

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

883D0106

## HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1250** - 2/9/00

Introduced by: Representatives Young, Clark, Derby, Diedtrich (Elmer), Duenwald, Duniphan, Earley, Eccarius, Engbrecht, Fiegen, Fitzgerald, Jaspers, Juhnke, Klaudt, Koskan, McCoy, McNenny, Michels, Napoli, Pummel, Richter, Sebert, Slaughter, and Sutton (Duane) and Senators Whiting, Benson, Bogue, Drake, Madden, Shoener, and Vitter

1 FOR AN ACT ENTITLED, An Act to provide for certain election or campaign finance reforms.

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

3 Section 1. That chapter 12-25 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 A public employer is the state, any local government, government agency, government  
6 instrumentality, special district, joint powers authority, school board, or special purpose  
7 organization that employs one or more persons.

8 Section 2. That chapter 12-25 be amended by adding thereto a NEW SECTION to read as  
9 follows:

10 No public employer may collect, deduct, or transmit any money that will be used for partisan  
11 political activity. Money is deemed to be used for partisan political activity if it is expended or  
12 commingled with funds used for partisan political activity.

13 Section 3. That chapter 12-25 be amended by adding thereto a NEW SECTION to read as  
14 follows:

1 Political activity is:

- 2 (1) The independent expenditure for communications advocating the election or defeat  
3 of a clearly identified partisan candidate for public office;
- 4 (2) The participation in or intervening in any partisan political campaign on behalf of or  
5 in opposition to any candidate for partisan public office, any political party, or  
6 committee;
- 7 (3) The support or opposition of any pending or proposed ballot measure, including the  
8 effort to collect signatures, direct mail and media campaigns, soliciting signatures for  
9 initiative or referendum petitions, or to discourage voters from signing petitions; or
- 10 (4) Any contribution to the operation or expenses of a partisan political action committee.

11 Political activity does not include the activities that are necessary to fulfill statutory  
12 obligations to inform the electorate or the public about the candidates or issues to be voted upon  
13 in a forthcoming election.

14 Section 4. That chapter 12-25 be amended by adding thereto a NEW SECTION to read as  
15 follows:

16 If a person or organization has used any money collected, deducted, or transmitted by a  
17 public employer for partisan political activity, the public employer is prohibited from collecting,  
18 deducting, or transmitting any funds for that person or organization for any purpose for a period  
19 of two years.

20 Section 5. That chapter 12-25 be amended by adding thereto a NEW SECTION to read as  
21 follows:

22 An employee whose wages have been deducted in violation of this Act may sue to obtain  
23 injunctive relief against the violator, person, or public employer. An employee whose wages have  
24 been deducted in violation of this Act may sue to recover damages equal to:

- 25 (1) The amount actually deducted from the employee's wages; and

1       (2)   Twice the amount actually received by the individual or organization from the injured  
2           public employee.

3       The remedies provided in this section do not preempt any other causes of action and damage  
4 awards which may be available to public employees as a result of any violation of this Act. This  
5 section does not abrogate or waive sovereign immunity. The court may award reasonable  
6 attorney's fees to an employee as part of a judgment to enforce this Act.

7       Section 6. That chapter 12-25 be amended by adding thereto a NEW SECTION to read as  
8 follows:

9       Any written or oral agreement, understanding, or practice between a public employer and any  
10 individual or organization that is in violation of this Act is void.

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to State Affairs. H.J. 180

3 2/9/00 Scheduled for Committee hearing on this date.

4 2/9/00 State Affairs Do Pass Amended, Passed, AYES 7, NAYS 6.