



2026 South Dakota Legislature

House Bill 1266

Introduced by: **Representative Mulally**

1 **An Act to make certain federal laws applicable to public employees.**

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

3 **Section 1. That § 2-12-8.2 be AMENDED:**

4 **2-12-8.2.** No elected officer, department or agency head, or division director, or
 5 the highest paid employee reporting to ~~such person~~ the officer, head, or director, may be
 6 compensated, act, or register as a lobbyist, ~~other than a public employee lobbyist,~~ during
 7 a period of two years after that person's termination of service in the state government.
 8 A violation of this section is a Class 1 misdemeanor.

9 **Section 2. That a NEW SECTION be added to a NEW CHAPTER in title 3:**

10 Terms used in this chapter mean:

- 11 (1) "Political activity," any action directed toward the success or failure of a political
 12 party, candidate for partisan public office, candidate for nonpartisan public office,
 13 or partisan political group; and
 14 (2) "Public employee," any individual holding a position by appointment or employment
 15 in the government of this state or in the government of any one or more of the
 16 political subdivisions thereof, or in the service of the public schools, or in the service
 17 of any authority, commission, or board, or any other branch of the public service.

18 **Section 3. That a NEW SECTION be added to a NEW CHAPTER in title 3:**

19 A public employee may not:

- 20 (1) Use the employee's official authority or influence for the purpose of interfering with,
 21 or affecting the result of, an election or nomination for office;
 22 (2) Knowingly solicit, accept, or receive a contribution, as defined in § 12-27-1, from
 23 any person while in the workplace or using state resources;

1 (3) Directly or indirectly coerce, attempt to coerce, command, or advise another public
 2 employee to pay, lend, or contribute anything of value to a party, committee,
 3 organization, agency, or person for political purposes;

4 (4) Engage in political activity:

5 (a) While the employee is on duty;

6 (b) In any government building or facility where political activity is not
 7 otherwise allowed;

8 (c) While wearing a uniform or official insignia identifying the office or position
 9 of the employee; or

10 (d) Using any vehicle owned or leased by this state or any agency thereof; or

11 (5) Directly or indirectly use an appropriation or any public moneys to pay for any
 12 personal service, advertisement, telegram, telephone, letter, printed or written
 13 matter, or other device, intended or designed to influence in any manner a member
 14 of the Legislature, a jurisdiction, or an official of any government, to favor, adopt,
 15 or oppose, by vote or otherwise, any legislation, law, ratification, policy, or
 16 appropriation, whether before or after the introduction of the legislation, law,
 17 ratification, policy, or appropriation, provided that nothing in this subdivision may
 18 be construed to prevent.

19 **Section 4. That a NEW SECTION be added to a NEW CHAPTER in title 3:**

20 A public employee has the right to vote and, subject to the restrictions set forth in
 21 section 3 of this Act and to the extent not prohibited by law, a public employee may
 22 engage in the following political activity:

23 (1) Expressing opinions on political subjects and candidates;

24 (2) Participating in political management or campaigns;

25 (3) Membership or holding an office in a political party, organization, or club;

26 (4) Campaigning for a candidate in a partisan election by making speeches, writing on
 27 behalf of the candidate, or soliciting votes in support of or in opposition to a
 28 candidate;

29 (5) Making contributions of time and money to political parties, committees or other
 30 agencies engaged in political action; and

31 (6) Any other political activity, as provided in 5 C.F.R. Part 734 (June 4, 2014).

32 A public employee may be a candidate for office in any political partisan election,
 33 to the extent not prohibited by law and provided that the public employee seeking election
 34 to office may not engage in political activity or in the performance of the duties of office

1 while on duty as a public employee or within any period of time during which the public
2 employee is expected to perform services for which the public employee receives
3 compensation from the state or a political subdivision thereof.

4 **Section 5. That § 2-12-7.1 be REPEALED.**

5 ~~Any person employed in the executive branch of state government, a constitutional~~
6 ~~office, or the judicial system, who is not an elected official or who is not subject to~~
7 ~~confirmation by the senate, who is authorized to officially represent any department of~~
8 ~~the executive branch, constitutional office, Public Utilities Commission, or judicial system~~
9 ~~in any capacity before the Legislature or any of its several committees shall register as an~~
10 ~~executive or judicial agency representative for such department or office in the same~~
11 ~~manner and under the same provisions of this chapter as apply to all lobbyists, but need~~
12 ~~pay no fee. Every executive and judicial agency representative shall wear a badge which~~
13 ~~shall be visible at all times when engaged in representing the department. The badge shall~~
14 ~~be provided by the secretary of state and be of a color different from the color of lobbyist~~
15 ~~badges. The badge shall bear the identity of the agency the person has registered to~~
16 ~~represent and shall state the name of the person. The provisions of this chapter do not~~
17 ~~apply to employees of the executive branch testifying on budgetary matters before the~~
18 ~~appropriations committees of the Legislature.~~