

Court rules SD law violates free speech

Federal appeals court upholds decision on petition workers

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Associated Press

A federal appeals court on Tuesday upheld a lower court's decision to block parts of a South Dakota law that would have required ballot petition workers to publicly disclose their personal identification information.

The Republican-controlled Legislature in 2020 passed a law that would have required paid ballot measure circulators to list their personal information, including phone number, residential address, email address and driver's license information, in a directory. The law was just one attempt by lawmakers in recent years to add barriers to ballot measures which have given progressive causes a chance at enactment in the politically red state.

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Ruling

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Circuit Judge Steven Gras wrote in an opinion for a three-judge panel of the Eighth Circuit Court of Appeals that being forced to disclose the information would be "chilling in today's world" and the law would violate the First Amendment.

United States District Judge

Lawrence Piersol issued a temporary injunction against the law last year.

Dakotans for Health, an organization that was formed around a ballot measure to expand Medicaid eligibility, sued to have the law overturned. The organization is now focused on placing a proposed constitutional amendment on the 2024 ballot to codify abortion rights.

"Our state Legislature contin-

ues to try to destroy the initiative process with these kinds of laws," said Rick Weiland, the director of Dakotans for Health. "We've had success in the federal courts based on the First Amendment."

Weiland said that the ruling from three appeals court judges who were appointed under former President Donald Trump showed the importance of "protecting a long-standing tradition to circulate and pass laws at the ballot box."