



2022 South Dakota Legislature

House Bill 1309

Introduced by: **Representative** Sue Peterson

1 **An Act to prohibit the use of political litmus tests in education.**

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

3 **Section 1. That chapter 13-49 be amended with a NEW SECTION:**

4 A person seeking employment, promotion, or tenure, at an institution under the
 5 control of the Board of Regents, may not be given or otherwise subjected to a political
 6 litmus test, as a condition of becoming employed, being retained, fulfilling normal
 7 employment expectations, being promoted, or achieving tenure.

8 For purposes of this section, the term, given or subjected to a political litmus test,
 9 means:

10 (1) Being compelled or solicited to identify a commitment to or make a statement of
 11 personal beliefs in support of an ideology or movement that promotes:

12 (a) The differential treatment of a person or a group, based on ethnicity or race,
 13 including any initiative or formulation of diversity, equity, and inclusion,
 14 beyond upholding the equal protection of the laws guaranteed by the
 15 Fourteenth Amendment of the United States Constitution; or any theory or
 16 practice that holds that systems or institutions upholding the equal
 17 protection of the laws guaranteed by the Fourteenth Amendment of the
 18 United States Constitution are racist, oppressive, or otherwise unjust;

19 (b) The alleged systemic nature of racism, or the alleged multiplicity or fluidity
 20 of gender identities; or

21 (c) Any other partisan, political, or ideological set of beliefs; and

22 (2) Being accorded preferential consideration for opinions expressed or acts
 23 undertaken in support of:

24 (a) A person or group, on the basis of ethnicity or race;

25 (b) The alleged systemic nature of racism, or the alleged multiplicity or fluidity
 26 of gender identities; or

1 (c) Any other partisan, political, or ideological set of beliefs.

2 **Section 2. That chapter 13-53 be amended with a NEW SECTION:**

3 A student seeking admission to an institution under the control of the Board of
4 Regents, may not be given or otherwise subjected to a political litmus test, as a condition
5 of admission.

6 For purposes of this section, the term, given or subjected to a political litmus test,
7 means:

8 (1) Being compelled or solicited to identify a commitment to or make a statement of
9 personal beliefs in support of an ideology or movement that promotes:

10 (a) The differential treatment of a person or a group, based on ethnicity or race,
11 including any initiative or formulation of diversity, equity, and inclusion,
12 beyond upholding the equal protection of the laws guaranteed by the
13 Fourteenth Amendment of the United States Constitution; or any theory or
14 practice that holds that systems or institutions upholding the equal
15 protection of the laws guaranteed by the Fourteenth Amendment of the
16 United States Constitution are racist, oppressive, or otherwise unjust;

17 (b) The alleged systemic nature of racism, or the alleged multiplicity or fluidity
18 of gender identities; or

19 (c) Any other partisan, political, or ideological set of beliefs; and

20 (2) Being accorded preferential consideration for opinions expressed or acts
21 undertaken in support of:

22 (a) A person or group, on the basis of ethnicity or race;

23 (b) The alleged systemic nature of racism, or the alleged multiplicity or fluidity
24 of gender identities; or

25 (c) Any other partisan, political, or ideological set of beliefs.

26

27 **Section 3. That chapter 13-39A be amended with a NEW SECTION:**

28 A person seeking employment, promotion, or tenure, at a technical college under
29 the control of the South Dakota Board of Technical Education, may not be given or
30 otherwise subjected to a political litmus test, as a condition of becoming employed, being
31 retained, fulfilling normal employment expectations, being promoted, or achieving tenure.

32 For purposes of this section, the term, given or subjected to a political litmus test,
33 means:

1 (1) Being compelled or solicited to identify a commitment to or make a statement of
2 personal beliefs in support of an ideology or movement that promotes:

3 (a) The differential treatment of a person or a group, based on ethnicity or race,
4 including any initiative or formulation of diversity, equity, and inclusion,
5 beyond upholding the equal protection of the laws guaranteed by the
6 Fourteenth Amendment of the United States Constitution; or any theory or
7 practice that holds that systems or institutions upholding the equal
8 protection of the laws guaranteed by the Fourteenth Amendment of the
9 United States Constitution are racist, oppressive, or otherwise unjust;

10 (b) The alleged systemic nature of racism, or the alleged multiplicity or fluidity
11 of gender identities; or

12 (c) Any other partisan, political, or ideological set of beliefs; and

13 (2) Being accorded preferential consideration for opinions expressed or acts
14 undertaken in support of:

15 (a) A person or group, on the basis of ethnicity or race;

16 (b) The alleged systemic nature of racism, or the alleged multiplicity or fluidity
17 of gender identities; or

18 (c) Any other partisan, political, or ideological set of beliefs.

19 **Section 4. That chapter 13-39A be amended with a NEW SECTION:**

20 A student seeking admission to a technical college under the control of the South
21 Dakota Board of Technical Education, may not be given or otherwise subjected to a
22 political litmus test, as a condition of admission.

23 For purposes of this section, the term, given or subjected to a political litmus test,
24 means:

25 (1) Being compelled or solicited to identify a commitment to or make a statement of
26 personal beliefs in support of an ideology or movement that promotes:

27 (a) The differential treatment of a person or a group, based on ethnicity or race,
28 including any initiative or formulation of diversity, equity, and inclusion,
29 beyond upholding the equal protection of the laws guaranteed by the
30 Fourteenth Amendment of the United States Constitution; or any theory or
31 practice that holds that systems or institutions upholding the equal
32 protection of the laws guaranteed by the Fourteenth Amendment of the
33 United States Constitution are racist, oppressive, or otherwise unjust;

- 1 (b) The alleged systemic nature of racism, or the alleged multiplicity or fluidity
 2 of gender identities; or
 3 (c) Any other partisan, political, or ideological set of beliefs; and
 4 (2) Being accorded preferential consideration for opinions expressed or acts
 5 undertaken in support of:
 6 (a) A person or group, on the basis of ethnicity or race;
 7 (b) The alleged systemic nature of racism, or the alleged multiplicity or fluidity
 8 of gender identities; or
 9 (c) Any other partisan, political, or ideological set of beliefs.

10 **Section 5. That chapter 13-43 be amended with a NEW SECTION:**

- 11 A person seeking employment with, continuation of employment with, or promotion
 12 within a school district, may not be given or otherwise subjected to a political litmus test,
 13 as a condition of becoming employed, continuing employment, or being promoted.
 14 For purposes of this section, the term, given or subjected to a political litmus test,
 15 means:
 16 (1) Being compelled or solicited to identify a commitment to or make a statement of
 17 personal beliefs in support of an ideology or movement that promotes:
 18 (a) The differential treatment of a person or a group, based on ethnicity or race,
 19 including any initiative or formulation of diversity, equity, and inclusion,
 20 beyond upholding the equal protection of the laws guaranteed by the
 21 Fourteenth Amendment of the United States Constitution; or any theory or
 22 practice that holds that systems or institutions upholding the equal
 23 protection of the laws guaranteed by the Fourteenth Amendment of the
 24 United States Constitution are racist, oppressive, or otherwise unjust;
 25 (b) The alleged systemic nature of racism, or the alleged multiplicity or fluidity
 26 of gender identities; or
 27 (c) Any other partisan, political, or ideological set of beliefs; and
 28 (2) Being accorded preferential consideration for opinions expressed or acts
 29 undertaken in support of:
 30 (a) A person or group, on the basis of ethnicity or race;
 31 (b) The alleged systemic nature of racism, or the alleged multiplicity or fluidity
 32 of gender identities; or
 33 (c) Any other partisan, political, or ideological set of beliefs.