

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

834Z0134

HOUSE BILL NO. Draft 134

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning campaign finance
2 limits.

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

4 Section 1. That § 12-27-7 be amended to read:

5 ~~12-27-7. If a contributor is a person or an entity, no candidate for statewide office or the~~
6 ~~candidate's campaign committee may accept any contribution that in the aggregate exceeds four~~
7 ~~thousand dollars during any calendar year. A candidate campaign committee may only accept~~
8 ~~contributions from any candidate campaign committee, political action committee, entity,~~
9 ~~person, or political party. The limitation on any contribution from a person in this section does~~
10 ~~not apply to any contribution by the candidate or the candidate's immediate family~~ A statewide
11 candidate or the candidate's campaign committee may accept contributions during any calendar
12 year as follows:

13 (1) Not to exceed four thousand dollars from a person, unless the person is the candidate
14 or a member of the candidate's immediate family, in which case contributions may
15 be made without limit;

16 (2) Not to exceed four thousand dollars from an entity;



1 (3) Without limit from a political action committee;

2 (4) Without limit from a political party; and

3 (5) Without limit from a candidate campaign committee.

4 Any contribution from a ballot question committee is prohibited. A violation of this section
5 is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class 1
6 misdemeanor.

7 Section 2. That § 12-27-8 be amended to read:

8 ~~12-27-8. If the contributor is a person or entity, no candidate for legislative or county office~~
9 ~~or the candidate's campaign committee may accept any contribution that in the aggregate~~
10 ~~exceeds one thousand dollars during any calendar year. A candidate campaign committee may~~
11 ~~only accept contributions from any candidate campaign committee, person, entity, political~~
12 ~~action committee, or political party.~~

13 ~~—The limitation on any contribution from a person in this section does not apply to any~~
14 ~~contribution by the candidate or the candidate's immediate family~~ A legislative or county
15 candidate or the candidate's campaign committee may accept contributions during any calendar
16 year as follows:

17 (1) Not to exceed one thousand dollars from a person, unless the person is the candidate
18 or a member of the candidate's immediate family, in which case contributions may
19 be made without limit;

20 (2) Not to exceed one thousand dollars from an entity;

21 (3) Without limit from a political action committee;

22 (4) Without limit from a political party; and

23 (5) Without limit from a candidate campaign committee.

24 Any contribution from a ballot question committee is prohibited. A violation of this section

1 is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class 1
2 misdemeanor.

3 Section 3. That § 12-27-9 be amended to read:

4 ~~12-27-9. If the contributor is a person or an entity, no political action committee may accept~~
5 ~~any contribution that in the aggregate exceeds ten thousand dollars during any calendar year. If~~
6 ~~the contributor is a ballot question committee, no political action committee may accept any~~
7 ~~contribution that in the aggregate exceeds ten thousand dollars during any calendar year. A~~
8 ~~political action committee may also accept unlimited contributions from any candidate~~
9 ~~campaign committee, political action committee, or political party~~ A political action committee
10 may accept contributions during any calendar year as follows:

- 11 (1) Not to exceed ten thousand dollars from a person;
- 12 (2) Not to exceed ten thousand dollars from an entity;
- 13 (3) Without limit from a political action committee;
- 14 (4) Without limit from a political party;
- 15 (5) Without limit from a candidate campaign committee; and
- 16 (6) Not to exceed ten thousand dollars from a ballot question committee.

17 A violation of this section is a Class 2 misdemeanor. A subsequent offense within a calendar
18 year is a Class 1 misdemeanor.

19 Section 4. That § 12-27-10 be amended to read:

20 ~~12-27-10. If the contributor is a person or an entity, no political party may accept any~~
21 ~~contribution that in the aggregate exceeds ten thousand dollars during any calendar year. A~~
22 ~~political party may accept unlimited contributions from any candidate campaign committee,~~
23 ~~political action committee, or political party~~ A political party may accept contributions during
24 any calendar year as follows:

- 1 (1) Not to exceed ten thousand dollars from a person;
- 2 (2) Not to exceed ten thousand dollars from an entity;
- 3 (3) Without limit from a political action committee;
- 4 (4) Without limit from a political party; and
- 5 (5) Without limit from a candidate campaign committee.

