

Minutes: Senate State Affairs

Thursday, March 06, 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, MARCH 03RD

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

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

Presented by: Senator Chris Karr
Proponents: Representative Will Mortenson
T.J. Nelson, FGA Action, Tallahassee, FL
Zebadiah N. Johnson, Voter Defense Association of South Dakota, Sioux Falls
Opponents: Roger A. Tellinghuisen, South Dakota Association of County Officials, Pierre
Yvonne Taylor, South Dakota Municipal League, Fort Pierre
Heath Larson, Associated School Boards of South Dakota, Pierre
Thomas Oliva, Hughes County Auditor, Self, Pierre
Brenda McGruder, Lawrence County Auditor, Self, Deadwood
Cindy Mohler, Pennington County Auditor, Self, Rapid City
Lindley Howard, Self, McPherson County Auditor, Leola

MOTION: DO PASS HB 1130

Moved by: Pischke
Second by: Beal
Action: Failed by Majority Members Elect (4-4-1-0)

Voting Yes: Beal, Karr, Pischke, and Mehlhaff

Voting No: Deibert, Jensen (Kevin), Larson, and Perry

Excused: Peterson (Sue)

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: Deibert

Second by: Pischke
Action: Prevailed by Majority Members Elect (7-1-1-0)

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

Voting No: Larson

Excused: Peterson (Sue)

HB 1169 : modify the signature requirement for a petition to initiate a constitutional amendment.

Presented by: Representative Rebecca Reimer (Handout(s) HO#1)

Proponents: Senator Tom Pischke
T.J. Nelson, FGA Action, Tallahassee, FL (Handout(s) HO#2)
Dale Allen Bartscher, South Dakota Right to Life, Rapid City
Norman Woods, SD Family Voice Action, Rapid City
Matthew M. Bogue, South Dakota Farm Bureau Federation, Huron

Opponents: Zebadiah N. Johnson, Voter Defense Association of South Dakota, Sioux Falls
Chase Jensen, Dakota Rural Action, Brookings

MOTION: AMEND HB 1169

1169C

On page 1, line 11, of the House State Affairs Engrossed bill, after "election" insert ", provided that the total number of signatures on the petition equals at least ten percent of the total votes cast for Governor in the last gubernatorial election"

On page 1, after line 11, of the House State Affairs Engrossed bill, insert: "

Section 2. That § 2-1-1.1 be AMENDED:

2-1-1.1. A petition sponsor shall file, in a physical and electronic format, a petition for an initiated amendment to the South Dakota Constitution, as it is to be circulated for an initiated amendment to the Constitution must be filed, with the secretary of state, including an electronic copy of the petition, prior to circulation for signatures before the petition may be circulated and at least one year before the next general election at which the initiated amendment to the constitution is proposed to be submitted to the voters. The petition filing must:

- (1) Contain the full text of the initiated amendment in fourteen-point font;
- (2) ~~Contain~~ Designate the date of the general election at which the initiated amendment is to be submitted;
- (3) Contain the title and explanation as prepared by the attorney general;
- (4) Be accompanied by a notarized affidavit form signed by each person who is a petition sponsor that includes the name and address of each petition sponsor; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

Each petition circulator shall provide to each ~~person~~ individual who signs the petition a circulator handout containing the title and explanation of the initiated amendment to the Constitution as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition sponsor; and a statement indicating whether the petition circulator is a volunteer or paid circulator

and, if a paid circulator, the amount the circulator is being paid. The secretary of state shall ~~must~~ approve the circulator handout for each initiated amendment to the Constitution before the petition is circulated.

~~For any initiated amendment petition, no signature may be obtained. A petition for an initiated amendment to the constitution may not be circulated more than twenty-four months preceding before the general election that was designated at the time of filing of the full text pursuant to subdivision (1). Each sheet of the petition must indicate the senatorial district where the signatures were collected and may contain only signatures from that senatorial district.~~ A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The initiated amendment petition signatures must be filed with the secretary of state by the first Tuesday in May of a general election year for the initiated amendment to qualify for submission to the voters at the next general election.

The State Board of Elections shall ~~prescribe~~ promulgate rules, pursuant to chapter 1-26, ~~prescribing~~ the form of the affidavit and the requirements of the petition not otherwise, including petition size and petition font size for ballot measure language not prescribed in this section specified by this section."

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

MOTION: DO PASS HB 1169 AS AMENDED

Moved by: Karr
Second by: Perry
Action: Prevailed by Majority Members Elect (7-1-1-0)

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

Voting No: Larson

Excused: Peterson (Sue)

HJR 5006 : Proposing and submitting to the voters at the next general election amendments to the Constitution of the State of South Dakota, requiring an intervening general election before consideration of an initiated constitutional amendment or initiated measure having the same subject as a previously rejected initiated amendment or measure.

