

Minutes: Senate State Affairs

Wednesday, February 12, 2025 10:00 AM

Roll Call

Present: Sen. Beal, Sen. Deibert, Sen. Jensen (Kevin), Sen. Karr, Sen. Larson, Sen. Peterson (Sue), Sen. Pischke, Sen. Perry, and Sen. Mehlhaff

The meeting was called to order by Senator Mehlhaff

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 10TH

Moved by: Jensen (Kevin)
Second by: Deibert
Action: Prevailed by voice vote

SB 185 : amend the process by which the address of a registered voter is verified.

Presented by: Senator Amber Hulse

Proponents: Mary Arlington, South Dakota Campground Owners Association (SDCOA), Pierre

Thomas Oliva, Self, Hughes County Auditor, Pierre

Sheri Lund, Lincoln County Auditor, Worthing

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

Tom Deadrick, Secretary of State

Steve Saint, Self, Interior

Opponents: Jessica Pollema, Self, Sioux Falls

Cindy Mohler, Pennington County Auditor, Rapid City

MOTION: AMEND SB 185

185B

On page 1, line 1, of the Introduced bill, after "amend" insert " provisions pertaining to"

On page 1, line 1, of the Introduced bill, delete " address" and insert " qualifications"

On page 1, line 1, of the Introduced bill, delete " is" and insert " are"

On page 1, after line 2, of the Introduced bill, insert: "

Section 1. That a NEW SECTION be added to chapter 12-4:

The secretary of state, a county auditor, or any individual registered as a voter of this state may file an application for the correction of any precinct registration list or a challenge of the right to vote of any registered voter not later than the thirtieth day before the day of a primary, runoff, special, or general election. The application for correction may only challenge whether the individual:

(1) Is disqualified from voting, pursuant to 12-4-18;

(2) Is deceased;

(3) Has voted or has registered to vote in another state; or

(4) Is a resident of this state, pursuant to § 12-1-4."

On page 1, after line 2, of the Introduced bill, insert: "

Section 2. That a NEW SECTION be added to chapter 12-4:

To file an application for correction, the individual must sign and file an affidavit attesting that, to the best of the individual's personal knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter is not qualified to vote based on one of the reasons set forth in section 1 of this Act.

The individual must provide the factual basis for filing the application, including the information required by this section, in the signed affidavit. The application may not be based on an unsupported allegation or the allegation of an anonymous third party. The application must be in a form prescribed by the State Board of Elections, and must contain the:

- (1) Name of the challenged individual;
- (2) Address of the challenged individual;
- (3) Name of the individual filing the application;
- (4) Address, phone number and email address of the individual filing the application;
- (5) Date of the affidavit; and
- (6) Reason for the challenge, pursuant to section 1 of this Act.

The individual who files the application shall include documented evidence related to the challenge as an attachment to the affidavit. An individual's social security number, driver license number, South Dakota nondriver identification card number, passport number, or contact information, may not be made public as part of a challenge."

On page 1, after line 2, of the Introduced bill, insert: "

Section 3. That a NEW SECTION be added to chapter 12-4:

If a county auditor receives an application for correction, pursuant to section 2 of this Act, and, after researching the voter, determines the affidavit is a valid challenge, the auditor must send a nonforwardable, return-if-undeliverable address verification request to the voter named in the application.

The verification request must be returned to the auditor within fourteen days and must include documentation sufficient to demonstrate the voter's qualifications as a registered voter. The voter named in the application may request a hearing before the county auditor to demonstrate the voter's qualifications as a registered voter. If the voter fails to produce documentation sufficient to demonstrate the voter's qualifications, the county auditor must cancel the individual's voter registration.

The county auditor may not cancel the voter registration of an individual challenged pursuant to subdivisions (3) or (4) of section 1 of this Act, within the ninety days immediately prior to the date of an election."

