

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

483S0468

## SENATE STATE AFFAIRS ENGROSSED NO. **SB 88** - 1/27/2011

Introduced by: Senators Gray, Begalka, Kraus, Maher, and Rhoden and Representatives Russell, Abdallah, Hoffman, Miller, Nelson (Stace), Olson (Betty), and Verchio

1 FOR AN ACT ENTITLED, An Act to revise certain penalties involving the bribery of a voter.

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

3 Section 1. That § 12-26-15 be amended to read as follows:

4 12-26-15. It is a ~~Class 2 misdemeanor~~ Class 1 misdemeanor for any person, directly or  
5 indirectly, by himself or herself or through any other person:

6 (1) To pay, lend, contribute, or offer or promise to pay, lend, or contribute, any money  
7 or other valuable consideration, to or for any voter or to or for any other person, to  
8 induce ~~such the~~ voter to vote or refrain from voting at any election or to induce any  
9 voter to vote or refrain from voting at ~~such the~~ election for any particular person or  
10 to induce ~~such the~~ voter to go to the polls or remain away from the polls at ~~such the~~  
11 election, or on account of ~~such the~~ voter having voted, refrained from voting or  
12 having voted or refrained from voting for any particular person, or having gone to the  
13 polls or remained away from the polls at ~~such the~~ election;

14 (2) To give, offer, or promise any office, place, or employment, or to promise to procure



1 or endeavor to procure any office, place, or employment to or for any voter, or to or  
 2 for any other person in order to induce ~~such~~ the voter to vote or refrain from voting  
 3 at ~~such~~ the election for any particular person;

4 (3) To make any gift, loan, or promise, offer, procurement, or agreement as aforesaid to,  
 5 for, or with any person in order to induce ~~such~~ the person to procure or endeavor to  
 6 procure the election of any person, or the vote of any voter at any election;

7 (4) To procure or engage, promise, or endeavor to procure, in consequence of any such  
 8 gift, loan, offer, promise, procurement, or agreement, the election of any person or  
 9 the vote of any voter at ~~such~~ the election;

10 (5) To advance or pay, or cause to be paid, any money or other valuable thing to or for  
 11 the use of any other person, with the intent that the same or any part thereof shall be  
 12 used in bribery at any election, or to knowingly pay or cause to be paid any money  
 13 or other valuable thing to any person in discharge or repayment of any money wholly  
 14 or in part expended in bribery at any election.

15 Section 2. That § 12-26-16 be amended to read as follows:

16 12-26-16. It is a ~~Class 2 misdemeanor~~ Class 1 misdemeanor for any person, directly or  
 17 indirectly, by himself or herself or through any other person:

18 (1) To receive, agree, or contract for, before or during any election, any money, gift,  
 19 loan, or other valuable consideration, offer, place, or employment for himself or  
 20 herself or any other person, for voting or agreeing to vote, or for going or agreeing  
 21 to go to the polls, or for remaining away or agreeing to remain away from the polls  
 22 at ~~any such~~ the election; or

23 (2) To receive any money or other valuable thing during or after an election, for himself  
 24 or herself or any other person for having voted or refrained from voting at ~~such~~ the

1 election, or on account of himself or herself or any other person having voted or  
2 refrained from voting for any particular person at ~~such~~ the election, or on account of  
3 himself or herself or any other person having gone to the polls or remained away  
4 from the polls at ~~such~~ the election, or on account of having induced any other person  
5 to vote or refrain from voting, for any particular person at ~~such~~ the election.

6 Section 3. That chapter 12-26 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 It is a Class 1 misdemeanor for any candidate, campaign, political party, organization, or  
9 person working or volunteering on behalf of any candidate, campaign, or political party to feed  
10 or offer food to a voter or eligible voter while conducting a meeting, rally, event, or gathering  
11 at which same day voting is directed, urged, or encouraged.