6 Any contribution from a ballot question committee is prohibited. A violation of this section
7 is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class 1
8 misdemeanor.

9 Section 5. That § 12-27-18 be amended to read:

10 12-27-18. An entity may make a contribution to a ballot question committee organized
11 solely for the purpose of influencing an election on a ballot question and may make independent
12 communication expenditures regarding the placement of a ballot question on the ballot or the
13 adoption or defeat of a ballot question. Any entity making expenditures, equal to or exceeding
14 fifty percent of the entity's annual gross income, for the adoption or defeat of a ballot measure
15 is a ballot question committee. An entity may create a political action committee. A violation
16 of this section is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class
17 1 misdemeanor.

18 Section 6. That § 12-27-18.1 be amended to read:

19 12-27-18.1. A ballot question committee may accept unlimited contributions from a person;
20 ~~entity, or political committee;~~

- 21 (1) Person;
- 22 (2) Entity that complies with § 12-27-19;
- 23 (3) Political action committee;
- 24 (4) Political party;

- 1 (5) Candidate campaign committee; and
- 2 (6) Ballot question committee.

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

375Z0176

SENATE BILL NO. Draft 176

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to revise certain limitations and penalties concerning
2 campaign contributions.

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

4 Section 1. That § 12-27-7 be amended to read:

5 ~~12-27-7. If a contributor is a person or an entity, no candidate for statewide office or the~~
6 ~~candidate's campaign committee may accept any contribution that in the aggregate exceeds four~~
7 ~~thousand dollars during any calendar year. A candidate campaign committee may only accept~~
8 ~~contributions from any candidate campaign committee, political action committee, entity,~~
9 ~~person, or political party. The limitation on any contribution from a person in this section does~~
10 ~~not apply to any contribution by the candidate or the candidate's immediate family~~ A candidate
11 for Governor or the candidate's campaign committee may accept contributions in the aggregate
12 during any calendar year as follows:

13 (1) Not to exceed four thousand dollars from a person, unless the person is the candidate,
14 in which case contributions may be made without limit;

15 (2) Not to exceed four thousand dollars from a political action committee;

16 (3) Not to exceed forty thousand dollars from a political party; and



1 (4) Not to exceed four thousand dollars from a candidate campaign committee.

2 Any contribution from an entity or ballot question committee is prohibited. A violation of
3 this section is a ~~Class 2 misdemeanor. A subsequent offense within a calendar year is a Class~~
4 1 misdemeanor.

5 Section 2. That chapter 12-27 be amended by adding a NEW SECTION to read:

6 A candidate for lieutenant governor, attorney general, or the candidate's campaign
7 committee may accept contributions in the aggregate during any calendar year as follows:

8 (1) Not to exceed two thousand dollars from a person, unless the person is the candidate,
9 in which case contributions may be made without limit;

10 (2) Not to exceed two thousand dollars from a political action committee;

11 (3) Not to exceed twenty thousand dollars from a political party; and

12 (4) Not to exceed two thousand dollars from a candidate campaign committee.

13 Any contribution from an entity or ballot question committee is prohibited. A violation of
14 this section is a Class 1 misdemeanor.

15 Section 3. That chapter 12-27 be amended by adding a NEW SECTION to read:

16 A candidate for secretary of state, state auditor, state treasurer, commissioner of school and
17 public lands, public utilities commissioner, or the candidate's campaign committee may accept
18 contributions in the aggregate during any calendar year as follows:

19 (1) Not to exceed one thousand dollars from a person, unless the person is the candidate,
20 in which case contributions may be made without limit;

21 (2) Not to exceed one thousand dollars from a political action committee;

22 (3) Not to exceed ten thousand dollars from a political party; and

23 (4) Not to exceed one thousand dollars from a candidate campaign committee.

24 Any contribution from an entity or ballot question committee is prohibited. A violation of

1 this section is a Class 1 misdemeanor.