On page 1, after line 2, of the Introduced bill, insert: "

Section 4. That a NEW SECTION be added to chapter 12-4:

If a voter's registration is canceled, pursuant to section 3 of this Act, the voter may appeal the auditor's decision to the board of county commissioners or circuit court. Any decision of the board may be appealed to the circuit court."

On page 1, after line 2, of the Introduced bill, insert: "

Section 5. That a NEW SECTION be added to chapter 12-4:

Records of an application of correction filed pursuant to section 2 must be retained by the county auditor for at least twenty-two months. Thereafter, if the auditor chooses to destroy the records, the records must be destroyed in a secure manner."

On page 1, after line 2, of the Introduced bill, insert: "

Section 6. That § 12-4-54 be AMENDED:

12-4-54. By March first of each year, the secretary of state shall submit a report to the State Board of Elections providing the number of voters removed from a county's voter registration list ~~from during~~ the previous year due to inactivity, death, felony conviction, mental incompetence, ~~or~~ relocation to another jurisdiction, or as the result of an application for correction, pursuant to section 2 of this Act.

The content of the report must be published on the official website of the secretary of state."

On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. That a NEW SECTION be added to chapter 12-4:"

On page 1, line 4, of the Introduced bill, after "12-4:" delete "The county auditor must send a nonforwardable, return-if-undeliverable address verification request to a voter in the active registration file if the auditor receives an affidavit from the owner of a property who attests that an individual in the active registration file is:

- (1) Registered as a voter at the address of the owner's property; and
- (2) Does not live at the address.

If the auditor receives an affidavit, pursuant to this section, and, after researching the voter, determines the affidavit is a valid challenge to the voter's registration address, the county auditor must send the address verification request within two days of receiving the affidavit."

On page 1, line 14, of the Introduced bill, after "affidavit." delete "Section 2. That a NEW SECTION be added to chapter 12-4:"

On page 1, line 15, of the Introduced bill, after "12-4:" delete "If an address verification request sent to a registered voter upon receipt of an affidavit, pursuant to subdivision 12-4-19(2), is not returned to the county auditor within the stated time limit, or is returned as undeliverable, the county auditor must cancel the individual's voter registration."

Moved by: Deibert
Second by: Jensen (Kevin)
Action: Prevailed by voice vote

MOTION: DO PASS SB 185 AS AMENDED

Moved by: Karr
Second by: Perry
Action: Prevailed by Majority Members Elect (9-0-0-0)

Voting Yes: Beal, Deibert, Jensen (Kevin), Karr, Larson, Peterson (Sue), Pischke, Perry, and Mehlhaff

SB 192 : rename the Department of Corrections.

Presented by: Senator Jamie Smith
Proponents: Denny Davis, Self, Vermillion
Opponents: Spencer Wrightman, Self, Brandon

MOTION: DO PASS SB 192

Moved by: Jensen (Kevin)
Second by: Larson

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

Voting Yes: Beal, Deibert, Jensen (Kevin), Karr, Larson, Peterson (Sue), Pischke, Perry, and Mehlhaff

SB 218 : revise provisions associated with residency for voting purposes.

Presented by: Senator John Carley

Proponents: Jessica Pollema, Self, Minnehaha County
Leah Anderson, Minnehaha County Auditor, Sioux Falls
Mike Mathis, Self, Sioux Falls
John Kunnari, Self, Sioux Falls
Meta Halverson, Self, Whitewood

Opponents: Thomas Oliva, Self, Hughes County Auditor, Pierre
Sheri Lund, Lincoln County Auditor, Worthing
Justin G. Smith, Association of South Dakota Mail Forwarders, Watertown
Lindley Howard, McPherson County Auditor, Leola
Tom Deadrick, Secretary of State
Cindy Mohler, Pennington County Auditor, Rapid City
Brenda McGruder, Lawrence County Auditor, Deadwood

MOTION: AMEND SB 218

218B

On page 2, after line 33, of the Introduced bill, insert: "

Section 5. That a NEW SECTION be added to chapter 12-19:

If an individual applies to register as a voter of this state using only the address of a commercial mail receiving agency, mail forwarding service, or other post office box as the individual's residence address, without providing a description of the location of the individual's habitation, the individual does not meet the requirements to be a resident of this state for the purposes of this title, and may be registered only as a national voter. If an individual does not meet the requirements to be a resident of this state but is eligible to vote pursuant to this section, the county auditor must indicate that the individual is eligible to vote only as a national voter.

