of the Senate Engrossed bill, after "misdemeanor." delete "Section 10. That § 12-25-29 be AMENDED:"

On page 6, line 7, of the Senate Engrossed bill, after "AMENDED:" delete "12-25-29. Any candidate for lieutenant governor, state treasurer, attorney general, secretary of state, state auditor, public utilities commissioner, or commissioner of school and public lands shall file a statement of financial interest with the secretary of state not more than fifteen days after the candidate's nomination is certified.

A violation of this section is a petty offense. Any intentional violation of this section is a Class 2 misdemeanor."

On page 6, line 13, of the Senate Engrossed bill, after "misdemeanor." delete "Section 11. That § 12-25-29. 1 be AMENDED:

"

On page 6, line 14, of the Senate Engrossed bill, after "AMENDED:" delete "12-25-29. 1. Any candidate for United States Senate, United States House of Representatives, Governor, lieutenant governor, state treasurer, attorney general, secretary of state, state auditor, public utilities commissioner, commissioner of school and public lands, or state legislator the following offices who has been nominated at the convention of a

party with alternative political status shall file a statement of financial interest with the secretary of state not more than fifteen days after the candidate's nomination is certified:

- (1) United States Senate;
- (2) United States House of Representatives;
- (3) Governor;
- (4) Attorney general;
- (5) State auditor;
- (6) State treasurer;
- (7) Secretary of state;
- (8) Public utilities commissioner;
- (9) Commissioner of school and public lands; and
- (10) Legislature.

A violation of this section is a petty offense. Any intentional violation of this section is a Class 2 misdemeanor."

On page 7, line 1, of the Senate Engrossed bill, after "misdemeanor." delete "Section 12. That § 3-1A-2 be AMENDED:"

On page 7, line 2, of the Senate Engrossed bill, after "AMENDED:" delete "3-1A-2. Any person who assumes the Office of Governor, lieutenant governor, state treasurer, attorney general, secretary of state, state auditor, commissioner of school and public lands, Public Utilities Commissionerpublic utilities commissioner, Supreme Court justice, circuit court judge, or state legislator shall, within fifteen days after the person assumes office, file a statement of financial interest setting forth any additions or corrections to any previous statement of financial interest filed pursuant to §§ 12-25-28 or 12-25-29 to 12-25-29. 1, inclusive."

Moved by: Hansen
 Second by: Reimer
 Action: Failed by Majority Members Elect (5-8-0-0)

Voting Yes: Blare, Cammack, Chaffee, Hansen, and Reimer

Voting No: Bartels, Chase, Drury, Healy, Lesmeister, Wangsness, Rehfeldt, and Mortenson

MOTION: DO PASS SB 40

Moved by: Rehfeldt
 Second by: Wangsness
 Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER SB 40 TO THE 41ST LEGISLATIVE DAY

Moved by: Reimer
 Second by: Hansen
 Action: Failed by Majority Members Elect (5-8-0-0)

Voting Yes: Blare, Cammack, Chaffee, Hansen, and Reimer

Voting No: Bartels, Chase, Drury, Healy, Lesmeister, Wangsness, Rehfeldt, and Mortenson

Revert to previous motion

MOTION: DO PASS SB 40

Moved by: Rehfeldt
 Second by: Wangsness
 Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: AMEND SB 40

40I

On page 1, line 23, of the Senate Engrossed bill, after "committeeman;" insert " and"
 On page 1, line 24, of the Senate Engrossed bill, after "committeewoman" delete "; and"
 On page 2, line 1, of the Senate Engrossed bill, after "and" delete "(4) Public utilities commissioner, if the political party is unable to nominate a candidate at the primary election"
 On page 2, line 7, of the Senate Engrossed bill, after "chosen." delete "Section 3. That § 12-5-21 be AMENDED:"
 On page 2, line 8, of the Senate Engrossed bill, after "AMENDED:" delete "12-5-21. TheIn the years the Governor is to be elected, if a political party is unablestate convention shall to nominate candidates a candidate for lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, commissioner of school and public lands, and or public utilities commissioner and in the years when a President of the United States is to be elected, presidential electors and national committeeman and national committeewoman of the party at the primary election, the political party may hold a state convention to nominate a candidate for an office listed in this section."
 On page 7, after line 8, of the Senate Engrossed bill, insert: "

