

Minutes: House State Affairs

Friday, February 07, 2025 7:45 AM

Roll Call

Present: Rep. Bahmuller, Rep. Gosch, Rep. Hansen, Rep. Healy, Rep. Heinemann,
Rep. Jamison, Rep. Lems, Rep. Reisch, Rep. Schaeftbauer, Rep. Soye,
Rep. Overweg, and Rep. Odenbach
Excused: Rep. Emery

The meeting was called to order by Representative Odenbach

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 05TH

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

HB 1066 : revise residency requirements for the purposes of voter registration.

Presented by: Representative Tony Kayser
Proponents: Rick Weible, Self, Elkton
T.J. Nelson, FGA Action, Tallahassee, FL
Leah Anderson, Minnehaha County Auditor, Sioux Falls
Linda Montgomery, Self, Fairview SD
Jessica Pollema, Self, Minnehaha County
Scot Montgomery, Self, Fairview SD
Opponents: Justin G. Smith, Association of South Dakota Mail Forwarders, Watertown
Cindy Mohler, Pennington County Auditor, Rapid City
Brenda McGruder, Lawrence County Auditor, Deadwood
Eric Tomlin, self, Box Elder

MOTION: AMEND HB 1066

1066G

On page 1, line 4, of the House State Affairs Engrossed bill, delete " "residence"" and insert " "resident""
On page 1, line 4, of the House State Affairs Engrossed bill, after "means" delete " the"
On page 1, line 5, of the House State Affairs Engrossed bill, remove the overstrikes from " an"
On page 1, line 5, of the House State Affairs Engrossed bill, after "an" insert " individual who maintains an"
On page 1, line 6, of the House State Affairs Engrossed bill, delete " in which an" and insert " where the"
On page 1, line 6, of the House State Affairs Engrossed bill, after "sleeps" delete " and to which the"
On page 1, line 7, of the House State Affairs Engrossed bill, delete " individual returns" and insert " for at least thirty consecutive days. An individual who is a resident of this state remains a resident during an absence from this state, if the individual intends to return to this state"
On page 1, line 9, of the House State Affairs Engrossed bill, delete "An individual who leaves the residence and" and insert " If an individual who is a resident of a county of this state,"

On page 1, line 10, of the House State Affairs Engrossed bill, delete " has not changed residence" and insert ", the individual remains a resident of the county"

On page 1, line 11, of the House State Affairs Engrossed bill, delete " have gained residence in any" and insert " be a resident of the"

On page 1, line 14, of the House State Affairs Engrossed bill, delete "retains residence in" and insert " remains a resident of"

On page 1, line 14, of the House State Affairs Engrossed bill, delete " another residence has been gained" and insert " the individual becomes a resident of another state"

On page 1, line 16, of the House State Affairs Engrossed bill, after "of" delete " making it the person's individual's permanent home, the"

On page 1, line 16, of the House State Affairs Engrossed bill, after "person" insert " of becoming a resident of that state or territory for any purpose, the"

On page 1, line 17, of the House State Affairs Engrossed bill, delete " loses residence in" and insert " is no longer a resident"

On page 1, line 18, of the House State Affairs Engrossed bill, after "state." delete "Section 2. That a NEW SECTION be added to chapter 12-1:

"

On page 1, line 19, of the House State Affairs Engrossed bill, after "12-1:" delete "Notwithstanding § 12-1-4, an individual maintains residence in this state if the individual has established residence in this state and then:

(1) Is absent from this state due to business of the United States or of this state and intends to return to the individual's residence upon the completion of the business;
 (2) Is on active duty as a member of the South Dakota National Guard or armed forces of the United States and intends to return to the individual's residence upon the completion of active duty;

(3) Is the spouse of an individual who is absent from this state due to business of the United States or this state, or is on active duty as a member of the South Dakota National Guard or armed forces of the United States;

(4) Is absent from this state due to the individual's employment or volunteer work and intends to return to the individual's residence in this state upon completion of the employment or volunteer work;

(5) Is a family member accompanying an individual who:

(a) Is absent from this state due to the individual's employment or volunteer work; and

(b) Intends to return to the individual's residence in this state upon completion of the employment or volunteer work;

(6) Is a full-time postsecondary education student who resided in this state immediately prior to leaving for postsecondary education;

(7) Is enlisted as a member of the armed forces of the United States and is continuously stationed in this state;

(8) Is the spouse of an individual who is enlisted as a member of the armed forces of the United States and is continuously stationed in this state;

(9) Is a patient in any veterans' hospital or nursing home located within this state;

(10) Is an employee of the veterans' administration or any veterans' hospital in this state;

or

(11) Resides on a restricted military reservation located in this state.

If an individual's residence is destroyed or rendered uninhabitable by fire or natural disaster, the individual maintains residence in this state if the individual intends to return to the residence as soon as the residence is made habitable."

On page 2, line 25, of the House State Affairs Engrossed bill, after "habitable." delete "Section 3. That a NEW SECTION be added to chapter 12-1:

"

On page 2, line 26, of the House State Affairs Engrossed bill, after "12-1:" delete "An individual loses residence in this state if the individual:

(1) Applies for, purchases, or accepts a resident hunting, fishing, or trapping license issued by another state, territory, or country;

(2) Registers to vote in another state, territory, or country;

(3) Accepts a driver license issued by another state, territory, or country; or

(4) Moves to another state, territory, or country and:

(a) Intends to establish the individual's domicile in that state, territory, or country; or

(b) Makes any claim of residency for any purpose in the state, territory, or country."