2 Section 4. That § 12-27-8 be amended to read:

3 12-27-8. ~~If the contributor is a person or entity, no candidate for legislative or county office~~
4 ~~or the candidate's campaign committee may accept any contribution that in the aggregate~~
5 ~~exceeds one thousand dollars during any calendar year. A candidate campaign committee may~~
6 ~~only accept contributions from any candidate campaign committee, person, entity, political~~
7 ~~action committee, or political party.~~

8 ~~—The limitation on any contribution from a person in this section does not apply to any~~
9 ~~contribution by the candidate or the candidate's immediate family~~ A candidate for legislative or
10 county office or the candidate's campaign committee may accept contributions in the aggregate
11 during any calendar year as follows:

- 12 (1) Not to exceed seven hundred fifty dollars from a person, unless the person is the
- 13 candidate, in which case contributions may be made without limit;
- 14 (2) Not to exceed seven hundred fifty dollars from a political action committee;
- 15 (3) Not to exceed five thousand dollars from a political party; and
- 16 (3) Not to exceed seven hundred fifty dollars from a candidate campaign committee.

17 Any contribution from an entity or ballot question committee is prohibited. A violation of
18 this section is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class
19 1 misdemeanor.

20 Section 5. That § 12-27-9 be amended to read:

21 12-27-9. ~~If the contributor is a person or an entity, no political action committee may accept~~
22 ~~any contribution that in the aggregate exceeds ten thousand dollars during any calendar year. If~~
23 ~~the contributor is a ballot question committee, no political action committee may accept any~~
24 ~~contribution that in the aggregate exceeds ten thousand dollars during any calendar year. A~~

1 ~~political action committee may also accept unlimited contributions from any candidate~~
2 ~~campaign committee, political action committee, or political party~~ A political action committee
3 may accept contributions in the aggregate during any calendar year as follows:

- 4 (1) Not to exceed two thousand dollars from a person;
- 5 (2) Not to exceed two thousand dollars from an entity;
- 6 (3) Not to exceed two thousand dollars from a political action committee;
- 7 (4) Not to exceed two thousand dollars from a political party; and
- 8 (5) Not to exceed two thousand dollars from a candidate campaign committee.

9 Any contribution from a ballot question committee is prohibited. A violation of this section
10 is a ~~Class 2 misdemeanor. A subsequent offense within a calendar year is a Class 1~~
11 ~~misdemeanor.~~

12 Section 6. That § 12-27-10 be amended to read:

13 ~~12-27-10. If the contributor is a person or an entity, no political party may accept any~~
14 ~~contribution that in the aggregate exceeds ten thousand dollars during any calendar year. A~~
15 ~~political party may accept unlimited contributions from any candidate campaign committee,~~
16 ~~political action committee, or political party~~ A political party may accept contributions in the
17 aggregate during any calendar year as follows:

- 18 (1) Not to exceed five thousand dollars from a person;
- 19 (2) Not to exceed five thousand dollars from a political action committee; and
- 20 (3) Not to exceed five thousand dollars from a candidate campaign committee.

21 Any contribution from an entity or ballot question committee is prohibited. A violation of
22 this section is a ~~Class 2 misdemeanor. A subsequent offense within a calendar year is a Class~~
23 ~~1 misdemeanor.~~

24 Section 7. That § 12-27-18 be amended to read:

1 12-27-18. An entity may make ~~a contribution to a ballot question committee organized~~
 2 ~~solely for the purpose of influencing an election on a ballot question and may make~~ independent
 3 communication expenditures regarding the placement of a ballot question on the ballot or the
 4 adoption or defeat of a ballot question. Any entity making expenditures, equal to or exceeding
 5 fifty percent of the entity's annual gross income, for the adoption or defeat of a ballot measure
 6 is a ballot question committee. An entity may create a political action committee. A violation
 7 of this section is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class
 8 1 misdemeanor.

9 Section 8. That § 12-27-18.1 be amended to read:

10 12-27-18.1. A ballot question committee may accept unlimited contributions from a ~~person,~~
 11 ~~entity, or political committee;~~

- 12 (1) Person;
- 13 (2) Entity that complies with § 12-27-19;
- 14 (3) Political action committee;
- 15 (4) Political party;
- 16 (5) Candidate campaign committee; and
- 17 (6) Ballot question committee.

18 Section 9. That chapter 12-27 be amended by adding a NEW SECTION to read:

19 For the purpose of the contribution limits established by sections 2 and 3 of this Act and
 20 §§ 12-27-7, 12-27-8, 12-27-9, and 12-27-10, all committees established, financed, maintained,
 21 or controlled by the same corporation, labor organization, person, or group of persons, including
 22 any parent, subsidiary, branch, division, department, or local unit thereof, are affiliated and
 23 share a single contribution limit both with respect to contributions made and contributions
 24 received.

