



2023 South Dakota Legislature

House Bill 1105

Introduced by: **Representative Mulally**

1 **An Act to establish the legal standing of the Legislature to bring suit and be a**
2 **necessary party in actions involving election law violations by public officials.**

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

4 **Section 1. That chapter 12-26 be amended with a NEW SECTION:**

5 The Legislature shall have legal standing to bring suit against the secretary of state,
6 the Governor, a state agency or department, or any state, county, or local election official
7 who makes or attempts to make an unauthorized change to the election law or regulation
8 of the state or waives or attempts to waive election law or regulation.

9 The speaker of the House of Representatives and the president pro tempore of the
10 Senate, by and through counsel of their choice, including private counsel, may jointly
11 bring suit under this section and shall bring suit at the request of a majority of the
12 members-elect of both chambers.

13 The Legislature is a necessary party in a lawsuit against the secretary of state, the
14 Governor, a state agency or department, or a state, county, or local election official who
15 makes or attempts to make an unauthorized change to the election law or regulation of
16 the state or attempts to waive election law or regulation.