Presented by: Representative Karla J. Lems

MOTION: TO TABLE HJR 5006

Moved by: Perry
Second by: Deibert
Action: Prevailed by Majority Members Elect (6-1-2-0)

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

Voting No: Pischke

Excused: Larson and Peterson (Sue)

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: Justin G. Smith, Association of South Dakota Mail Forwarders, Watertown
 Jessica Pollema, Self, Sioux Falls
 Leah Anderson, Self, Minnehaha County Auditor, Sioux Falls
 Cindy Cooke, Self, Meade County
 Rick Weible, Self, Elkton
 John Kunnari, Self, Sioux Falls

Opponents: Jim Miskimins, Self, Mitchell
 Cindy Mohler, Pennington County Auditor, Self, Rapid City
 Brenda McGruder, Lawrence County Auditor, Self, Deadwood
 Julie Bartling, Self, Gregory
 Lindley Howard, Self, McPherson County Auditor, Leola

MOTION: AMEND HB 1208

1208I

On page 1, line 1, of the House State Affairs Engrossed bill, delete "provide for registration of an overseas citizen or" and insert "designate an"

On page 1, line 2, of the House State Affairs Engrossed bill, after "box" insert " when applying to register as a voter or vote by absentee ballot"

On page 1, line 2, of the House State Affairs Engrossed bill, delete " national" and insert " federal"

On page 1, line 24, of the House State Affairs Engrossed bill, delete " 12-19" and insert " 12-4"

On page 2, line 1, of the House State Affairs Engrossed bill, after "state" insert " or to vote by absentee ballot,"

On page 2, line 5, of the House State Affairs Engrossed bill, delete " national" and insert " federal"

On page 2, line 8, of the House State Affairs Engrossed bill, delete " national" and insert " federal"

On page 2, line 14, of the House State Affairs Engrossed bill, delete " national" and insert " federal"

On page 2, line 15, of the House State Affairs Engrossed bill, delete " "national voter"" and insert " "federal voter""

On page 2, line 19, of the House State Affairs Engrossed bill, delete " national" and insert " federal"

On page 2, line 20, of the House State Affairs Engrossed bill, delete " national" and insert " federal"

On page 2, after line 21, of the House State Affairs Engrossed bill, insert: "

Section 4. This Act is effective beginning January 1, 2026."

Moved by: Pischke

Second by: Perry

Action: Prevailed by voice vote

MOTION: AMEND HB 1208

1208E

On page 1, line 2, of the House State Affairs Engrossed bill, delete " national" and insert " statewide"

On page 2, line 5, of the House State Affairs Engrossed bill, delete " national" and insert " statewide"

On page 2, line 6, of the House State Affairs Engrossed bill, after "individual" delete " who"

On page 2, line 8, of the House State Affairs Engrossed bill, delete " national" and insert " statewide"

On page 2, line 9, of the House State Affairs Engrossed bill, delete " the" and insert " :

(1) The"

On page 2, line 9, of the House State Affairs Engrossed bill, after "for" insert " :

(a) Statewide office, as defined in § 12-27-1;"

On page 2, line 10, of the House State Affairs Engrossed bill, after "for " insert "

(b) "

On page 2, line 10, of the House State Affairs Engrossed bill, delete the comma and insert a semicolon

On page 2, line 10, of the House State Affairs Engrossed bill, after "senator, " insert "

(c) "

On page 2, line 10, of the House State Affairs Engrossed bill, delete ", and president" and insert "; and

(d) President"

On page 2, line 12, of the House State Affairs Engrossed bill, after "candidate" insert "; and

(2) Any ballot question that affects fees or taxes"

On page 2, line 14, of the House State Affairs Engrossed bill, delete " national" and insert " statewide"

On page 2, line 15, of the House State Affairs Engrossed bill, delete " "national voter"" and insert " "statewide voter""

On page 2, line 16, of the House State Affairs Engrossed bill, after "for" insert " candidates for statewide office, as defined in § 12-27-1,"

On page 2, line 17, of the House State Affairs Engrossed bill, after "representative" insert ", and any ballot question that affects fees or taxes,"

On page 2, line 19, of the House State Affairs Engrossed bill, delete " national" and insert " statewide"

On page 2, line 20, of the House State Affairs Engrossed bill, delete " national" and insert " statewide"

Moved by: Deibert

Second by: Perry

Action: Failed by Majority Members Elect (2-5-2-0)

Voting Yes: Deibert and Mehlhaff

Voting No: Beal, Jensen (Kevin), Karr, Pischke, and Perry

Excused: Larson and Peterson (Sue)

MOTION: DEFER HB 1208 TO THE 41ST LEGISLATIVE DAY

Moved by: Deibert

Second by: Mehlhaff

Action: Failed by Majority Members Elect (3-4-2-0)

Voting Yes: Deibert, Larson, and Mehlhaff

Voting No: Beal, Jensen (Kevin), Karr, and Perry

Excused: Peterson (Sue) and Pischke

MOTION: DO PASS HB 1208 AS AMENDED

Moved by: Jensen (Kevin)

Second by: Beal

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)

HB 1256 : require the inclusion of certain information on a candidate's nominating petition or on a ballot question petition.

