

Senate Panels Support Proposals To Fix Holes In State Election Laws

BY BOB MERCER
State Capitol Bureau

PIERRE — Legislators gave their first blessing Wednesday to two sets of proposals for election reforms in South Dakota and set the stage for another set to move forward.

Secretary of State Shantel Krebs said they are parts of a package that responds to various problems during the 2014 campaigns.

She said the proposals were developed with the state Board of Elections and carry the board's approval.

Two of the measures could be up for votes by the full Senate as early as today.

One allows more time for circuit courts to decide challenges to validity of candidates' petitions.

The Senate State Affairs Committee unanimously endorsed Senate Bill 67. It calls for petition challenges to be filed in court no later than the second Tuesday in March.

It works with another measure, Senate Bill 69, which would change the time frame for candidates to circulate their nominating petitions for signatures from registered voters.

The current time frame for gathering signatures on candidate petitions for state and county offices is Jan. 1 through the last Tuesday of March.

SB 69 would change those dates to Dec. 1 of the preceding year through the last Tuesday of February.

A court challenge to Republican U.S. Senate candidate Annette Bosworth's petitions was dropped last spring because time ran short.

A necessary preliminary step in the legal process couldn't be completed by the challenger, Rep. Steve Hickey, R-Sioux Falls, in time for the case to be decided before primary-election ballots had to be printed.

The State Affairs Committee delayed

action on SB 69 until Friday so an amendment could be assembled regarding new political parties.

Krebs said the Libertarian and Constitution parties failed to draw the necessary 2.5 percent of the vote in the governor's election last November to remain qualified for 2016. They would need to circulate petitions to get official status on the 2016 ballot.

The Senate Local Government Committee meanwhile endorsed another measure, Senate Bill 68, that gives the secretary of state the authority to randomly check 5 percent of the signatures on the petition of a statewide candidate.

Currently no official is expressly responsible for checking the validity of the signatures. An individual citizen can file the challenge in court.

The 5 percent spot-check is used for statewide petitions for initiated measures, constitutional amendments and referrals of legislative acts.

The various deadlines are based on absentee voting starting 46 days before election day. The 46 days provide time for overseas and military voting. The ballots need to be ready for the start of absentee voting.

In 2014, the last day for candidates to submit petitions for the primary elections was March 25 and absentee voting began April 18.

Krebs and the Board of Elections also propose eliminating the exception allowing the late arrival of petitions if candidates used registered mail to postmark them before the deadline.

That change is part of SB 69. Krebs said the short time between the petition deadline and the start of absentee voting was made tighter by petitions that arrived after the deadline by registered mail.

Sen. Ried Holien, R-Watertown, and Sen. Corey Brown, R-Gettysburg, questioned whether eliminating the

registered-mail provision would remove some of the safeguards for submitting petitions by mail.

Krebs acknowledged there wouldn't be a way for a candidate to know whether the petitions arrived. She said petitions came days past the deadline last spring, including one petition that was filed 14 days late.

Sen. Bernie Hunhoff, D-Yankton, asked the State Affairs Committee to consider allowing open slots for legislative candidates to be filled in August by the state party chairmen if candidates didn't submit petitions for the primaries.

Democrats typically had more difficulty filling the 105 legislative slots than Republican did in recent election cycles.

Krebs, a Republican, was carefully and politely non-committal. "I don't see why your proposal isn't something we could at least look at," Krebs said.

Republican senators didn't respond favorably to Hunhoff's idea, which might be revisited Friday by the committee.

Brown said he would struggle with the idea that a party chairman from another part of South Dakota could decide on candidates in a legislative district where the people and issues might be unfamiliar.

A common practice by Democrats in recent elections has been placeholding, where a candidate submits petitions for a legislative slot on the ballot and later withdraws. The slot then can be filled by another Democratic candidate or left empty.

Brown said placeholding is "abhorrent" and violates the reason that withdrawals and replacements are allowed: Emergencies or other unforeseen situations can come up.

"I think that whole process has been abused," Brown said.

EB-5 Legislation Set For Hearing Friday

BY BOB MERCER
State Capitol Bureau

PIERRE — Rep. G. Mark Mickelson plans to hand aside his chairman's gavel Friday and present to the House Judiciary Committee two proposed sets of business restrictions on state government employees and appointees.

