

March 29, 2021

Dear Governor Noem,

You recently announced your intent to form a “coalition to defend Title IX” in conjunction with your surprising decision to use a “style-and-form veto” on HB 1217, a bill that would ensure South Dakotan K-12 and collegiate female athletes have a level playing field in their sports and that they have recourse against unfair policies that force them to compete against biological males.

We are already part of a large coalition defending female athletes across the country, and we are inviting you to join with us by supporting legislation that protects all women—kindergarten to college—and provides them with a legal remedy when their rights are violated, as HB 1217 does.

Last year, Idaho became the first state to proactively reserve female athletic competitions for only biological females at the K-12 and collegiate levels. Just one year later, many states (including your own) are considering similar legislation. Mississippi and Arkansas joined Idaho as the second and third states to sign such legislation into law, and several other state legislatures have passed bills through at least one chamber. Similar bills at the federal level have earned bipartisan and bicameral support, including the support of both Senators John Thune and Mike Rounds. These bills are supported by a growing and diverse coalition of state and national organizations, including many signatories to this letter.

The South Dakota legislature got it right with HB 1217, and your original excitement to sign it was on the mark. They passed a strong bill that stands with your state’s female athletes, no matter their level of competition, and provides them a legal remedy when their rights are violated. We stand behind these legislators and South Dakota’s female athletes. Gutting the bill doesn’t help anyone win—it sends South Dakota and their girls and women back to the sidelines and sends the wrong signal to others across the country in the fight to save girls’ and women’s sports.

HB 1217 as passed protects *all* female athletes in South Dakota, not just those in high school or middle school. Your version of the bill would hand South Dakota’s collegiate female athletes—and a say in your state’s governance—to the NCAA on a silver platter. Why should collegiate females face injustice for achieving the honor of college-level competition?

HB 1217 as passed gives South Dakota’s female athletes the power to take action if a school district or other entity ignores the law by permitting men in their competitions. Importantly, the bill allows these women, or their parents, to enforce their rights to a level playing field. Absent such enforcement, the bill becomes a feel-good statement with no real teeth.

You’ve said you want to win, and we do, too. More importantly, South Dakota’s female athletes also want the opportunity to win—no matter at what level of competition. This is why our coalition stands unapologetically behind these girls and women and won’t back down to pressure from the NCAA. The NCAA itself doesn’t require its member schools to allow biological males who identify as female on female teams. But even if it did have such a policy, we’d still rather stand proudly with female athletes than those who stand to profit off of them.

So, we invite you, Governor Noem, to join our coalition on behalf of South Dakota’s—and the nation’s—female athletes who are counting on you to support legislation like HB 1217 as passed by the legislature.

Respectfully,

The Coalition to Save Girls' and Women's Sports

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