1 Section 10. This Act is effective on January 1, 2019.

State of South Dakota

Casey Print: 10-11-2017

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

726Z0166

HOUSE BILL NO. Draft 166

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to revise the definition for ballot question committees.

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

3 Section 1. That subdivision (2) of § 12-27-1 be amended to read:

4 (2) "Ballot question committee," a person or entity that raises, collects, or disburses
5 contributions;

6 (a) As a proponent for the placement of any ballot question on the ballot;

7 (b) As an opponent to the placement of any ballot question on the ballot; or

8 (c) For the adoption or defeat of any ballot question.

9 A ballot question committee is not a person or political committee that makes a
10 contribution to a ballot question committee. A ballot question committee is not an
11 entity that makes a contribution to a ballot question committee from treasury funds;

12



State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

465Z0191

SENATE BILL NO. Draft 191

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to revise certain provisions defining gifts from registered
2 lobbyists to public officials.

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

4 Section 1. That § 2-12-18 be amended to read:

5 2-12-18. For purposes of §§ 2-12-15 to 2-12-19, inclusive, the term, gift, means anything
6 of value, including any object, money, property, or service, that is given without compensation
7 or remuneration. The term does not include:

- 8 (1) Anything of value for which the recipient paid an equal or greater value;
- 9 (2) Any contribution to a political committee that is regulated by the Federal Elections
10 Commission or under chapter 12-27;
- 11 (3) ~~Any service or event to assist a public official in the performance of official duties;~~
12 ~~including any cost to educate or inform the public official on matters of public policy;~~
13 ~~any advice, information, consultation, or communication regarding actual or~~
14 ~~proposed legislation; any service to constituents or to promote the economic~~
15 ~~development of the state~~ educational material to inform public officials on a matter
16 of public policy;



- 1 (4) Any food, entertainment, or beverage provided for immediate consumption;
- 2 (5) Anything of value exchanged between immediate family members;
- 3 (6) The cost of admission to any state-owned facility or state-sponsored industry or
4 event, if provided by the sponsoring state agency, political subdivision, or publicly
5 funded institution;
- 6 (7) Anything of value received due to membership in a group, the majority of whose
7 membership is not comprised of public officials, if the object or other thing of value
8 is also given to other members of that group or to other members who also serve as
9 officers or directors of that group; or
- 10 (8) Any scholarship, prize, or financial support awarded or supported by a principal for
11 a program related to education, and widely available and generally awarded to
12 qualifying members of the public, the majority of whom are not comprised of public
13 officials or the immediate family of public officials.

State of South Dakota

NINETY-THIRD SESSION LEGISLATIVE ASSEMBLY, 2018

429Z0153

SENATE BILL NO. Draft 153

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to allow ballot question committees to continue from one
2 election cycle to another.

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

4 Section 1. That § 12-27-22 be amended to read:

5 12-27-22. A campaign finance disclosure statement shall be submitted to the secretary of
6 state. The treasurer of each:

7 (1) Candidate or candidate campaign committee for any statewide office shall file a pre-
8 primary, pre-general, year-end, and, if applicable, supplemental report and
9 amendments in even numbered years. In odd numbered years shall file a year-end
10 and, if applicable, amendments. A termination report may be submitted at any time;

11 (2) Candidate or candidate campaign committee for a legislative or county office shall
12 file a pre-primary if the candidate's name appears on the primary election ballot, pre-
13 general, year-end and, if applicable, supplemental report and amendments in even
14 numbered years. A termination report may be submitted at any time;

15 (3) Statewide political action committee shall file a pre-primary, pre-general, year-end,
16 and, if applicable, supplemental report and amendments in even numbered years. In



1 odd numbered years shall file a year-end or, if applicable, amendments. A
2 termination report may be submitted at any time;

3 (4) Statewide political party shall file a pre-primary, pre-general, year-end and, if
4 applicable, supplemental report and amendments in even numbered years. In odd
5 numbered years shall file a year-end or amendments, if applicable. A termination
6 report may be submitted at any time. A political party that loses its status as a
7 qualified party shall file a termination statement by 5:00 p.m. central time the last
8 Friday in January following the calendar year in which qualified party status was lost;