The measures come in the wake of the investigation last year by the Legislature's Government Operations and Audit Committee into economic development activities involving the EB-5 immigrant investor program.

Mickelson, R-Sioux Falls, served on the committee but voted against the resolution last year calling for the investigation.

One of the proposals, House Bill 1023, came from the committee. He is listed as the prime sponsor.

It would expand an existing prohibition in state law against state government employees having an interest in a state government contract within the scope of the employee's duties.

The committee's recommendation was to extend the prohibition to cover one year after the person leaves state government.

Mickelson recently submitted his own measure, House Bill 1064. It has the same core group of GOAC members as sponsors but is more complicated and extensive than HB 1023.

HB 1064 would in part affect other governments throughout South Dakota, repeal the existing law for state government employees and replace it with a series of conditions that in various cases allow an employee or officer to have an interest in a contract.

The committee meeting begins at 10 a.m. CST Friday. IM 17 DISPUTE: The Legislature's Code Commission meets Monday afternoon and part of the discussion will be about the correct location in the state's legal code of the "any willing provider" law passed by South Dakota voters Nov. 4.

The location question has the interest of insurance and healthcare officials. Where it's placed can affect the scope of the law, including whether it would apply to state government's employee health plan.

FEE INCREASES: The Senate Commerce and Energy Committee will hold a hearing Tuesday morning on Senate Bill 62. The Dugaard administration's proposal would raise licensing and registration fees for lodging, camping and food-service businesses.

JUVENILE JUSTICE: The Senate State Affairs Committee plans a hearing Friday for the juvenile justice reforms proposed by Gov. Dennis Dugaard and Chief Justice David Gilbertson.

The measure, Senate Bill 73, has more than 90 of the 105 legislators signed to the sponsors list. The prime sponsor is Sen. Alan Solano, R-Rapid City.

DEBATE DELAYED: At the request of Rep. Jacqueline Sly, R-Rapid City, the House of Representatives deferred consideration Wednesday of House Bill 1058. It would revise and expand the power and authority of the state Health Department to deal with contagious diseases and public health emergencies.

The measure is now scheduled for House debate Tuesday. Reportedly an amendment is under construction. The bill is among the top five priorities for Gov. Dennis Dugaard this year.

Currently it contains an emergency clause. That would allow it to become law and take effect immediately upon receiving the governor's signature after it had passed.

But an emergency clause requires a two-thirds majority in each chamber — and that could be a high hurdle after the bill emerged from its House committee hearing on a vote of 8-5.

OBITUARIES

Shirley Stelling

Shirley Ann Stelling, age 70 of Yankton passed away on Tuesday, January 20, 2015 at Avera Heart Hospital in Sioux Falls, SD.

Memorial services will be 11:00 a.m., Friday, January 23, 2015 at St. John's Lutheran Church, Yankton, with Rev. Dave Gunderson officiating. Burial of her cremated remains will take place at Oakdale Cemetery, Oakdale, NE at a later date.

Visitations will begin at 5:00 p.m., Thursday, January 22, 2015 at the Opsahl-Kostel Funeral Home & Crematory, Yankton, with a Scripture service at 7:00



Stelling

1944 in Neligh, NE to John Lessly and Nina Viola (Lee) Damme. She was baptized and confirmed at Concordia Lutheran Church in Clearwater, NE. She attended Clearwater High School and graduated in 1962. She married Arnold L. Stelling on March 19, 1965 in Clearwater, NE. She worked at Lutheran Hospital in Nor-

folk, NE, home daycare in Sioux Falls, SD, Gurney's Seed and Nursery, Pamida and Schweser's, all in Yankton, SD.

Shirley enjoyed cooking, baking, bird watching, spending time with family, talking with and phoning friends every day.

Shirley is survived by her husband, Arnold Stelling of Yankton, SD; son, Troy (Kristen) Stelling of Aurora, CO; daughter, Amy (John) Olson of Denver, CO; grandchildren, Zachary Stelling and Micah Stelling; sisters, Donna (Terry) Peterson of Neligh, NE and Bonnie Kahloff of O'Neill, NE; brother, John Damme of

Clearwater, NE and brothers-in-law, Brad (Jody) Stelling of York, NE, Roger (Connie) Stelling of Plainville, NE and Al (Jan) Stelling of Neligh, NE.

