

2023 South Dakota Legislature

Senate Bill 207**AMENDMENT 207B
FOR THE INTRODUCED BILL**

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