

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

519R0283

HOUSE BILL NO. 1053

Introduced by: The Committee on Local Government at the request of the Office of the
Secretary of State

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

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

3 Section 1. That subdivision (16) of § 12-27-1 be amended to read as follows:

4 (16) "Organization," any business corporation, limited liability company, nonprofit
5 corporation, limited liability partnership, limited partnership, partnership,
6 cooperative, trust except a trust account representing or containing only a
7 contributor's personal funds, business trust, association, club, labor union, collective
8 bargaining organization, local, state, or national organization to which a labor
9 organization pays membership or per capita fees, based upon its affiliation and
10 membership, trade or professional association that receives its funds from
11 membership dues or service fees, whether organized inside or outside the state, any
12 entity organized in a corporate form under federal law or the laws of this state, or any
13 group of persons acting in concert which is not defined as a political committee or
14 political party in this chapter;

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



1 12-27-3. The treasurer for a political action committee or ballot question committee shall
2 file a statement of organization with the secretary of state not later than fifteen days after the
3 date upon which the committee made contributions, received contributions, or paid expenses
4 in excess of five hundred dollars unless such activity falls within thirty days of any statewide
5 election in which case the statement of organization shall be filed within forty-eight hours. A
6 candidate shall file a statement of organization for a candidate campaign committee with the
7 secretary of state not later than fifteen days after becoming a candidate pursuant to this chapter.
8 Notwithstanding the provisions of § 12-27-41, the statement of organization shall include the
9 original signature of each person filing the statement. A political committee that regularly files
10 a campaign finance disclosure statement with another state or the Federal Election Commission
11 or a report of contributions and expenditures with the Internal Revenue Service is not required
12 to file a statement of organization. A violation of this section is a Class 2 misdemeanor.

13 Section 3. That § 12-27-22 be amended to read as follows:

14 12-27-22. A campaign finance disclosure statement shall be filed with the secretary of state
15 by the treasurer of every:

- 16 (1) Candidate or candidate campaign committee for any statewide or legislative office;
- 17 (2) Political action committee;
- 18 (3) Political party; and
- 19 (4) Ballot question committee.

20 The statement shall be signed and filed by the treasurer of the political committee or
21 political party. The statement shall be received by the secretary of state and filed by 5:00 p.m.
22 each February first and shall cover the contributions and expenditures for the preceding calendar
23 year. The statement shall also be received by the secretary of state and filed by 5:00 p.m. on the
24 second Friday prior to each primary and general election complete through the fifteenth day

1 prior to that election. Any statement filed pursuant to this section shall be consecutive and shall
2 cover contributions and expenditures since the last statement filed.

3 The following are not required to file a campaign finance disclosure statement:

4 (1) A candidate campaign committee for legislative or county office on February first
5 following a year in which there is not an election for the office;

6 (2) A county, local, or auxiliary committee of any political party, qualified to participate
7 in a primary or general election, prior to a statewide primary election;

8 (3) A candidate campaign committee without opposition in a primary election, prior to
9 a primary election;

10 (4) A ballot question committee prior to a primary election unless the committee is
11 involved in a ballot question voted on at the primary;

12 (5) A candidate campaign committee whose name is not on the general election ballot,
13 prior to the general election; and

14 (6) A political committee that regularly files a campaign finance disclosure statement
15 with another state or the Federal Election Commission or a report of contributions
16 and expenditures with the Internal Revenue Service.

17 A violation of this section is a Class 1 misdemeanor.