

REPORT CARD

ACLU South Dakota

Every year, hundreds and hundreds of bills are proposed during the South Dakota legislative session. The ACLU of South Dakota works hard to keep you informed on key issues and we constantly seek ways to hold politicians accountable for supporting public policy that creates a more just and equitable state for everyone. But when it comes to protecting and enhancing your civil liberties, how did our elected leaders do in Pierre this year?

Most employees have a yearly review. Our students get graded at the end of each semester. It's only fair that our elected leaders are graded, too. This civil liberties report card is a pass/fail assessment of the work our legislators did in 2024.

A REVIEW OF THE 2024 LEGISLATIVE SESSION

FREE SPEECH

REMARKS

FAIL

House Bill 1178 prohibits the hosting of programs with “obscene live conduct” on state-funded college campuses. But who decides what’s obscene?

It’s impossible to define obscene in a way that isn’t hopelessly vague and subjective, and government officials cannot impose their personal moral values on others. Yet, state lawmakers passed House Bill 1178 anyway. While the language in the bill didn’t directly reference drag shows, it’s clear from their remarks that was the intent. This new law takes effect July 1.

PASS

While intended to “protect minors online,” House Bill 1257 would have had a chilling effect on free expression online for adult South Dakotans.

Had this bill passed, websites with content deemed “harmful to minors” would have been required to use an age verification method to guarantee only adults could access the site. But the fear of having personal information exposed may have deterred adults from accessing legal and constitutionally protected adult content, thereby limiting their online freedom.

SELF-DETERMINATION

PASS

Fueled by a desire to rewrite society to fit within conservative, faith-based family values, House Bill 1254 would have eliminated no-fault divorce in South Dakota.

Marriage is about commitment, love, sharing, and compromise. It is a private, personal choice that should not be denied to anyone. The same can be said about divorce. The House Judiciary Committee rightfully killed this bill.

REPRODUCTIVE FREEDOM

FAIL

Senate Bill 210 would have repealed more than 45 pages of state law restricting abortion care, including South Dakota’s total ban on abortion.

Deeply private decisions about abortion should not be made by politicians but be made by pregnant people in consultation with their doctors, who should be able to treat their patients according to their best medical judgement. Senate Bill 210, however, failed to get a single vote in the Senate Health and Human Services committee.

FAIL

House Bill 1224 requires the Department of Health to create a video to explain what medical care is and is not allowed for pregnant patients under South Dakota’s total abortion ban.

Doctors don’t need legal explainers about the best course of treatment. They need to be able to do their jobs without political interference. House Bill 1224 does nothing to directly address the issue that is really risking the lives of pregnant patients: South Dakota’s abortion ban. The Department of Health is required to post this video by Sept. 1.

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LGBTQ+ & TWO SPIRIT RIGHTS	REMARKS
<p>FAIL</p> <p>Senate Bill 216 would have given parents the authority to make medical decisions on behalf of their children with gender dysphoria.</p>	<p>Medical decisions should be made between patients, their parents, and their doctors. The bill would have amended 2023's gender-affirming care ban to allow doctors to provide puberty blockers or hormonal treatment to trans kids with parental consent. Senators, however, killed this bill in committee.</p>

VOTING RIGHTS

<p>FAIL</p> <p>Senate Bill 119 would have allowed Native Americans in South Dakota to register to vote using their Tribal ID on the same par as a state-issued driver's license.</p>	<p>Permitting the use of Tribal IDs for voter registration would have removed a significant obstacle that has long contributed to the historically low Native American participation in elections. Even after receiving overwhelming support in committees in both chambers and in the Senate, Senate Bill 119 was tabled on the House floor, ultimately killing the bill.</p>
<p>FAIL</p> <p>Senate Bill 17 would've made it easier for new residents to vote by repealing South Dakota's 30-day residency requirement.</p>	<p>Requiring a citizen to reside in a certain place for a predetermined length of time places an unnecessary barrier to a citizen's right to register to vote and participate in elections. The law violates the Equal Protection Clause of the Fourteenth Amendment. Even with strong support in the Senate, the bill was tabled on the House floor.</p>
<p>FAIL</p> <p>House Bill 1244 established a process for withdrawing signatures from petitions for initiated measures, initiated constitutional amendments, and referendums,</p>	<p>House Bill 1244 weakens South Dakota's citizen-led initiative process by allowing opponents to citizen-led initiatives to manipulate the process by compelling enough petition signors to withdraw their signature in order to disqualify a measure from the ballot. This law went into effect when it was signed by the Governor on March 14, 2024.</p>

When it comes to protecting and enhancing our civil rights and civil liberties this year, it's clear that our state lawmakers overwhelmingly failed. So what's next?

We urge you to use this report card to give your legislators feedback on the 2024 session and to encourage them to stand up for civil liberties. Together, we can ensure our lawmakers protect our freedoms and make South Dakota a more equitable place for everyone.

SCAN ME