9 (5) County political party and auxiliary organization shall file a pre-general and, if
10 applicable, supplemental report and amendments in even numbered years. A
11 termination report may be submitted at any time; and

12 (6) Statewide ballot question committee shall file a pre-primary, pre-general, year-end
13 and, if applicable, supplemental report and amendments in even numbered years. In
14 odd numbered years shall file a year-end and, if applicable, amendments. A
15 termination report may be submitted at any time. A statewide ballot question
16 committee:

17 (a) That does not meet the signature requirements for placement of the ballot issue
18 on the general election ballot, shall submit a termination report to the secretary
19 of state by 5:00 p.m. central time on the last Friday in January following the
20 year the statement of organization was submitted to the secretary of state; ~~or~~

21 (b) For a ballot issue that was on a ballot shall submit a termination report to the
22 secretary of state by 5:00 p.m. central time on the last Friday in January
23 following the calendar year the ballot question was on the ballot; or

24 (c) That has been organized as a proponent or opponent for the placement of a

1 measure on the ballot or a proponent or opponent of a ballot measure is not
2 required to submit a termination report. However, the ballot question
3 committee shall submit a statement of intent to remain organized for the next
4 election to the secretary of state.

5 A campaign finance disclosure statement shall be submitted to the secretary of state by the
6 treasurer of each committee who shall file the following financial disclosure reports in
7 accordance with the time frames stated in this chapter: pre-primary, pre-general, year-end,
8 amendment, supplemental, and a termination when a committee is terminating its existence.

9 A violation of this section is a Class 2 misdemeanor. A subsequent offense within a calendar
10 year is a Class 1 misdemeanor.

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

825Z0206

HOUSE BILL NO. Draft 206

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the content of the
2 campaign finance disclosure reports and to declare an emergency.

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

4 Section 1. That § 12-27-24 be amended to read:

5 12-27-24. A campaign finance disclosure report shall include the following information:

6 (1) The political committee name, mailing address, telephone number, and, if applicable,
7 e-mail address;

8 (2) Name, mailing address, telephone number, and, if applicable, an e-mail address, if
9 any of the political committee's treasurer;

10 (3) The type of campaign report (pre-primary, pre-general, year-end, amendment,
11 supplement, or termination);

12 (4) For any ballot question committee, the ballot question name and whether the
13 committee supports or opposes the ballot question;

14 (5) The balance of cash and cash equivalents on hand at the beginning of the reporting
15 period;

16 (6) The total amount of all contributions received during the reporting period;



- 1 (7) The total amount of any donated good or service received during the reporting
2 period;
- 3 (8) The total of refunds, rebates, interest, or other income not previously identified
4 during the reporting period;
- 5 (9) The total of expenditures made during the reporting period;
- 6 (10) The cash balance on hand as of the close of the reporting period;
- 7 (11) All contributions of one hundred dollars or less shall either be aggregated and
8 reported as a lump sum or the contributions shall be listed individually. The
9 individual contributions of one hundred dollars or less shall be noted on the
10 committee's books and a running total of each individual's contributions shall be
11 maintained;
- 12 (12) The name, mailing address, city, and state of each person making a contribution of
13 more than one hundred dollars in the aggregate during any calendar year and the
14 amount of the contribution. Any contribution from ~~any~~ an entity or political
15 committee shall be itemized. Any contribution from a federal political committee or
16 political committee organized outside this state shall also include the name and
17 website address of the filing office where campaign finance disclosure reports are
18 regularly filed for the committee. If any information required by the section is
19 unknown to the political committee, the political committee may not deposit the
20 contribution;
- 21 (13) Any donated good or service contribution shall contain the same information as for
22 any monetary contribution, and shall also include a description of the donated good
23 or service contribution;
- 24 (14) Upon the request of the treasurer, any person making a donated good or service

1 contribution shall provide all necessary information to the treasurer, including the
2 value of the contribution;

3 (15) Any monetary or donated good or service contribution made by a political committee
4 to any political committee or nonprofit charitable entity shall be itemized;

5 (16) A categorical description and amount of any refunds, rebates, interest, sale of
6 property, or other receipts not previously identified during the reporting period;