Section 12. That § 12-5-21 be REPEALED:

~~The state convention shall nominate candidates for lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, commissioner of school and public lands, and public utilities commissioner and in the years when a President of the United States is to be elected, presidential electors and national committeeman and national committeewoman of the party."~~

Moved by: Hansen
 Second by: Reimer
 Action: Failed by voice vote

Revert to previous motion**MOTION: DO PASS SB 40**

Moved by: Rehfeldt
 Second by: Wangsness
 Action: Prevailed by Majority Members Elect (8-5-0-0)

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

Voting No: Blare, Cammack, Chaffee, Hansen, and Reimer

SB 197 : prohibit the spouse of a member of the Legislature from being employed as a private lobbyist.

Presented by: Representative Linda K. Duba
 Proponents: Senator Michael H. Rohl
 Opponents: Mike Mueller, SD Citizens for Liberty, Rapid City

Matthew Monfore, Self, Oral
Rick Wieble, self, Elkton

MOTION: DO PASS SB 197

Moved by: Chase
Second by: Bartels
Action: Prevailed by Majority Members Elect (9-4-0-0)

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

Voting No: Blare, Chaffee, Hansen, and Reimer

The gavel was passed to Representative Rehfeldt, Vice Chair

SB 113 : establish and modify provisions related to education.

Presented by: Representative Will Mortenson

MOTION: AMEND SB 113

113A

On page 1, line 1, of the Introduced bill, delete " education" and insert " initiated petitions"
On the Introduced bill, delete everything after the enacting clause and insert:

Section 1. That § 2-1-1.1 be AMENDED:

2-1-1.1. ~~The~~ A petition as it is to be circulated for an initiated amendment to the Constitution ~~shall must~~ be filed with the secretary of state, including an electronic copy of the petition ~~as it is to be circulated~~, prior to circulation for signatures and ~~shall at least one year before the next general election at which the initiated amendment is proposed to be submitted to the voters. The petition filing must:~~

- (1) Contain the full text of the initiated amendment in fourteen-point font;
- (2) Contain the date of the general election at which the initiated amendment is to be submitted;
- (3) Contain the title and explanation as prepared by the attorney general;
- (4) Be accompanied by a notarized affidavit form signed by each person who is a petition sponsor that includes the name and address of each petition sponsor; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

Each petition circulator shall provide to each person who signs the petition a form containing the title and explanation of the initiated amendment to the Constitution as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition sponsor; and a statement whether the petition circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the circulator is being paid. The form ~~shall must~~ be approved by the secretary of state prior to circulation. The petition form, as prescribed by the State Board of Elections, ~~shall must~~ include the paid circulator identification number within the verification of any paid circulator.

For any initiated amendment petition, no signature may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. ~~The initiated amendment petition shall be filed with the secretary of state at least one year before the next general election.~~ A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures shall also be filed with the secretary of state. The initiated amendment petition signatures must be filed with the secretary of state by the first Tuesday in May of a general election year for the initiated amendment to qualify for submission to the voters at the next general election. The form of the petition otherwise, including petition size and petition font size for ballot measure language not prescribed in this section, and the affidavit ~~shall~~ must be prescribed by the State Board of Elections.

Section 2. That § 2-1-1.2 be AMENDED:

2-1-1.2. ~~The~~ A petition as it is to be circulated for an initiated measure shall must be filed with the secretary of state, including an electronic copy of the petition as it is to be circulated, prior to circulation for signatures and shall at least one year before the next general election at which the initiated measure is proposed to be submitted to the voters. The petition filing must:

- (1) Contain the full text of the initiated measure in fourteen-point font;
- (2) Contain the date of the general election at which the initiated measure is to be submitted;
- (3) Contain the title and explanation as prepared by the attorney general;
- (4) Be accompanied by a notarized affidavit form signed by each person who is a petition sponsor that includes the name and address of each petition sponsor; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

Each petition circulator shall provide to each person who signs the petition a form containing the title and explanation of the initiated measure as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition sponsor; a statement whether the petition circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the circulator is being paid. The form ~~shall~~ must be approved by the secretary of state prior to circulation. The petition form, as prescribed by the State Board of Elections, ~~shall~~ must include the paid circulator identification number within the verification of any paid circulator.

