



2023 South Dakota Legislature

Senate Bill 207

SENATE STATE AFFAIRS ENGROSSED

Introduced by: **Senator Wheeler**

1 **An Act to provide a penalty for the expenditure of public funds to influence the**
 2 **outcome of an election.**

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

4 **Section 1. That § 12-27-20 be AMENDED:**

5 **12-27-20.** The state, an agency of the state, and the governing body of any
 6 county, municipality, or other political subdivision of the state may not expend or permit
 7 the expenditure of public funds for the purpose of influencing the nomination or election
 8 of any candidate, or for the petitioning of a ballot question on the ballot or the adoption
 9 or defeat of any ballot question. This section may not be construed to limit the freedom
 10 of speech of any officer or employee of the state or any political subdivision who is
 11 speaking in the officer's or employee's personal capacity. This section does not prohibit
 12 the state, its agencies, or the governing body of any political subdivision of the state from
 13 presenting factual information solely for the purpose of educating the voters on a ballot
 14 question.

15 It is a Class 1 misdemeanor if the state, an agency of the state, or the governing
 16 body of any county, municipality, or other political subdivision expends one thousand or
 17 more in public funds in violation of this section. It is a Class 6 felony if ten thousand or
 18 more in public funds is expended in violation of this section.