Shirley was preceded in death by her parents, father-in-law, Gilbert Stelling, sister-in-law, Marie Damme, brother-in-law, Jack Kallhoff and cousin, Marilyn Goldfuss.

Yankton Press & Dakotan
January 22, 2015



Online condolences at:
www.opsahl-kostelfuneralhome.com

Evelyn Cap

Evelyn Grace Cap, 89, of Arlington, TX and formerly of Lesterville, SD passed away Tuesday, January 13, 2015 at her son's residence in Arlington, TX.

Funeral services will be 11:00 a.m., Saturday, January 24, 2015 at Calvary Baptist Church, Yankton, with Rev. Rick Slattery officiating. Burial will be in the Tyndall Presbyterian Cemetery, rural Tyndall at approximately 1:00 p.m., Saturday afternoon.

Visitations will be 5 to 7



Cap

the service at the church.

Evelyn was born to Joseph and Hattie (Pavel) Fridrick, on May 16, 1925, in Tyndall, SD. Her father was in the Navy and crossed the ocean eight times. She was always so proud of that. On April 17, 1944, she was

united in marriage to Alvin Cap at Tyndall Presbyterian Church in Tyndall, SD. They celebrated their 65th wedding anniversary. Evelyn taught school in Lesterville, SD for 19 years.

Evelyn is survived by her sister, Joyce Tupker of Yankton, SD; brother, Harvey Fridrick of South Dakota; daughter, Sharon (Phil) Rinehart of Brookings, SD; son, Daniel Joseph (Kimberley) Cap of Arlington, TX; grandchildren: Donald (Debbie) Rinehart of Florida, Clinton, Angela and Renee Rinehart of South

Dakota, Daniel Cap and Sarah Beverly Cap, both of New York.

Evelyn was preceded in death by her husband, Alvin Cap.

Evelyn loved her family and friends. Rest in peace little one; I will miss you. Evelyn's favorite saying: "Success is measured by one's faith".

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Online condolences at:
www.opsahl-kostelfuneralhome.com

Elane Hanson

F. Elane Hanson, age 84, of Huron, SD, passed away on Tuesday, January 20, 2015 at her home in Huron.

Her Funeral Service will be 2:00 p.m. Saturday, January 24, 2015 at the Congregational United Church of Christ in Huron with burial at the Restlawn Memory Gardens Cemetery in Huron.

Her visitation will be from 5-7 p.m. Friday, January 23, at the Welter Funeral Home in Huron; or one hour prior to the service at the church on Saturday.

Visit www.welterfuneralhome.com/.

F. Elane Mose, the daughter of Harold and Florence (Keilor) Mose was born on November 27, 1930 in Anoka, MN. She attended school and graduated from Washington High School. Elane also attended Northwest Business College. Elane worked as a telephone operator and secretary. Elane was working as a waitress at the Barrell Drive-In when she met her future husband, William Hanson.

Elane married William O. Hanson on June 12, 1949 in Sioux Falls, SD. The couple lived in Vermillion, SD, Chicago, IL, and Yankton, SD, before moving to De Smet, SD where William started his medical practice. They lived in



Hanson

De Smet until 1965 when they moved to Huron, SD. Elane was a member of the Congregational United Church of Christ in Huron. She was also a member of the South Dakota Medical Auxiliary and the Ladies Aide Society. Elane enjoyed cooking, reading, and sewing. She was an avid Bridge player. Elane loved spending time with her

family and friends, especially her children, grandchildren and great-grandchildren.

Grateful for having shared in Elane's life are her four children: Dr. Jeffery (Wendy) Hanson of Watertown, SD, Dr. Charles (Jenny) Hanson of Rapid City, SD, Katherine (Fred) Hanson-Bender of Yankton, SD, and Beth (John) Hildebrandt of Rapid City, SD; ten grandchildren; three step-grandchildren; six great-grandchildren; two brothers, Doug (Karen) Mose, of Washington, CT and Loren (Rosemary) Mose of Sioux Falls, SD; sister,

Cecilia Wingfield; Elane's special friend, Henry Hultz; and several nieces and nephews.

Elane was preceded in death by her parents; her husband, William in 2000; and brother, Kenneth Mose.

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