

State of South Dakota

EIGHTIETH SESSION LEGISLATIVE ASSEMBLY, 2005

690L0690

HOUSE ENGROSSED NO. **SB 171** - 02/22/2005

Introduced by: Senators Schoenbeck and Sutton (Dan) and Representatives Murschel, McLaughlin, Roberts, and Valandra

1 FOR AN ACT ENTITLED, An Act to prohibit certain officials from voting if a conflict of
2 interest exists.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. No county, municipal, or school official may participate in discussing or vote on
5 any issue in which the official has a conflict of interest. Each official shall decide if any
6 potential conflict of interest requires such official to be disqualified from participating in
7 discussion or voting. However, no such official may participate in discussing or vote on an issue
8 if the following circumstances apply:

9 (1) The official has a direct pecuniary interest in the matter before the governing body;
10 or

11 (2) At least two-thirds of the governing body votes that an official has an identifiable
12 conflict of interest that should prohibit such official from voting on a specific matter.

13 If an official with a direct pecuniary interest participates in discussion or votes on a matter
14 before the governing body, the legal sole remedy is to invalidate that official's vote.