7 (17) A categorical description and amount of any funds or donations by any entity to its
8 political committee for establishing and administering the political committee and
9 for any solicitation costs of the political committee;

10 (18) Each loan received shall be reported in the same manner as a contribution;

11 (19) Each loan repayment shall be reported in the same manner as an expenditure;

12 (20) Any expenditure made during the reporting period shall be categorized as
13 disbursements and itemized by expense categories. A miscellaneous expense
14 category is prohibited. Any contribution made by the political committee that is not
15 in exchange for any item of value or service shall be itemized;

16 (21) The amount of any independent communication expenditure from a political
17 committee made during the reporting period, and lists the name of the candidate,
18 public office holder, or ballot question related to the independent communication
19 expenditure and a description of the independent communication expenditure;

20 (22) The information contained in any statement provided pursuant to § 12-27-19; and

21 (23) A certification that the contents of the statement are true and correct signed by the
22 treasurer of the political committee.

23 Section 2. Whereas, this Act is necessary for the support of the state government and its
24 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in

- 1 full force and effect from and after its passage and approval.

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

852Z0209

HOUSE BILL NO. Draft 209

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning campaign finance
2 requirements.

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

4 Section 1. That subdivision (21) of § 12-27-1 be amended to read:

5 (21) "Treasurer," the treasurer is:

6 ~~_____ (a) The~~ the person who is designated as and has agreed to serve as the person
7 responsible for each required filing that a committee is required to make under
8 this title; ~~and~~

9 ~~_____ (b) The person who may be responsible for any monetary penalty assessed in~~
10 ~~accordance with this chapter;~~

11 Section 2. That § 12-27-2 be amended to read:

12 12-27-2. A political committee shall have and continually maintain a chair and a treasurer.
13 One person may serve as chair, candidate, treasurer, or any combination thereof. A treasurer
14 may be responsible for any monetary penalty assessed pursuant to this chapter. No political
15 committee may receive or make contributions or pay expenses while the office of treasurer is
16 vacant. A violation of this section is a Class 2 misdemeanor. A subsequent offense within a



1 calendar year is a Class 1 misdemeanor.

2 Section 3. That § 12-27-3 be amended to read:

3 12-27-3. A statement of organization shall be filed as follows:

4 (1) The treasurer for a political action committee shall file a statement of organization
5 with the secretary of state not later than fifteen days after the date upon which the
6 committee made contributions, received contributions, or paid expenses in excess of
7 five hundred dollars. However, if such activity falls within thirty days of any
8 statewide election, the statement of organization shall be filed within forty-eight
9 hours:

10 ~~—Notwithstanding the provisions above, a:~~

11 (2) A candidate shall file a statement of organization for a candidate campaign
12 committee with the secretary of state not later than fifteen days after becoming a
13 candidate pursuant to this chapter. ~~The statement of organization may be filed~~
14 ~~electronically pursuant to § 12-27-41.; and~~

15 (3) If the treasurer for a ballot question committee does not file a statement of
16 organization pursuant to chapter 2-1, the treasurer shall file a statement of
17 organization with the secretary of state not later than fifteen days after the date which
18 the committee made contributions, received contributions, or paid expenses in excess
19 of five hundred dollars. However, if such activity falls within thirty days of any
20 statewide election, the statement of organization shall be filed within forty-eight
21 hours.

22 Any statement of organization may be filed electronically pursuant to § 12-27-41. A political
23 committee that regularly files a campaign finance disclosure statement with another state or the
24 Federal Election Commission or a report of contributions and expenditures with the Internal

1 Revenue Service is not required to file a statement of organization. A violation of this section
2 is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class 1
3 misdemeanor.

4 Section 4. That § 12-27-14 be amended to read:

5 12-27-14. The sale of any property by a political committee shall be reported in the
6 campaign finance disclosure statement. A violation of this section is a Class 1 misdemeanor.