On page 3, line 3, of the House State Affairs Engrossed bill, delete " 4" and insert " 2"

On page 3, line 4, of the House State Affairs Engrossed bill, delete "Except as provided in section 3 of this Act, an" and insert " An"

On page 3, line 4, of the House State Affairs Engrossed bill, after "who" delete " maintains residence,"

On page 3, line 5, of the House State Affairs Engrossed bill, delete " pursuant to" and insert " is a resident of this state, as defined in"

On page 3, line 5, of the House State Affairs Engrossed bill, after "§ 12-1-4" delete " and section 2 of this Act, within the state for at least thirty consecutive days immediately prior to submitting the registration form"

On page 3, line 7, of the House State Affairs Engrossed bill, after "and" delete " who"

On page 3, line 13, of the House State Affairs Engrossed bill, delete " 5" and insert " 3"

On page 3, line 22, of the House State Affairs Engrossed bill, delete " Resides in" and insert " Is a resident of"

On page 3, line 22, of the House State Affairs Engrossed bill, delete " provided" and insert " defined"

On page 3, line 22, of the House State Affairs Engrossed bill, after "12-1-4" delete " and sections 2 and 3 of this Act"

On page 3, after line 28, of the House State Affairs Engrossed bill, insert: "

Section 2. 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 the state 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."

Moved by: Overweg

Second by: Hansen

Action: Prevailed by voice vote

THE CHAIR DEFERRED HB 1066 UNTIL MONDAY, FEBRUARY 10TH 2025

HB 1208 : provide for registration of an overseas citizen or individual using the address of a mail forwarding service or post office box as a national voter.

Presented by: Representative Tony Kayser

Proponents: Rick Weible, Self, Elkton

T.J. Nelson, FGA Action, Tallahassee, FL

Jessica Pollema, Self, Minnehaha County

Leah Anderson, Minnehaha County Auditor, Sioux Falls

Linda Montgomery, Self, Fairview SD
 Scott Montgomery, self, Fairview
 Opponents: Justin G. Smith, Association of South Dakota Mail Forwarders, Watertown
 Cindy Mohler, Pennington County Auditor, Rapid City
 Brenda McGruder, Lawrence County Auditor, Deadwood
 Eric Tomlin, self, Box Elder

MOTION: AMEND HB 1208

1208B

On page 2, line 17, of the Introduced bill, after "a" insert " primary, runoff, special, or"
 On page 2, after line 17, of the Introduced bill, insert: "

Section 3. That a NEW SECTION be added to chapter 12-20:

The ballot of a national voter, as defined in section 2 of this Act, must be counted with the resident voter ballots of the precinct where the national voter is registered, or in an absentee precinct."

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

MOTION: DO PASS HB 1208 AS AMENDED

Moved by: Overweg
 Second by: Lems
 Action: Prevailed by Majority Members Elect (10-2-1-0)

Voting Yes: Bahmuller, Gosch, Hansen, Heinemann, Jamison, Lems, Schaeftbauer, Soye, Overweg, and Odenbach

Voting No: Healy and Reisch

Excused: Emery

HB 1130 : provide permissible dates for municipal and school district elections.

Presented by: Representative Will Mortenson
 Proponents: T.J. Nelson, FGA Action, Tallahassee, FL
 Jason Glodt, self, Pierre
 Nathan Sanderson, South Dakota Retailers Association, Pierre
 Zebadiah N. Johnson, Voter Defense Association of South Dakota, Sioux Falls
 Senator Chris Karr
 Leah Anderson, Minnehaha County Auditor, Sioux Falls
 Jennifer Beving, Americans For Prosperity, Sioux Falls
 Amy Bruner, self, Sioux Falls
 Opponents: Sara Rankin, South Dakota Municipal League, Fort Pierre
 Sheri Lund, Lincoln County Auditor, Worthing
 Thomas Oliva, Hughes County Auditor, Pierre
 Heath Larson, Associated School Boards of South Dakota, Pierre
 Cindy Mohler, Pennington County Auditor, Rapid City
 Brenda McGruder, Lawrence County Auditor, Deadwood

MOTION: DO PASS HB 1130

Moved by: Overweg
Second by: Hansen
Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Bahmuller, Gosch, Hansen, Heinemann, Jamison, Lems, Reisch, Schaeffbauer, Soye, Overweg, and Odenbach

Voting No: Healy

Excused: Emery

HB 1184 : amend the deadline for filing a petition to initiate a measure or constitutional amendment.

Presented by: Representative Jon Hansen
Proponents: Nathan Sanderson, South Dakota Retailers Association, Pierre
T.J. Nelson, FGA Action, Tallahassee, FL
Opponents: Zebadiah N. Johnson, Voter Defense Association of South Dakota, Sioux Falls
Chase Jensen, Dakota Rural Action, Brookings

MOTION: DO PASS HB 1184

Moved by: Gosch
Second by: Soye
Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Bahmuller, Gosch, Hansen, Heinemann, Jamison, Lems, Reisch, Schaeffbauer, Soye, Overweg, and Odenbach

Voting No: Healy

Excused: Emery

HB 1211 : prohibit the use of a diversity, equity, or inclusion program in a law enforcement agency.

Presented by: Representative Dylan Jordan
Opponents: Grant Flynn, Attorney General
Doug Abraham, American Property Casualty Insurance Association, Chicago, IL
Staci Ackerman, South Dakota Sheriffs' Association, Eureka
Jenna R. Severyn, South Dakota Police Chiefs Association, Fort Pierre
Craig Matson, South Dakota Insurance Alliance, Sioux Falls
Melissa McCauley, South Dakota Voices for Justice, Sioux Falls

THE CHAIR DEFERRED HB 1211 UNTIL MONDAY, FEBRUARY 10TH 2025

MOTION: ADJOURN

Moved by: Lems

Second by: Healy
Action: Prevailed by voice vote

Pam Kean, Committee Secretary

/s/ SCOTT ODENBACH
Scott Odenbach, Chair