

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

774B0688

SENATE BILL NO. 139

Introduced by: Senators Heinert and Kennedy and Representative Saba

1 FOR AN ACT ENTITLED, An Act to prohibit the publication of false information in certain
2 political advertisements.

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

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

5 No person may knowingly make, publish, broadcast, circulate or cause the making,
6 publication, broadcast, or circulation in any letter, circular, advertisement, poster, or in any other
7 communication any false statement designed to affect the vote on any issue submitted to the
8 electors at any election or relating to any candidate for election to public office.

9 A violation of this section is a Class 1 misdemeanor.

10 Section 2. That chapter 12-26 be amended by adding a NEW SECTION to read:

11 No person may recklessly make, publish, broadcast, circulate or cause the making,
12 publication, broadcast, or circulation in any letter, circular, advertisement, poster, or in any other
13 communication any false statement designed to affect the vote on any issue submitted to the
14 electors at any election or relating to any candidate for election to public office.

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



1 Any person convicted of a violation under this section shall be assessed a civil penalty at the
2 time of sentencing in addition to, and not in substitution for, any other penalties provided by law
3 for the offense in the amount of one hundred dollars for each violation. The civil penalty shall
4 be deposited in the state general fund.