For any initiated measure petition, no signature may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. ~~The initiated measure petition shall be filed with the secretary of state at least one year before the next general election.~~ A sworn affidavit, signed by at least two-thirds of the petition sponsors stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures ~~shall~~ must also be filed with the secretary of state. The initiated measure petition signatures must be filed with the secretary of state by the first Tuesday in May of a general election year for the initiated measure to qualify for submission to the voters at the next general election. The form of the petition otherwise, including petition size and petition font size for ballot measure language not prescribed in this section, and the affidavit ~~shall~~ must be prescribed by the State Board of Elections.

Section 3. That § 2-1-15 be AMENDED:

2-1-15. Upon the receiving of any initiative petition, referred law petition, or initiated constitutional amendment petition, the secretary of state shall examine the petition and petition signatures and make them available to the public upon request and payment of reasonable fees in accordance with § 1-8-10. No signature of a person ~~shall~~ may be counted by the secretary of state unless the person is a registered voter in the county indicated on the signature line. No signature of a person ~~shall~~ may be counted if the information required on the petition form is not accurate or complete. The secretary of state shall generate the random sample under § 2-1-16 and make available to the public ~~the petitions and the~~ random sample validation sheets within thirty days of a request and payment of reasonable fees in accordance with § 1-8-10.

"

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

MOTION: AMEND SB 113

113D

On page 1, line 1, of the Introduced bill, delete " education" and insert " initiated petitions"
 On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. The Legislature finds that the Secretary of State has various administrative functions that are necessary to ensure a fair and orderly petition and election process. These functions include but are not limited to sampling signatures to ensure their validity; certifying measures for the ballot; and preparing, printing, and distributing ballots.

The Legislature finds that in addition to these administrative functions, it is also essential to provide sufficient time for the resolution of any legal challenges related to the petition circulation process. Such challenges may involve allegations of fraud, forgery, filing of false instruments, or other illegalities, and may be subject to review by both the Circuit Court and the Supreme Court.

The Legislature finds that such litigation can be time-consuming and complex, and therefore, it is necessary to allow adequate time for it to be conducted in a thorough and fair manner.

Accordingly, the Legislature finds that it is important to establish a clear timeline for the election process and deadline for petition submission that allows for both the Secretary of State's administrative functions and the resolution of any legal challenges.

To this end, the Legislature determines that the following time windows are necessary:

The Legislature finds that general election day in South Dakota is the Tuesday after the first Monday in November. Therefore, general election day occurs within November 2 to November 8.

The Legislature finds that the absentee voting period begins 46 days prior to the general election. Therefore, absentee voting begins within September 17 to September 23.

The Legislature finds that the South Dakota Secretary of State requires approximately one month to prepare and print all ballots to be used on general election day. Therefore, the time period for preparing and printing ballots must begin within August 18 to August 24.

The Legislature finds that 60 days time is minimally sufficient to accommodate an appeal in the Supreme Court. Therefore, the time window for an appeal in the Supreme Court must begin within June 19 to June 25.

The Legislature finds that 60 days time is minimally sufficient to accommodate an action in circuit court to challenge the validity of petition signatures. Therefore, the time window for a circuit court challenge must begin within April 20 to April 26.

The Legislature finds that the South Dakota Secretary of State requires approximately 45 days to review petition signatures for validity and certify a measure for the ballot. Therefore, the time window for a circuit court challenge must begin within March 6 to March 12.

Therefore, the Legislature finds that the petition submission deadline shall be the second Tuesday in March.

Section 2. That § 2-1-1.1 be AMENDED:

2-1-1.1. ~~The~~ A petition as it is to be circulated for an initiated amendment to the Constitution ~~shall~~ must be filed with the secretary of state, including an electronic copy of the petition ~~as it is to be circulated~~, prior to circulation for signatures and ~~shall~~ at least one year before the next general election at which the initiated amendment is proposed to be submitted to the voters. The petition filing must:

- (1) Contain the full text of the initiated amendment in fourteen-point font;
- (2) Contain the date of the general election at which the initiated amendment is to be submitted;
- (3) Contain the title and explanation as prepared by the attorney general;
- (4) Be accompanied by a notarized affidavit form signed by each person who is a petition sponsor that includes the name and address of each petition sponsor; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

Each petition circulator shall provide to each person who signs the petition a form containing the title and explanation of the initiated amendment to the Constitution as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition sponsor; and a statement whether the petition circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the circulator is being paid. The form ~~shall~~ must be approved by the secretary of state prior to circulation. The petition form, as prescribed by the State Board of Elections, ~~shall~~ must include the paid circulator identification number within the verification of any paid circulator.

