

Committee: Senate State Affairs

Friday, January 19, 2024 10:00 AM

Roll Call

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

Excused: Sen. Rohl and Sen. Diedrich

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Crabtree

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, JANUARY 17TH

Moved by: Duhamel

Second by: Tobin

Action: Prevailed by voice vote

SB 26 : clarify the membership of the Open Meeting Commission.

Presented by: Marty Jackley, Attorney General, Pierre

MOTION: DO PASS SB 26

Moved by: Schoenbeck

Second by: Davis

Action: Prevailed by Majority Members Elect (6-0-3-0)

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

Excused: Rohl, Wheeler, and Diedrich

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 26 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 76 : modify provisions pertaining to the appointment of vacant positions on a board or commission.

Presented by: Representative Tony Venhuizen

Proponents: Yvonne Taylor, SD Advocacy Network for Women, Sioux Falls

MOTION: DO PASS SB 76

Moved by: Schoenbeck

Second by: Tobin

Action: Prevailed by Majority Members Elect (7-0-2-0)

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

Excused: Rohl and Diedrich

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 76 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SB 17 : modify the residency requirements for voter registration and declare an emergency.

Presented by: Thomas Deadrick, Deputy Secretary of State

Proponents: Justin G Smith, Association of South Dakota Mail Forwarders, Watertown

Opponents: Brian Burge, Self, Beresford
Patrick Baumann, Self, Custer

MOTION: AMEND SB 17

17A

On page 1, after line 3, of the Introduced bill, insert: "

Section 1. That § 12-1-4 be AMENDED:

12-1-4. For the purposes of this title, the term, residence, means the place in which a person ~~is domiciled as shown by an actual fixed permanent dwelling, establishment, or any other abode~~ has fixed the person's habitation and to which the person returns after a period of absence.

A person who leaves the residence and goes into another county of this state or another state or territory for a temporary purpose has not changed residence.

A person is considered to have gained residence in any county or municipality of this state in which the person actually lives, if the person has no present intention of leaving.

A person retains residence in this state until another residence has been gained. If a person moves from this state to another state or territory with the intention of making it the person's permanent home, the person loses residence in this state."

On page 1, line 6, of the Introduced bill, after "state" delete " for at least thirty days in the three hundred and sixty-five days immediately prior to submitting the registration form,"

On page 1, after line 12, of the Introduced bill, insert: "

Section 3. That § 12-4-1.2 be AMENDED:

12-4-1.2. The voter registration form must include a certification of voter eligibility by which the applicant attests, under the penalty of perjury, that the applicant:

- (1) Is a citizen of the United States;
- (2) Will be eighteen years or older on or before the next election;
- (3) ~~Has maintained residence in South Dakota for at least thirty days prior to submitting the registration form.~~ Is a resident of South Dakota;
- (4) Has not been judged mentally incompetent;
- (5) Is not currently serving a sentence for a felony conviction; and
- (6) Authorizes the cancellation of a previous registration, if applicable."

On page 1, line 13, of the Introduced bill, after "residence." delete "Section 2. Section 1 of this Act applies retroactively to any person who registers to vote on or after July 1, 2023."

Moved by: Wheeler

Second by: Tobin

Action: Prevailed by voice vote

MOTION: DO PASS SB 17 AS AMENDED

Moved by: Schoenbeck

Second by: Davis

Action: Prevailed by Majority Members Elect (7-0-2-0)

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

Excused: Rohl and Diedrich

SB 18 : allow the secretary of state to share information from the statewide voter registration file.

MOTION: AMEND SB 18

18A

On page 1, line 7, of the Introduced bill, after "registrations." insert "
Before sharing information from the statewide voter registration file with any other jurisdiction pursuant to this section, the secretary of state must secure an agreement in writing from the chief election official of the jurisdiction with which the information is to be shared, that any personally identifiable information contained in the list may not be shared with or sold to any person who is not an election official for the jurisdiction with which the information is shared. "

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

MOTION: DO PASS SB 18 AS AMENDED

Moved by: Wheeler
Second by: Tobin
Action: Prevailed by Majority Members Elect (7-0-2-0)

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

Excused: Rohl and Diedrich

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 18 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

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

Doug Mortenson, Committee Secretary

/s/ CASEY CRABTREE
Casey Crabtree, Chair