

Committee: Senate State Affairs

Wednesday, January 24, 2024 10:00 AM

Roll Call

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

Excused: Sen. Schoenbeck

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Crabtree

MOTION: TO APPROVE THE MINUTES OF MONDAY, JANUARY 22ND

Moved by: Nesiba

Second by: Rohl

Action: Prevailed by voice vote

SB 48 : provide for the disclosure of a cast vote record and ballot images as a public record and declare an emergency.

Presented by: Rachel Soulek, Secretary of State (Handout(s) 1)

Proponents: Rick Weible, Self, Elkton (Handout(s) 2)

Matthew Monfore, Self, Oral

Opponents: Leah Anderson, Self, Sioux Falls

Jessica Pollema, Self, Sioux Falls

MOTION: DEFER SB 48 TO THE 41ST LEGISLATIVE DAY

Moved by: Wheeler

Second by: Nesiba

Action: Prevailed by Majority Members Elect (8-0-1-0)

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

Excused: Schoenbeck

SB 99 : modify provisions pertaining to the deadlines for the filing of certain election-related documents.

Presented by: Senator Helene Duhamel

Proponents: Roger A. Tellinghuisen, South Dakota Association of County Commissioners, Pierre

Gary Drewes, South Dakota Association of County Commissioners, Pierre

Rachel Soulek, Secretary of State

MOTION: AMEND SB 99

99A

On page 1, line 1, of the Introduced bill, delete " the deadlines for the filing of certain election-related documents" and insert " applying for an absentee ballot application"

On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That § 12-4-5 be AMENDED:

"

On page 1, line 5, of the Introduced bill, after "AMENDED:" delete "12-4-5. The county auditor shall enter in the master registration file the name of each eligible person whose completed application for registration and mail registration card is received no later than 5:00 p. m. local time during regular business hours at least fifteen days preceding the election by the county auditor or the local, state, or federal agency responsible for conducting voter registration under this chapter. A voter registration completed at any local, state, or federal agency during any week commencing on Tuesday through the following Monday shall must be sent to the appropriate county auditor by the agency receiving the registration or mail registration card no later than the following Wednesday. The State Board of Elections may shall promulgate rules, pursuant to chapter 1-26, prescribing the method for the alternative transmission of voter registration information by computer from the agency to the secretary of state. The name of any voter who has registered to vote by 5:00 p. m. local time the close of regular business hours fifteen days preceding a runoff election shall must be added to the file used for the runoff election."

On page 1, line 19, of the Introduced bill, after "election." delete "Section 2. That § 12-6-4 be AMENDED:

"

On page 1, line 20, of the Introduced bill, after "AMENDED:" delete "12-6-4. Except as provided by § 12-5-4 and as may be otherwise provided in chapter 12-9, no candidate for any office to be filled, or nomination to be made, at either or both the primary or general election, other than a presidential election, may have that person's name printed upon the official primary election ballot of that person's party, unless a petition has been filed on that person's behalf after December thirty-first and by but before the close of regular business hours for the office where the petition must be filed on the last Tuesday of March at five p. m. local time before the date of the primary election. If The petition is considered timely submitted if the petition is mailed by registered mail by five p. m. , local time, on the last Tuesday of March at five p. m. local time before the primary election, the petition shall be considered timely submitted. A nominating petition for national convention delegates and alternates as provided in § 12-5-3. 11 shall must be filed in accordance with the provisions of this section. Nominating petitions for all party and public offices except legislative and judicial offices shall must be filed in the office of the county auditor of the county in which the person is a candidate. Nominating petitions for legislative and judicial office, whether elected in one or more counties, and all other party and public offices to be voted on in more than one county shall must be filed in the Office of the Secretary of State."

On page 2, line 12, of the Introduced bill, after "State." delete "Section 3. That § 12-6-8. 1 be AMENDED:

"

On page 2, line 13, of the Introduced bill, after "AMENDED:" delete "12-6-8. 1. Any person may have his or her name withdrawn withdraw from the primary election by making a written request under oath. The request shall must be filed with the officer with whom the nominating petition was filed pursuant to § 12-6-4, not later than the close of regular business hours for the office where the petition is filed two days after the last Tuesday in March at five p. m. If. The request is properly filed if the request is mailed by registered mail not later than five p. m. , local time, two days after the last Tuesday in March at five p. m. , the request is properly filed. No name that is withdrawn pursuant to this section may be printed on the ballots to be used at the election."