7 Section 5. That § 12-27-21.1 be amended to read:

8 12-27-21.1. Each statement referred to § 12-27-22 shall be signed and submitted by the
9 treasurer of the political committee. The statement shall be received by the secretary of state and
10 submitted by 5:00 p.m. central time on the following dates:

11 (1) Pre-primary report: fifteen days prior to the primary election, for the reporting period
12 commencing with the last report submitted up through and including twenty days
13 prior to the election date;

14 (2) Pre-general report: fifteen days prior to the general election, for the reporting period
15 commencing with the last report submitted up through and including twenty days
16 prior to the election date;

17 (3) Amendments: submitted pursuant to § 12-27-27;

18 (4) Supplemental report: submitted pursuant to § 12-27-28;

19 (5) Year-end report: by the last Friday in January each year, for the reporting period
20 commencing with the last report submitted up through and including December
21 thirty-first of each year; and

22 (6) Termination report: at any time as stated in § 12-27-25;

23 ~~(7)~~ .

24 Pre-primary, pre-general, amendments, supplemental, year-end, and termination reports shall

1 cover the contributions and expenditures since the last report submitted; and

2 ~~—(8)—~~. All required filings under this chapter shall be submitted using the forms as
3 provided by the secretary of state.

4 A violation of this section is a Class 2 misdemeanor. A subsequent offense within a calendar
5 year is a Class 1 misdemeanor.

6 Section 6. That § 12-27-23 be repealed.

7 ~~—12-27-23. If the treasurer for a ballot question committee does not file a statement of
8 organization pursuant to chapter 2-1, the treasurer shall file a statement of organization with the
9 secretary of state not later than fifteen days after the date which the committee made
10 contributions, received contributions, or paid expenses in excess of five hundred dollars.
11 However, if such activity falls within thirty days of any statewide election, the statement of
12 organization shall be filed within forty-eight hours. A ballot question committee that regularly
13 files a campaign finance disclosure statement with another state or the Federal Election
14 Commission or a report of contributions and expenditures with the Internal Revenue Service is
15 not required to file a statement of organization. A violation of this section is a Class 2
16 misdemeanor.~~

17 Section 7. That § 12-27-24 be amended to read:

18 12-27-24. A campaign finance disclosure report shall include the following information:

- 19 (1) The political committee name, mailing address, telephone number, and, if applicable,
20 e-mail address;
- 21 (2) Name, mailing address, telephone number, and, if applicable, an e-mail address, if
22 any of the political committee's treasurer;
- 23 (3) The type of campaign report (pre-primary, pre-general, year-end, amendment,
24 supplement, or termination);

- 1 (4) For any ballot question committee, the ballot question name and whether the
2 committee supports or opposes the ballot question;
- 3 (5) The balance of cash and cash equivalents on hand at the beginning of the reporting
4 period;
- 5 (6) The total amount of all contributions received during the reporting period;
- 6 (7) The total amount of any donated good or service received during the reporting
7 period;
- 8 (8) The total of refunds, rebates, interest, or other income not previously identified
9 during the reporting period;
- 10 (9) The total of expenditures made during the reporting period;
- 11 (10) The cash balance on hand as of the close of the reporting period;
- 12 (11) All contributions of one hundred dollars or less shall either be aggregated and
13 reported as a lump sum or the contributions shall be listed individually. ~~The~~
14 ~~individual contributions of one hundred dollars or less shall be noted on the~~
15 ~~committee's books and a running total of each individual's contributions shall be~~
16 ~~maintained;~~
- 17 (12) The name, mailing address, city, and state of each person making a contribution of
18 more than one hundred dollars in the aggregate during any calendar year and the
19 amount of the contribution. Any contribution from any political committee shall be
20 itemized. Any contribution from a federal political committee or political committee
21 organized outside this state shall also include the name and website address of the
22 filing office where campaign finance disclosure reports are regularly filed for the
23 committee. If any information required by the section is unknown to the political
24 committee, the political committee may not deposit the contribution;

1 (13) Any donated good or service contribution shall contain the same information as for
2 any monetary contribution, and shall also include a description of the donated good
3 or service contribution;

4 ~~(14) Upon the request of the treasurer, any person making a donated good or service~~
5 ~~contribution shall provide all necessary information to the treasurer, including the~~
6 ~~value of the contribution;~~

7 ~~(15) Any monetary or donated good or service contribution made by a political committee~~
8 ~~to any political committee or nonprofit charitable entity shall be itemized;~~

9 ~~(16)~~(15) A categorical description and amount of any refunds, rebates, interest, sale of
10 property, or other receipts not previously identified during the reporting
11 period;