Presented by: Representative John Hanson, District 25

Opponents: Zebadiah N. Johnson, Voter Defense Association of South Dakota, Sioux Falls

MOTION: DO PASS HB 1256

Moved by: Karr

Second by: Beal

Action: Prevailed by Majority Members Elect (6-1-2-0)

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

Voting No: Larson

Excused: Peterson (Sue) and Pischke

HB 1264 : require the disclosure of an outstanding loan balance on a campaign finance disclosure report.

Presented by: Representative Matt Roby

MOTION: DO PASS HB 1264

Moved by: Deibert

Second by: Karr

Action: Prevailed by Majority Members Elect (7-0-2-0)

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

Excused: Peterson (Sue) and Pischke

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1264 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HJR 5003 : Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, requiring that a constitutional amendment receive an affirmative vote of sixty percent of the votes cast before the measure is enacted.

Presented by: Representative John Hughes

Proponents: Nathan Sanderson, South Dakota Retailers Association, Pierre
T.J. Nelson, FGA Action, Tallahassee, FL
Dale Allen Bartscher, South Dakota Right to Life, Rapid City
Lisa Gennaro, Protecting South Dakota Kids, Incorporated, Rapid City
Lisa Gennaro, Concerned Women for America, Alexandria, VA
Norman Woods, SD Family Voice Action, Rapid City

Opponents: Zebadiah N. Johnson, Voter Defense Association of South Dakota, Sioux Falls
Chase Jensen, Dakota Rural Action, Brookings

MOTION: DO PASS HJR 5003

Moved by: Karr
Second by: Beal
Action: Prevailed by Majority Members Elect (6-1-2-0)

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

Voting No: Larson

Excused: Peterson (Sue) and Pischke

MOTION: DO PASS HB 1130

Moved by: Karr
Second by: Beal
Action: Failed by Majority Members Elect (4-3-2-0)

Voting Yes: Beal, Karr, Perry, and Mehlhaff

Voting No: Deibert, Jensen (Kevin), and Larson

Excused: Peterson (Sue) and Pischke

MOTION: REFER HB 1130 TO SENATE WITHOUT RECOMMENDATION

Moved by: Karr
Second by: Perry
Action: Prevailed by Majority Members Elect (5-2-2-0)

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

Voting No: Jensen (Kevin) and Larson

Excused: Peterson (Sue) and Pischke

The Chair called the committee meeting to recess and to reconvene at 10AM Thursday March 6th in room 464.

The committee was reconvened in Room 464 at 10:30 on March 6 by Vice-Chair Perry.

Roll Call was taken. Present were Sen. Beal, Sen. Deibert, Sen. Karr, Sen. Larson, Sen. Perry, and Sen. Mehlhaff. Excused were Sen. Jensen, Sen. Peterson (Sue), and Sen. Pischke.

HB 1135 : provide opportunities for South Dakotans.

Presented by: Senator Chris Karr

MOTION: DO PASS HB 1135

Moved by: Larson

Second by: Beal

Action: Prevailed by Majority Members Elect (5-0-4-0)

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

Excused: Jensen (Kevin), Peterson (Sue), Pischke, and Mehlhaff

HB 1168 : make an appropriation to enhance the economic health of South Dakota.

Presented by: Senator Randy Deibert

MOTION: TO TABLE HB 1168

Moved by: Deibert

Second by: Beal

Action: Prevailed by Majority Members Elect (6-0-3-0)

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

Excused: Jensen (Kevin), Peterson (Sue), and Pischke

HB 1167 : make an appropriation for the development of South Dakota.

MOTION: TO TABLE HB 1167

Moved by: Beal

Second by: Deibert

Action: Prevailed by Majority Members Elect (6-0-3-0)

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

Excused: Jensen (Kevin), Peterson (Sue), and Pischke

HB 1170 : make an appropriation for economic development in South Dakota.

MOTION: TO TABLE HB 1170

Moved by: Karr

Second by: Beal

Action: Prevailed by Majority Members Elect (6-0-3-0)

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

Excused: Jensen (Kevin), Peterson (Sue), and Pischke

MOTION: ADJOURN

Moved by: Deibert

Second by: Larson

Action: Prevailed by voice vote

Doug Mortenson, Committee Secretary

/s/ JIM MEHLHAFF
Jim Mehlhaff, Chair