

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

336D0083

HOUSE BILL NO. 1151

Introduced by: Representatives Volesky, Burg, Chicoine, Fischer-Clemens, Haley, Kazmerzak, Koetzle, Lockner, Lucas, McIntyre, Nachtigal, Sutton (Daniel), and Wilson and Senators Lange, Dunn (Rebecca), Flowers, Kloucek, Moore, Reedy, Symens, and Valandra

1 FOR AN ACT ENTITLED, An Act to prohibit certain candidates for statewide or legislative
2 office from converting campaign contributions to personal or political use and to provide a
3 penalty therefor.

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

5 Section 1. That § 12-25-1 be amended to read as follows:

6 12-25-1. Terms used in §§ 12-25-1 to 12-25-26, inclusive, mean:

- 7 (1) "Ballot question committee," any two or more people who cooperate for the purpose
8 of raising, collecting, or disbursing money for the adoption or defeat of any question
9 submitted to the voters at any election;
- 10 (2) "Candidate for election," any person who has qualified through nomination in a
11 primary election, nomination at a party convention, or by filing a petition as an
12 independent candidate for the general election;
- 13 (3) "Candidate for nomination," any person who has filed a nominating petition for office
14 at any primary election;
- 15 (4) "Candidate's committee," any two or more people who cooperate for the purpose of

1 raising, collecting, or disbursing money to secure the nomination or election of a
2 person to public office;

3 (4A) "Cash," any currency, money order, traveler's check, or other negotiable instrument
4 that does not disclose on its face the true name of the contributor;

5 (5) "Contributions," any valuable consideration, including cash, in whatever form received
6 by any candidate, candidate's committee, incumbent, political party committee, ballot
7 question committee, or political action committee;

8 (6) "Contributions in behalf of an individual candidate," do not include costs incurred
9 without the request or consent of the candidate or ~~his~~ the candidate's agent;

10 (7) "Election expenses," all expenditures of money or other valuable thing in furtherance
11 of the nomination of any person as a candidate for public office, or in furtherance of
12 the election of any person to public office, or to defeat the nomination or election to
13 public office of any person, or in furtherance of or to defeat any constitutional
14 amendment, initiated measure, referred law, or other question submitted to the voters
15 of the whole state;

16 (7A) "Personal use," any expense or use that is not directly connected with the performance
17 of duties or activities as a candidate or public office holder;

18 (8) "Political action committee," any two or more people who cooperate for the purpose
19 of raising, collecting, or disbursing money to influence the outcome of an election and
20 who are not candidates for nomination, candidates for election, a political party, or
21 a candidate's committee;

22 (9) "Political party committee," the state and county central committees of any political
23 party qualified to participate in a primary election, and any auxiliary organizations of
24 such political party committees;

25 (9A) "Political purpose," any expense or use that is intended to influence the outcome of

1 an election:

2 (10) "Public office," every public office to which a person can be elected by vote of the
3 people under the laws of this state; and

4 (11) "State office," the offices of Governor, lieutenant governor, secretary of state,
5 attorney general, state auditor, state treasurer, commissioner of school and public
6 lands, and public utilities commissioner.

7 Section 2. That chapter 12-25 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 No candidate or former candidate for state office or for the Legislature, incumbent in such
10 office, or candidate's committee for such office may convert contributions, including any funds
11 that are received from political parties, political action committees, or party committees, or any
12 interest or other income earned on the contributions to personal use or to use for future political
13 purposes by the candidate, incumbent, or candidate's committee. For purposes of this section,
14 future political purposes means any use for political purposes related to an election to be held
15 after the first general election that follows the date the contribution was received. Any unused
16 contributions shall be donated to a nonprofit, charitable organization that is recognized as an
17 exempt organization under section 501(c)(3) of the United States Internal Revenue Code of
18 1954, as amended to January 1, 2000. A violation of this section is a Class 1 misdemeanor.