The county auditor shall prepare a ballot that lists only the names of the candidates for United States senator, United States representative, and president and vice president of the United States, as certified by the secretary of state pursuant to § 12-8-8, and the names of the presidential electors designated for each candidate. The county auditor or member of the precinct election board shall provide the ballot to any individual who has been designated as a national voter, by the county auditor.

For the purposes of this section, "national voter" means an individual who is eligible to vote in elections for presidential electors, United States senator, or United States representative at a primary, runoff, special, or general election."

On page 2, after line 33, of the Introduced bill, insert: "

Section 6. 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: Deibert
Second by: Pischke
Action: Prevailed by voice vote

MOTION: DO PASS SB 218 AS AMENDED

Moved by: Pischke
Second by: Jensen (Kevin)
Action: Prevailed by Majority Members Elect (5-3-1-0)

Voting Yes: Beal, Jensen (Kevin), Karr, Pischke, and Perry

Voting No: Deibert, Larson, and Mehlhaff

Excused: Peterson (Sue)

SB 217 : prohibit the use of automatic tabulating equipment.

Presented by: Senator John Carley (Handout(s) HO#1)

Proponents: Rick Weible, Self, Elkton (Handout(s) HO#2, HO#3)

Jessica Pollema, Self, Sioux Falls

Nichole Braithwait, Self, Spearfish

Dale Buse, Self, Black Hawk

Mike Klipfel, self, Leola

Cindy Cooke, Self, Meade County

Jeff Stewart, Self, Wagner

Mike Assman, Self, Mission

Cindy Meyer, Self, Hartford

John Harter, Self, Winner

Mick Baruth, Self, Sioux Falls (Handout(s) HO#4)

Meta Halverson, Self, Whitewood

John Kunnari, Self, Sioux Falls

Steve McCance, Self, Dallas

Linda Montgomery, Self, Fairview

Mark Mowry, Self, Spearfish

Paula Mowry, Self, Spearfish

Dave Kruse, Self, Tripp

Eric Dietenhieffa, Self, Gettysburg

Leah Anderson, Minnehaha County Auditor, Sioux Falls

Mike Mathis, Self, Sioux Falls

Clay Parikh, Self, Madison County AL

Opponents: Thomas Oliva, Hughes County Auditor, Pierre

Cole Uecker, Disability Rights South Dakota, Pierre

Lindley Howard, McPherson Auditor, Leola

Stacy Pinney, Self, Haakon County Auditor, Philip

Jill Hanson, Beadle County Auditor, Huron

Sheri Lund, Lincoln County Auditor, Worthing

Jamalia Franzen, Self, Dewey County Auditor, Timberlake

Kalli Houchin, Self, Lyman County Auditor, Kennebec

Tom Deadrick, Secretary of State

MOTION: AMEND SB 217

217A

On page 1, line 1, of the Introduced bill, after "equipment" insert " and electronic ballot marking systems"

Moved by: Perry
Second by: Pischke
Action: Prevailed by voice vote

MOTION: DEFER SB 217 TO THE 41ST LEGISLATIVE DAY

Moved by: Perry
Second by: Larson
Action: Prevailed by Majority Members Elect (5-4-0-0)

Voting Yes: Beal, Deibert, Larson, Perry, and Mehlhaff

Voting No: Jensen (Kevin), Karr, Peterson (Sue), and Pischke

MOTION: ADJOURN

Moved by: Pischke
Second by: Larson
Action: Prevailed by voice vote

Doug Mortenson, Committee Secretary

/s/ JIM MEHLHAFF
Jim Mehlhaff, Chair