On page 2, line 21, of the Introduced bill, after "election." delete "Section 4. That § 12-6-55 be AMENDED:

"

On page 2, line 22, of the Introduced bill, after "AMENDED:" delete "12-6-55. Any person nominated to any elective office may cause that person's name to be withdrawn withdraw from the nomination by request in writing, subscribed and sworn to by that person before any officer qualified to administer oaths and take acknowledgments. The request shall must be filed with the officer with whom the nominating petition was filed pursuant to

§ 12-6-4, not later than the close of regular business hours for the office where the petition is filed on the first Tuesday in August at 5:00 p. m. before the next election. No person's name withdrawn under this section may be printed upon the ballots for that office unless the same person is subsequently selected to fill the vacancy in accordance with § 12-6-56."

On page 2, line 31, of the Introduced bill, after "12-6-56." delete "Section 5. That § 12-7-1 be AMENDED:

"

On page 3, line 1, of the Introduced bill, after "AMENDED:" delete "12-7-1. Any candidate for nonjudicial public office, except 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 § 12-6-4, after December thirty-first and by but before the close of regular business hours for the office where the petition must be filed on the last Tuesday of 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 A certificate of nomination is timely submitted if the certificate of nomination is mailed by registered mail by the last Tuesday of April at 5:00 five 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 3, line 15, of the Introduced bill, after "nomination." delete "Section 6. That § 12-7-7 be AMENDED:

"

On page 3, line 16, of the Introduced bill, after "AMENDED:" delete "12-7-7. Any candidate for President or Vice President of the United States who is not nominated by a primary election may be nominated by filing with the secretary of state, after December thirty-first and by but before five p. m. , central time, on the first Tuesday in August at 5:00 p. m. central time before the election, a certificate of nomination which shall that must be executed as provided in chapter 12-6. If A certificate of nomination is timely submitted if the certificate of nomination is mailed by registered mail by five p. m. , central time, on the first Tuesday in August at 5:00 p. m. central time before the election, it is timely submitted. 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 state. An independent candidate for President shall file a declaration of candidacy and a certification of the candidate's selection for Vice President with the secretary of state with the candidate's nominating petitions. The candidate and the candidate's selection for Vice President shall must sign the certification before the nominating petitions are submitted. If an independent candidate for Vice President withdraws pursuant to § 12-6-55, no independent candidate for President shall may have the candidate's name printed upon a ballot unless a replacement selection for Vice President is certified to the secretary of state by the second Tuesday in August. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certificate of nomination and the certification for Vice President."

On page 4, line 4, of the Introduced bill, delete " four" and insert " five"

On page 4, line 6, of the Introduced bill, remove the overstrikes from " application/"

On page 4, line 6, of the Introduced bill, after "application/" delete " application form and "

On page 4, line 20, of the Introduced bill, after "address." delete "Section 8. Sections 1 to 6, inclusive, of this Act are effective January 1, 2025."

Moved by: Wheeler

Second by: Rohl

Action: Prevailed by voice vote

MOTION: DO PASS SB 99 AS AMENDED

Moved by: Rohl
Second by: Wheeler
Action: Prevailed by Majority Members Elect (8-0-1-0)

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

Excused: Schoenbeck

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 99 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

SJR 501 : Proposing and submitting to the voters at the next general election, an amendment to the Constitution of the State of South Dakota, authorizing the state to impose work requirements on certain individuals who are eligible for expanded Medicaid.

Presented by: Representative Tony Venhuizen

Proponents: Matt Althoff, Department of Social Services
Sam Rogers, Opportunity Solutions Project, Tallahassee, FL
Jason Alan Glodt, National Federation of Independent Business (Washington DC), WA

Doug Abraham, South Dakota Retailers Association, Pierre

Deb Mortenson, AGC of SD, Pierre

Matthew M Bogue, South Dakota Farm Bureau Federation, Huron

Opponents: Kim Malsam-Rysdon, Avera Health, Sioux Falls
Erik Nelson, AARP South Dakota, Sioux Falls
Ben Hanson, American Cancer Society Cancer Action Network, Sioux Falls (Handout(s) 3,4)

Mitch Richter, South Dakota Farmers Union, Huron

Deb Fischer-Clemens, Presentation Sisters of Aberdeen, Aberdeen

Katie Sieverding, The Leukemia & Lymphoma Society, Rye Brook, NY

Jennifer Stalley, South Dakota Nurses Association, Sioux Falls

Yvonne Taylor, SD Advocacy Network for Women, Sioux Falls

MOTION: DO PASS SJR 501

Moved by: Tobin
Second by: Rohl
Action: Prevailed by Majority Members Elect (7-1-1-0)

Voting Yes: Davis, Duhamel, Rohl, Tobin, Deibert, Wheeler, and Crabtree

Voting No: Nesiba

Excused: Schoenbeck

MOTION: ADJOURN

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

Doug Mortenson, Committee Secretary

/s/ CASEY CRABTREE
Casey Crabtree, Chair