

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

390S0257

HOUSE BILL NO. 1183

Introduced by: Representatives Nelson (Stace), Abdallah, Dennert, Feickert, Hansen (Jon), Hoffman, Hubbel, Jensen, Liss, Miller, Moser, Olson (Betty), Perry, Tulson, and Verchio and Senators Gray, Buhl, Frerichs, Maher, Olson (Russell), Rave, and Rhoden

1 FOR AN ACT ENTITLED, An Act to protect the rights of public employees to participate in
2 certain political activities and to have contact with elected officials.

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

4 Section 1. No state employee and no employee of any political subdivision of the state, in
5 connection with his or her employment, may be discriminated against or face retaliation,
6 removal, or disciplinary action based on political affiliation or political activity, whether
7 partisan or nonpartisan in nature, if such activity does not take place during working hours and
8 does not involve the use of public resources. Any such employee may take an active part in
9 political management or in political campaigns except during working hours and may run for
10 and hold a political office that does not interfere with the normal performance of the employee's
11 job responsibilities, unless otherwise prohibited by law. A violation of this section is a Class 1
12 misdemeanor. A subsequent violation of this section is a Class 6 felony. For purposes of this
13 Act, the term, state employee, includes employees of the executive, legislative, and judicial
14 branches of government and employees of constitutional offices, the Board of Regents, and



1 other state agencies.

2 Section 2. No state employee and no employee of any political subdivision of the state may
3 be discriminated against or face retaliation, removal, or disciplinary action because of contact
4 with any elected federal, state, or local government official regardless of whether or not such
5 contact occurs in connection with the performance of the employee's job responsibilities. A
6 violation of this section is a Class 1 misdemeanor. A subsequent violation of this section is a
7 Class 6 felony. For purposes of this Act, the term, state employee, includes employees of the
8 executive, legislative, and judicial branches of government and employees of constitutional
9 offices, the Board of Regents, and other state agencies.