

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

477Y0097

SENATE EDUCATION ENGROSSED NO. **SB 134** - 2/21/2017

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, or written electronic
6 communication systems may be used to advocate for an outcome of any partisan election or any
7 vote of the Legislature. Any person who violates this section shall be assessed a civil penalty
8 by the court in the amount of two hundred fifty dollars at the time of judgment. A fine for each
9 violation may be levied against either the school where the violation occurred or against the
10 LEA, as defined in § 13-39-1.2. The civil penalty shall be 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.

