



2025 South Dakota Legislature

House Bill 1158

Introduced by: **Representative Mulally**

1 **An Act to prohibit the use of public funds for campaigning or other partisan activity,**
 2 **and to provide a penalty therefor.**

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

4 **Section 1. That § 12-27-21 be AMENDED:**

5 **12-27-21.** A public body, public officer, individual in the employ of or contracted
 6 by the state or any of its political subdivisions, or candidate for public office may not,
 7 directly or indirectly, direct, permit, receive, require, or facilitate the use of tax revenues
 8 or any other public resources for the purposes of a campaign or any other partisan activity,
 9 including:

10 (1) The payment of dues or membership fees to or for any person, league, or
 11 association that, directly or indirectly, engages in a campaign or any other partisan
 12 activity;

13 (2) The use of public funds, facilities, rights of access, equipment, supplies, or
 14 trademarks to influence an election;

15 (3) The distribution, promotion, or undertaking of analyses, descriptions, studies,
 16 surveys, or other communications using public resources in a manner specifically
 17 calculated to induce support for, or opposition to, proposed legislation or ballot
 18 questions; or

19 (4) Any public administrative expense, or activity to allocate or designate portions of
 20 public employee income, to entities that engage in a campaign or any other
 21 partisan activity, other than charitable organizations qualified as exempt from
 22 federal income tax under 26 U.S.C. § 501(c)(3) (January 1, 2025).

23 ~~No~~ A candidate or, political committee, or political party may not accept any
 24 contribution from any state, state agency, political subdivision of the state, foreign
 25 government, Indian tribe, federal agency, or the federal government. A violation of this

1 section is a Class ~~2~~1 misdemeanor. ~~A subsequent offense within a calendar year is a Class~~
2 ~~1 misdemeanor~~

3 For the purposes of this section, "campaign" means any communication or
4 expenditure related to the pursuit of an elected or appointed office; any effort paid in
5 whole or in part by public revenues, or revenues to coordinate or induce members of the
6 general public or any segment of the general public to directly influence legislative activity;
7 and any attempt to directly influence legislative activity by communication with a member
8 or employee of a legislative body or with any government official or employee.

9 **Section 2. That a NEW SECTION be added to chapter 12-27:**

10 Any person who knowingly receives contributions in violation of § 12-27-21 must
11 pay full restitution for the greater of the public cost or the market value of any
12 misappropriated resources. A knowing violation of § 12-27-21 is grounds for the discharge
13 of an employee.

14 **Section 3. That a NEW SECTION be added to chapter 12-27:**

15 The provisions of § 12-27-21 do not limit public officials in the performance of the
16 official's constitutional duties, and do not apply to:

17 (1) Communications among and between a member and a staff member of a legislative
18 body, or between an elected or appointed official and a legislator or a legislative
19 staff member;

20 (2) Comments by an elected official or communications from an elected official that
21 are designated for constituents;

22 (3) Appearances and communications by a public official or employee, pursuant to a
23 request to appear before a public body to provide information;

24 (4) A public employee acting in an uncompensated personal capacity, undirected in
25 any manner by, and not purporting to represent the interests of, a public employer;
26 or

27 (5) An authorized employee of the office of the Supreme Court, Governor, lieutenant
28 governor, attorney general, secretary of state, auditor, treasurer, commissioner of
29 school and public lands, or any other principal department of the executive
30 department having responsibility to assess the impact of proposals that affect the
31 administration of government.