

Committee: House State Affairs

Thursday, February 08, 2024 10:00 AM

Roll Call

Present: Rep. Bartels, Rep. Blare, Rep. Cammack, Rep. Chaffee, Rep. Chase,
Rep. Hansen, Rep. Healy, Rep. Reimer, Rep. Wangsness, and Rep. Mortenson

Excused: Rep. Drury, Rep. Lesmeister, and Rep. Rehfeldt

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Mortenson

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 07TH

Moved by: Chaffee

Second by: Blare

Action: Prevailed by voice vote

HB 1188 : revise the process by which a legislative vacancy is filled.

Presented by: Representative Tina Mulally

Proponents: Tonchi Weaver, Self, Rapid City
Tonchi Weaver, SD Citizens for Liberty, Rapid City
Rick Weible, Self, Elkton
John James, Self, Rapid City

Opponents: Nathan Sanderson, South Dakota Retailers Association, Pierre

Others: Representative Will Mortenson

MOTION: DEFER HB 1188 TO THE 41ST LEGISLATIVE DAY

Moved by: Chase

Second by: Bartels

Action: Prevailed by Majority Members Elect (10-0-3-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Hansen, Healy, Reimer,
Wangsness, and Mortenson

Excused: Drury, Lesmeister, and Rehfeldt

**HJR 5002 : Proposing and submitting to the voters at the next general election
an amendment to the Constitution of the State of South Dakota revising the
process by which a legislative vacancy is filled.**

Presented by: Representative Tina Mulally

Proponents: Tonchi Weaver, Self, Rapid City
Tonchi Weaver, SD Citizens for Liberty, Rapid City
Rick Weible, Self, Elkton

Opponents: Nathan Sanderson, South Dakota Retailers Association, Pierre

MOTION: DEFER HJR 5002 TO THE 41ST LEGISLATIVE DAY

Moved by: Wangsness

Second by: Chase

Action: Prevailed by Majority Members Elect (10-0-3-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Hansen, Healy, Reimer, Wangsness, and Mortenson

Excused: Drury, Lesmeister, and Rehfeldt

HB 1189 : prohibit the use of public funds for campaigning or other partisan activity.

Presented by: Representative Tina Mulally

Proponents: Anthony Mirzayants, Young Americans for Liberty, Austin, TX
Tonchi Weaver, Self, Rapid City
Tonchi Weaver, SD Citizens for Liberty, Rapid City
John James, Self, Rapid City
Rick Weible, Self, Elkton

Opponents: Yvonne Taylor, SD Advocacy Network for Women, Sioux Falls
Yvonne Taylor, South Dakota Municipal League, Fort Pierre
Nathan Sanderson, South Dakota Retailers Association, Pierre
Jessica Filler, Associated School Boards of South Dakota, Pierre
Angela Ehlers, South Dakota Association of Conservation Districts, Pierre
Sandra Marie Waltman, South Dakota Education Association, Pierre
Kris Jacobsen, South Dakota Association of County Commissioners, Pierre
Kris Jacobsen, South Dakota Association of County Officials, Pierre

MOTION: DEFER HB 1189 TO THE 41ST LEGISLATIVE DAY

Moved by: Chase

Second by: Blare

Action: Prevailed by Majority Members Elect (9-1-3-0)

Voting Yes: Bartels, Blare, Cammack, Chaffee, Chase, Healy, Reimer, Wangsness, and Mortenson

Voting No: Hansen

Excused: Drury, Lesmeister, and Rehfeldt

HB 1239 : provide for the dissemination of a facsimile of a ballot and to prohibit the dissemination of incorrect or misleading election information.

Presented by: Representative Bethany Soye (Handout(s) #1,2)

Proponents: Representative Scott Odenbach
Representative Liz May
Representative Ben Krohmer
Representative Fred Deutsch
Tonchi Weaver, Self, Rapid City
Tonchi Weaver, SD Citizens for Liberty, Rapid City

Opponents: Rick Weible, Self, Elkton

MOTION: AMEND HB 1239

On page 1, line 1, of the Introduced bill, after "to " delete "provide for the dissemination of a facsimile of a ballot and to "

On page 1, line 2, delete " election" and insert " ballot"

On page 1, line 2, after "information" insert " and to provide a penalty therefor"

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That a NEW SECTION be added to chapter 12-13:

Any person who knowingly prints, publishes, or delivers to any voter of this state a document containing a facsimile of a ballot or a portion thereof as part of campaign material requiring disclosure or statement pursuant to chapter 12-27, in which the ballot or portion thereof is misstated, erroneously printed, or by which false or misleading information about the ballot is given to the voters, is guilty of a Class 2 misdemeanor.

"

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

MOTION: AMEND THE AMENDED BILL

1239D

On HB 1239, as amended:

On page 1, line 7, delete " a" and insert " an official sample"

On page 1, line 7, after "thereof " insert "purporting to be an official sample ballot "

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

MOTION: DO PASS HB 1239 AS AMENDED

Moved by: Hansen
Second by: Blare
Action: Prevailed by Majority Members Elect (7-2-4-0)

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

Voting No: Chase and Healy

Excused: Bartels, Drury, Lesmeister, and Rehfeldt

MOTION: ADJOURN

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

Pam Kean, Committee Secretary

/s/ WILL MORTENSON
Will Mortenson, Chair