For any initiated amendment petition, no signature may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. ~~The initiated amendment petition shall be filed with the secretary of state at least one year before the next general election.~~ A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures shall also be filed with the secretary of state. The initiated amendment petition signatures must be filed with the secretary of state by the second Tuesday in March of a general election year for the initiated amendment to qualify for submission to the voters at the next general election. The form of the petition otherwise, including petition size and petition font size for ballot measure language not prescribed in this section, and the affidavit ~~shall~~ must be prescribed by the State Board of Elections.

Section 3. That § 2-1-1.2 be AMENDED:

2-1-1.2. ~~The~~ A petition as it is to be circulated for an initiated measure ~~shall~~ must be filed with the secretary of state, including an electronic copy of the petition ~~as it is to be circulated~~, prior to circulation for signatures and ~~shall~~ at least one year

before the next general election at which the initiated measure is proposed to be submitted to the voters. The petition filing must:

- (1) Contain the full text of the initiated measure in fourteen-point font;
- (2) Contain the date of the general election at which the initiated measure is to be submitted;
- (3) Contain the title and explanation as prepared by the attorney general;
- (4) Be accompanied by a notarized affidavit form signed by each person who is a petition sponsor that includes the name and address of each petition sponsor; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

Each petition circulator shall provide to each person who signs the petition a form containing the title and explanation of the initiated measure as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition sponsor; a statement whether the petition circulator is a volunteer or paid petition circulator and, if a paid circulator, the amount the circulator is being paid. The form ~~shall~~ must be approved by the secretary of state prior to circulation. The petition form, as prescribed by the State Board of Elections, ~~shall~~ must include the paid circulator identification number within the verification of any paid circulator.

For any initiated measure petition, no signature may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. ~~The initiated measure petition shall be filed with the secretary of state at least one year before the next general election.~~ A sworn affidavit, signed by at least two-thirds of the petition sponsors stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures ~~shall~~ must also be filed with the secretary of state. The initiated measure petition signatures must be filed with the secretary of state by the second Tuesday in March of a general election year for the initiated measure to qualify for submission to the voters at the next general election. The form of the petition otherwise, including petition size and petition font size for ballot measure language not prescribed in this section, and the affidavit ~~shall~~ must be prescribed by the State Board of Elections.

Section 4. That § 2-1-15 be AMENDED:

2-1-15. Upon the receiving of any initiative petition, referred law petition, or initiated constitutional amendment petition, the secretary of state shall examine the petition and petition signatures and make them available to the public upon request and payment of reasonable fees in accordance with § 1-8-10. No signature of a person ~~shall~~ may be counted by the secretary of state unless the person is a registered voter in the county indicated on the signature line. No signature of a person ~~shall~~ may be counted if the information required on the petition form is not accurate or complete. The secretary of state shall generate the random sample under § 2-1-16 and make available to the public ~~the petitions and the~~ random sample validation sheets within thirty days of a request and payment of reasonable fees in accordance with § 1-8-10."

Moved by: Hansen
 Second by: Reimer
 Action: Prevailed by Majority Members Elect (7-6-0-0)

Voting Yes: Bartels, Blare, Drury, Hansen, Healy, Reimer, and Wangsness

Voting No: Cammack, Chaffee, Chase, Lesmeister, Rehfeldt, and Mortenson

MOTION: DO PASS SB 113 AS AMENDED

Moved by: Mortenson
Second by: Bartels
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

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 113 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 111 : establish and modify provisions related to economic development.

Presented by: Representative Will Mortenson

MOTION: TO TABLE SB 111

Moved by: Bartels
Second by: Drury
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

MOTION: ADJOURN

Moved by: Mortenson
Second by: Lesmeister
Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ WILL MORTENSON
Will Mortenson, Chair