12 ~~(17)~~(16) A categorical description and amount of any funds or donations by any entity
13 to its political committee for establishing and administering the political
14 committee and for any solicitation costs of the political committee;

15 ~~(18)~~(17) Each loan received shall be reported in the same manner as a contribution;

16 ~~(19)~~(18) Each loan repayment shall be reported in the same manner as an expenditure;

17 ~~(20)~~(19) Any expenditure made during the reporting period shall be categorized as
18 disbursements and itemized by expense categories. A miscellaneous expense
19 category is prohibited. Any contribution made by the political committee that
20 is not in exchange for any item of value or service shall be itemized;

21 ~~(21)~~(20) The amount of any independent communication expenditure from a political
22 committee made during the reporting period, and lists the name of the
23 candidate, public office holder, or ballot question related to the independent
24 communication expenditure and a description of the independent

1 communication expenditure;

2 ~~(22)~~(21) The A ballot question committee shall provide the information contained in
3 any statement provided pursuant to § 12-27-19; and

4 ~~(23)~~(22) A certification that the contents of the statement are true and correct signed by
5 the treasurer of the political committee.

6 Section 8. That § 12-27-29 be amended to read:

7 12-27-29. The treasurer of a political committee shall maintain and preserve detailed and
8 accurate records of the following:

9 (1) Each contribution ~~and donated good or service contribution~~ received by the political
10 committee. Any contribution of one hundred dollars or less shall be noted on the
11 political committee's books and a running total of each contributor shall be
12 maintained;

13 (2) Each donated good or service contribution received by the political committee. Upon
14 request of the treasurer, any person making a donated good or service contribution
15 shall provide all necessary information to the treasurer, including the value of the
16 contribution;

17 (3) In the case of a ballot question committee, the information required by § 12-27-19
18 for any entity contribution;

19 ~~(3)~~(4) Each loan received or made by the political committee;

20 ~~(4)~~(5) Each refund, rebate, interest, or other income received by the political committee;

21 ~~(5)~~(6) All receipts, invoices, bills, canceled checks, or other proofs of payment, with an
22 explanation of each, for each expenditure;

23 ~~(6)~~(7) The name and address of any financial institution where an account or depository for
24 the political committee is maintained including the account number.

1 The treasurer shall maintain and preserve the records for a period of seven years or three
2 years past the date of filing the termination statement for the election for which the contribution
3 or expenditure was made, whichever is earlier. A violation of this section is a Class 2
4 misdemeanor. Any subsequent offense within a calendar year is a Class 1 misdemeanor.

5 Section 9. That § 12-27-35 be amended to read:

6 12-27-35. The attorney general shall investigate and prosecute any violation of the
7 provisions of this chapter relating to a legislative office, statewide office, or political committee
8 and prosecute any violation thereof. In lieu of bringing a criminal action, the attorney general
9 may elect to file a civil action. In a civil action, in addition to other relief, the court may impose
10 a civil penalty in an amount not to exceed ten thousand dollars for each violation. Any civil
11 penalty recovered shall be paid to the state general fund. A civil action brought by the attorney
12 general shall be commenced in Hughes County or in the county where the person resides. ~~Any~~
13 ~~violation of this section is a Class 2 misdemeanor. A subsequent offense within a calendar year~~
14 ~~is a Class 1 misdemeanor.~~

15 Section 10. That § 12-27-38 be amended to read:

16 12-27-38. If any candidate is proved in a contest of an election ~~or is proved~~ to have violated
17 any provision of this chapter punishable by a felony, the candidate may not be certified for
18 election or the candidate shall forfeit his or her office. The office shall be declared vacant and
19 shall be filled in the manner provided by law for filling vacancies occasioned by death or
20 resignation.

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

870Z0210

HOUSE BILL NO. Draft 210

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to revise the application of certain penalties concerning
2 violations of the campaign finance laws.

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

4 Section 1. That § 12-27-48 be amended to read:

5 12-27-48. Any person who knowingly makes a false allegation pursuant to § 12-27-47, 23-3-
6 72, or 23-3-73 is guilty of a Class 2 misdemeanor.

7 Section 2. That chapter 12-27 be amended by adding a NEW SECTION to read:

8 Any person who has made a good faith attempt to comply with the requirements of this
9 chapter may not be convicted of a Class 1 or Class 2 misdemeanor under this chapter.

