

One-Time Senate Candidate Dodges Perjury Convictions in South Dakota

CHRISTOPHER VONDRACEK July 21, 2017

PIERRE, S.D. (CN) – The South Dakota Supreme Court has cleared a Sioux Falls doctor who ran unsuccessfully for the U.S. Senate of six felony perjury charges, but upheld felony convictions for verifying she had personally circulated the petitions to get her name on the ballot when she had not.

“Before this all started, I couldn’t have even told you how to define ‘perjury,’” Annette Bosworth said Thursday afternoon at a coffee shop in downtown Sioux Falls. “But now I certainly could.”



South Dakota doctor and one-time U.S. Senate candidate
Annette Bosworth.

In 2014, Bosworth – a political newcomer and medical doctor – challenged former Gov. Mike Rounds for a shot at one of South Dakota’s U.S. Senate seats in the Republican primary. She lost the race.

Rounds went onto win the general election, and Bosworth faced allegations of fraudulent electioneering relating to the petition process to get her name on the ballot. State Attorney General Marty Jackley looked into allegations of false signatures on her petition, and in May 2015 a jury found Bosworth guilty on six counts of perjury and six counts of offering forged or false documents for filing. With 12 felony counts, the doctor – a Plankinton, South Dakota, native – faced jail time.

Recalling her 2015 conviction on Thursday afternoon in Sioux Falls, Bosworth said she was flabbergasted by the verdict, as she had submitted over 100 petitions to the Secretary of State’s office and only six had been found to contain discrepancies. Bosworth had been out of the country on a medical-aid mission trip in the Philippines while her campaign manager, Mike Davis, collected signatures and submitted them for her. The trouble was, under South Dakota law Bosworth must personally witness each signature on the circulating petition – and when she signed off on each of the six petitions, she verified that she had.

“It was an honest mistake,” Bosworth said. “I don’t know what else to call it.”

The prison sentence was negotiated down to 500 hours of community service and parole. She finished her community service this past fall, volunteering with addiction services in the prison and jail systems on the Pine Ridge Indian Reservation six hours from her home in Sioux Falls. She says she wouldn’t give up the experience for anything, but all along, she had an appeal to the state’s highest court.

In November 2016, Bosworth’s attorney Dana Hanna argued state law as written didn’t support the perjury charges. In the ruling issued Thursday morning, the court [agreed](#).

“Signing a nominating petition under a written oath before submitting it to a state authority is not a statement made in a proceeding or action under SDCL 22-29-1,” Justice Janine Kern wrote.

But the court held Bosworth should not have signed that she personally watched each signature being signed.

“I was in the Philippines, and my sister signed one of the petitions. Was I supposed to actually watch my sister sign this?” Bosworth said.

The court said yes.

“[C]ontrary to Bosworth’s verifications, voters did not sign the petitions in her presence. Thus, the petitions contain untrue statements of fact and, accordingly, are false instruments,” Kern wrote.

In a release, Jackley praised the ruling for maintaining the rule of law in the election process.

“Today’s decision upholds and protects the integrity of our institutions and elections in South Dakota.”

A day after the Supreme Court’s decision – and after many calls and text messages of congratulations – Bosworth said still feels shaken by the ruling. She recounted how when she filed to run for the Senate, she was living in a trailer near downtown Sioux Falls, frustrated as a physician by the debate on health care.

“If you want to be somebody who sticks your head out and says, ‘I think our government can do better,’ you better watch out.”

Ten days after the conviction, the state’s medical board revoked her medical license – a decision later stayed by a state court judge. Bosworth still runs a clinic in Sioux Falls, but that is made more complicated by the legal cloud hanging over her head.

“We were supposed to revisit my license after waiting till the outcome of my appeal,” she said, noting she is hopeful that with the vacating of the perjury convictions she will be viewed more sympathetically by the board when they review her case.

“I can only hope for the best. It’s my livelihood.”

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