

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

477Y0097

SENATE BILL NO. 134

Introduced by: Senator Russell and Representative Campbell

1 FOR AN ACT ENTITLED, An Act to prohibit the expenditure of certain public school
2 resources for political purposes and to provide a penalty therefor.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 No public school resources, including personnel time, supplies, communication systems, or
6 facilities may be used to affect the outcome of any political vote. Any person who violates this
7 section shall be assessed a civil penalty by the court in the amount of two hundred fifty dollars
8 at the time of judgment. A fine for each violation may be levied against either the school where
9 the violation occurred or against the LEA, as defined in § 13-39-1.2. The civil penalty shall be
10 deposited in the state general fund.

11 Section 2. That the code be amended by adding a NEW SECTION to read:

12 A taxpayer residing in the school district where the violation occurred may bring an action
13 in circuit court to recover funds misused under section 1 of this Act. A plaintiff may be
14 reimbursed pursuant to § 15-17-45 for expenses, including attorney's fees.

