

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

465C0384

SENATE BILL NO. 82

Introduced by: Senators Whiting, Brosz, and Brown (Arnold) and Representative Slaughter

1 FOR AN ACT ENTITLED, An Act to criminalize the sponsorship of false political
2 advertisements or campaign literature and to provide a penalty therefor.

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

4 Section 1. That chapter 12-26 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No person may knowingly sponsor with actual malice a political advertisement or campaign
7 literature that:

8 (1) Contains a false statement of material fact;

9 (2) Represents that a candidate is the incumbent for the office sought if in fact the
10 candidate is not the incumbent; or

11 (3) Makes, either directly or indirectly, a false claim stating or implying the support or
12 endorsement of any person or organization if in fact the candidate does not have such
13 support or endorsement.

14 Actual malice is to act with knowledge of falsity or with reckless disregard as to truth or
15 falsity. Any person violating the provisions of this section is guilty of a Class 2 misdemeanor.

16 Paid political advertising includes all campaign literature and advertisements as described in
17 § 12-25-4.1 as well as all advertising conveyed to voters through telephonic or other electronic

1 voter contact programs.