

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

427P0125

HOUSE BILL NO. 1145

Introduced by: Representatives Lust, Boomgarden, Cutler, Dreyer, Feinstein, Haverly, Kirkeby, McLaughlin, Peters, Rausch, and Vehle and Senators McCracken, Abdallah, Albers, Maher, Napoli, Olson (Ed), and Schmidt (Dennis)

1 FOR AN ACT ENTITLED, An Act to revise certain campaign speech provisions relating to
2 constitutional amendments, initiated measures, and referred laws.

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

4 Section 1. That § 12-13-16 be amended to read as follows:

5 12-13-16. ~~Any person knowingly printing, publishing, or delivering to any voter of this state~~
6 ~~a document containing any purported constitutional amendment, question, law, or measure to~~
7 ~~be submitted to the voters at any election, in which such constitutional amendment, question,~~
8 ~~law, or measure is misstated, erroneously printed, or by which false or misleading information~~
9 ~~is given to the voters, is guilty of~~ No person, during the course of any campaign in advocacy of
10 or in opposition to the adoption of any constitutional amendment, initiated measure, or referred
11 law, by means of campaign material, including sample ballots, an advertisement on radio or
12 television or in a newspaper or periodical, a public speech, a press release, or otherwise, may
13 knowingly and with intent to affect the outcome of such campaign do any of the following:

14 (1) Falsely identify the source of a statement, issue statements under the name of another



1 person without authorization, or falsely state the endorsement of or opposition to a
2 constitutional amendment, initiated measure, or referred law by a person or
3 publication; or

4 (2) Post, publish, circulate, distribute, or otherwise disseminate, a false statement, either
5 knowing the same to be false or acting with reckless disregard of whether it was false
6 or not, that is designed to promote the adoption or defeat of any constitutional
7 amendment, initiated measure, or referred law.

8 A violation of this section is a Class 2 misdemeanor.