

Committee: House State Affairs

Wednesday, February 28, 2024 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 26TH

Moved by: Healy
Second by: Rehfeldt
Action: Prevailed by voice vote

SB 73 : provide that the presiding officer of the Senate is required to sign each enrolled bill.

Presented by: Representative Hugh Bartels
Opponents: Ryan Brunner, Governor's Office

MOTION: DO PASS SB 73

Moved by: Chase
Second by: Drury
Action: Prevailed by Majority Members Elect (7-6-0-0)

Voting Yes: Bartels, Chase, Drury, Healy, Reimer, Rehfeldt, and Mortenson

Voting No: Blare, Cammack, Chaffee, Hansen, Lesmeister, and Wangsness

SB 123 : require the state board of elections to meet annually to review the state's election law and recommend changes if necessary.

Presented by: Senator Reynold Nesiba
Representative Kirk Chaffee
Proponents: Tom J. Deadrick, Secretary of State
Opponents: Kathy Glines, self, Buffalo
Senator Reynold Nesiba
Samantha Chapman, American Civil Liberties Union Foundation Inc., NY
Susan Kiepke, self, Mitchell
Jill Hanson, self, Huron
Kalli Houchin, self, Kennebec
Jackie Sieverding, self, Jefferson
Cindy Mohler, self, Rapid City
Philena Burton, self, Fort Pierre
Julie Bartling, self, Gregory

MOTION: AMEND SB 123

123C

On page 1, line 1, of the Introduced bill, delete "require" and insert "revise provisions pertaining to voter registration requirements "

On page 1, line 1, after "require" insert "and"

On page 1, line 1, after "elections" delete " to meet annually to review the state's election law and recommend changes"

On page 1, line 2, after "changes" delete " if necessary"

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

"

Section 1. That § 12-1-4 be AMENDED:

12-1-4. For the purposes of this title, the term, ~~residence,~~ "resident" means ~~the place in which a person is domiciled as shown by an actual fixed permanent dwelling, establishment, or any other abode to which the person returns~~ a person who has, for thirty consecutive days prior to an election, fixed a habitation in this state to which the person intends to return after a period of absence.

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

A person ~~is considered to have gained residence in~~ becomes a resident of 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~~ is a resident of this state until ~~another residence has been gained~~ the person becomes a resident of another state or territory. If a person moves from this state to another state or territory with the intention of making it the person's ~~permanent home~~ habitation, the person ~~loses residence in~~ is no longer a resident of this state.

Section 2. That § 12-3-1 be AMENDED:

12-3-1. Only a citizen of the United States may vote in a municipal, county, primary, general, school district or any other election in this state, if the person is otherwise qualified.

Every person who, at the time of an election, ~~maintains residence in~~ is a resident of this state, will be eighteen years of age or older on or before the next election, is not otherwise disqualified, and complies with the law regarding the registration of voters pursuant to chapter 12-4, may vote at any election in this state.

Section 3. That § 12-4-1 be AMENDED:

12-4-1. A person who ~~maintains residence, as provided in § 12-1-4, within the state for at least thirty days prior to submitting the registration form, and who has~~ is or will be a resident of this state and has or will have the qualifications of a voter prescribed by § 12-3-1 or 12-3-1.1, ~~or who will have such qualifications at the next ensuing municipal, county, primary, general, or school district or any other election in this state,~~ is entitled to be registered as a voter in the election precinct in which the person maintains residence where the person is a resident.

A person eligible to vote may vote only in the election precinct where the person ~~maintains residence~~ is a resident.

Section 4. 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.~~ Has or will have fixed a habitation in this state to which the person intends to return after a period of absence for at least thirty consecutive days before the next election;
- (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.

Section 5. That § 12-4-5 be AMENDED:

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~~ five p.m. local time at least ~~fifteen~~ thirty 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 promulgate rules, pursuant to chapter 1-26, 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~~ five p.m. local time ~~fifteen~~ thirty days preceding a runoff election ~~shall~~ must be added to the file used for the runoff election.

Section 6. That § 12-4-12 be AMENDED:

12-4-12. Any new registrant previously registered elsewhere ~~shall be in this state is~~ required to sign an authorization which ~~shall~~ must be forwarded by the registration official to the auditor or other appropriate registration official of the county of former registration, ~~or other appropriate registration official,~~ who shall remove the registrant's name from the registration file. If the new registrant previously registered in another state, the registration official must forward the authorization to the appropriate out-of-state-registration official.

Section 7. That § 12-1-10 be AMENDED:

12-1-10. The Board of Elections shall meet prior to the beginning of each legislative session to review the election laws of this state and recommend any desirable or necessary changes. The board shall report to and make recommendations any recommended changes to the secretary of state ~~concerning desirable or necessary changes in the election laws of this state."~~

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

MOTION: TO TABLE SB 123

Moved by: Lesmeister
Second by: Healy
Action: Failed by Majority Members Elect (2-11-0-0)

Voting Yes: Healy and Lesmeister

Voting No: Bartels, Blare, Cammack, Chaffee, Chase, Drury, Hansen, Reimer, Wangsness, Rehfeldt, and Mortenson

MOTION: DO PASS SB 123 AS AMENDED

Moved by: Wangsness
Second by: Chaffee
Action: Prevailed by Majority Members Elect (9-4-0-0)

Voting Yes: Bartels, Cammack, Chaffee, Chase, Drury, Reimer, Wangsness, Rehfeldt, and Mortenson

Voting No: Blare, Hansen, Healy, and Lesmeister

SB 126 : improve agriculture in South Dakota.

Presented by: Representative Will Mortenson

MOTION: TO TABLE SB 126

Moved by: Chaffee
Second by: Drury
Action: Prevailed by Majority Members Elect (12-1-0-0)

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

Voting No: Lesmeister

SB 127 : improve education in South Dakota.

Presented by: Representative Will Mortenson

MOTION: DO PASS SB 127

Moved by: Cammack
Second by: Bartels
Action: Prevailed by Majority Members Elect (11-2-0-0)

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

Voting No: Healy and Lesmeister

SB 128 : improve public safety in South Dakota.

Presented by: Representative Will Mortenson

MOTION: DO PASS SB 128

Moved by: Drury
Second by: Chase
Action: Prevailed by Majority Members Elect (11-2-0-0)

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

Voting No: Healy and Lesmeister

SB 129 : improve the workforce of South Dakota.

Presented by: Representative Will Mortenson

MOTION: DO PASS SB 129

Moved by: Drury

Second by: Chase

Action: Prevailed by Majority Members Elect (11-2-0-0)

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

Voting No: Healy and Lesmeister

SB 177 : permit the appointment of a circuit court judge or Supreme Court justice as a member of the Public Utilities Commission in place of a disqualified or incapacitated commissioner.

Presented by: Representative Steve Duffy

Proponents: Steve Willard, South Dakota Electric Utility Companies, Pierre
Josh Haeder, State Treasurer

Opponents: Gary Hanson, Public Utilities Commission, self, Pierre
Jeremiah M. Murphy, Landowners for Eminent Domain Reform, Omaha, NE
Anthony Ventura, self, Hudson

Others: Kristen Edwards, Public Utilities Commission

MOTION: DO PASS SB 177

Moved by: Chase

Second by: Wangsness

Action: Prevailed by Majority Members Elect (8-5-0-0)

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

Voting No: Blare, Hansen, Healy, Lesmeister, and Reimer

MOTION: ADJOURN

Moved by: Lesmeister

Second by: Hansen

Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ WILL MORTENSON
Will Mortenson, Chair