

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

384Z0642

## SENATE BILL NO. 128

Introduced by: Senators Haverly, Frerichs, Greenfield (Brock), and Peters and  
Representatives Kaiser, Barthel, Rozum, Turbiville, and Willadsen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding ballot question  
2 committees.

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

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

5 (2) "Ballot question committee," a person or entity that raises, collects, or disburses  
6 contributions for the placement of any one or more ballot ~~question~~ questions on the  
7 ballot or the adoption or defeat of any one or more ballot ~~question~~ questions. A ballot  
8 question committee is not a person or political committee that makes a contribution  
9 to a ballot question committee. A ballot question committee is not an entity that  
10 makes a contribution to a ballot question committee from treasury funds;

11 Section 2. That § 12-27-18 be amended to read:

12 12-27-18. An entity may make a contribution to a ballot question committee organized  
13 solely for the purpose of influencing an election on a one or more ballot ~~question~~ questions and  
14 may make independent communication expenditures regarding the placement of a one or more  
15 ballot ~~question~~ questions on the ballot or the adoption or defeat of a one or more ballot ~~question~~



1 questions. Any entity making expenditures, equal to or exceeding fifty percent of the entity's  
2 annual gross income, for the adoption or defeat of a one or more ballot ~~measure~~ measures is a  
3 ballot question committee. ~~An entity may create a political action committee.~~ A violation of this  
4 section is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class 1  
5 misdemeanor.

6 Section 3. That § 12-27-22 be amended to read:

7 12-27-22. A campaign finance disclosure statement shall be submitted to the secretary of  
8 state. The treasurer of each:

- 9 (1) Candidate or candidate campaign committee for any statewide office shall file a pre-  
10 primary, pre-general, year-end, and, if applicable, supplemental report and  
11 amendments in even numbered years. In odd numbered years shall file a year-end  
12 and, if applicable, amendments. A termination report may be submitted at any time;
- 13 (2) Candidate or candidate campaign committee for a legislative or county office shall  
14 file a pre-primary if the candidate's name appears on the primary election ballot, pre-  
15 general, year-end and, if applicable, supplemental report and amendments in even  
16 numbered years. A termination report may be submitted at any time;
- 17 (3) Statewide political action committee shall file a pre-primary, pre-general, year-end,  
18 and, if applicable, supplemental report and amendments in even numbered years. In  
19 odd numbered years shall file a year-end or, if applicable, amendments. A  
20 termination report may be submitted at any time;
- 21 (4) Statewide political party shall file a pre-primary, pre-general, year-end and, if  
22 applicable, supplemental report and amendments in even numbered years. In odd  
23 numbered years shall file a year-end or amendments, if applicable. A termination  
24 report may be submitted at any time. A political party that loses its status as a

1 qualified party shall file a termination statement by 5:00 p.m. central time the last  
2 Friday in January following the calendar year in which qualified party status was lost;

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

6 (6) Statewide ballot question committee shall file a pre-primary, pre-general, year-end  
7 and, if applicable, supplemental report and amendments in even numbered years. In  
8 odd numbered years shall file a year-end and, if applicable, amendments. A  
9 termination report may be submitted at any time. ~~A~~ If a statewide ballot question  
10 committee:

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

15 ~~(b) For a ballot issue that was on a ballot shall submit a termination report to the~~  
16 ~~secretary of state by 5:00 p.m. central time on the last Friday in January~~  
17 ~~following the calendar year the ballot question was on the ballot does not list~~  
18 ~~any activity on the next required campaign finance report submitted to the~~  
19 ~~secretary of state, that committee has until the next reporting period to report~~  
20 ~~activity. If that committee does not have any activity to report by the next~~  
21 ~~reporting period, the committee shall submit a termination report by that~~  
22 ~~reporting period deadline.~~

23 A campaign finance disclosure statement shall be submitted to the secretary of state by the  
24 treasurer of each committee who shall file the following financial disclosure reports in

1 accordance with the time frames stated in this chapter: pre-primary, pre-general, year-end,  
2 amendment, supplemental, and a termination when a committee is terminating its existence.

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