

Committee: SB 113 A Conference Committee

Thursday, March 09, 2023 10:00 AM

Roll Call

Present: Rep. Stevens, Rep. Wangsness, Rep. Hansen, Sen. Nesiba, Sen. Wheeler, and Sen. Crabtree

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Crabtree

The chair called a recess of the conference committee until 4:30PM. At that time the committee will reconvene in Room 412.

SB 113 : establish and modify provisions related to initiated petitions.

MOTION: AMEND SB 113

113E

On page 1, line 3, of the House State Affairs Engrossed bill, after "Dakota:" delete "Section 1. "

On page 1, line 3, of the House State Affairs Engrossed bill, after "1. " delete "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."

On page 3, line 12, of the House State Affairs Engrossed bill, delete " second" and insert " first"

On page 3, line 13, of the House State Affairs Engrossed bill, delete " March" and insert " May"
 On page 4, line 11, of the House State Affairs Engrossed bill, delete " second" and insert " first"
 On page 4, line 12, of the House State Affairs Engrossed bill, delete " March" and insert " May"

Moved by: Nesiba

Second by: Wheeler

Action: Failed by Majority Members Elect (3-3-0-0)

Voting Yes: Nesiba, Wheeler, and Crabtree

Voting No: Stevens, Wangsness, and Hansen

The conference committee recessed until 9:30AM on 3/9/2023 at which time it will reconvene in Room 412.

The conference committee reconvened at 10:20 with all members present.

MOTION: AMEND SB 113

113K

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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.

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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.

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On page 4, line 18, of the House State Affairs Engrossed bill, after "shall " insert "promptly "
On page 4, line 18, of the House State Affairs Engrossed bill, after "examine " insert "and catalogue "
On page 4, line 24, of the House State Affairs Engrossed bill, after "§ 2-1-16 " insert "within five days
of completing the examination and cataloguing of the petition signatures "
On page 4, line 25, of the House State Affairs Engrossed bill, delete " within thirty days of a" and
insert " upon"

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

Voting Yes: Stevens, Wangsness, Hansen, Nesiba, Wheeler, and Crabtree

MOTION: To recommend the adoption of the Conference Committee Report as presented.

Moved by: Wheeler
Second by: Wangsness
Action: Prevailed by Majority Members Elect (5-1-0-0)

Voting Yes: Stevens, Wangsness, Nesiba, Wheeler, and Crabtree

Voting No: Hansen

MOTION: ADJOURN

Moved by: Hansen
Second by: Stevens
Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ CASEY CRABTREE
Casey Crabtree, Chair

/s/ JON HANSEN
Jon Hansen, Chair