

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

400Y0310

SENATE BILL NO. 54

Introduced by: The Committee on Legislative Procedure at the request of the Office of the
Secretary of State

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

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

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

5 12-27-1. Terms used in this chapter mean:

6 (1) "Ballot question," any referendum, initiative, proposed constitutional amendment, or
7 other measure submitted to voters at any election;

8 (2) "Ballot question committee," a person or organization that raises, collects, or
9 disburses contributions for the placement of a ballot question on the ballot or the
10 adoption or defeat of any ballot question. A ballot question committee is not a
11 person; or political committee; ~~or political party~~ that makes a contribution to a ballot
12 question committee. A ballot question committee is not an ~~organization~~ entity that
13 makes a contribution to a ballot question committee from treasury funds;

14 (3) "Candidate campaign committee," any entity organized by a candidate to receive
15 contributions to and make expenditures for the candidate. Only one candidate



1 campaign committee may be organized for each candidate, and only one statewide
2 candidate campaign committee may be organized for each candidate. Any candidate
3 may have a legislative and a statewide candidate campaign committee
4 simultaneously;

5 (4) "Candidate," any person who seeks nomination for or election to public office, ~~and~~
6 ~~for the purpose of this chapter a.~~ A person is deemed a candidate if the person raises,
7 collects, or disburses contributions in excess of five hundred one thousand dollars;
8 has authorized the solicitation of contributions or the making of expenditures; or has
9 been certified as a candidate by a political party; has created a candidate campaign
10 committee for the purpose of obtaining public office. ~~The person is also deemed a~~
11 candidate if the person; or has taken all actions required by state law to qualify for
12 nomination for or election to public office;

13 (5) "Clearly identified," the appearance of the name, nickname, a photograph or a
14 drawing of a candidate or public office holder, or the unambiguous reference to the
15 identity of a candidate or public office holder;

16 (6) "Contribution," any gift, advance, distribution, deposit, donated good or service, or
17 payment of money or any other valuable consideration, or any contract, promise or
18 agreement to do so; any discount or rebate not available to the general public; any
19 forgiveness of indebtedness or payment of indebtedness by another person; ~~or the~~ any
20 use of services or property without full payment ~~made~~ or that is provided by any
21 person; or political committee, ~~or political party~~ whose primary business is to provide
22 ~~such~~ services or property, made for the purpose of influencing;

23 (a) The nomination, election, or re-election of any person to public office; or

24 (b) The placement of a ballot question on the ballot or the adoption or defeat of

1 any ballot question ~~submitted~~.

2 The term does not include services provided by a person as a volunteer for or on
3 behalf of any candidate; ~~or political committee, or political party~~, including the free
4 or discounted use of a person's residence ~~or office~~. Nor does the term include the
5 purchase of any item of value or service from any political committee. The purchase
6 price of the item may not exceed the fair market value and may not include an intent
7 to contribute beyond the item's value. A contribution does not include administration
8 ~~and~~ or solicitation of a contribution for a political action committee established by
9 an ~~organization and~~ entity or its associated expenses, nor the use of an ~~organization's~~
10 entity's real or personal property located on its business premises for such purposes.

11 A contribution does not include nominal use of a candidate's real or personal property
12 or nominal use of resources available at a candidate's primary place of business;

13 (7) "County office," any elected office at a county in this state;

14 (8) "Donated good or service," a good or service provided at no charge or for less than
15 fair market value. The term does not include the value of services provided by a
16 person as a volunteer for or on behalf of any candidate or political committee,
17 including the free or discounted use of any person's residence or office;

18 (9) "Entity," any corporation, limited liability company, nonprofit corporation, limited
19 liability partnership, limited liability limited partnership, partnership, cooperative,
20 trust except for a trust account representing or containing only a contributor's
21 personal funds, a business trust, association, club, labor union, or collective
22 bargaining organization; any local, state, or national organization to which a labor
23 organization pays membership or per capita fees, based upon its affiliation or
24 membership; any trade or professional association that receives its funds from

1 membership dues or service fees, whether organized inside or outside the state; any
 2 other entity of any kind, except a natural person, that is, has been, or could be
 3 recognized by the laws of this state; or any group of persons acting in concert that is
 4 not defined as a political committee or political party in this chapter. The term does
 5 not include any candidate, public office holder, or political committee;

6 (10) "Election," any election for public office; any general, special, primary, or runoff
 7 election; and or any election on a ballot question;

8 ~~(9) "Expenditure," includes: any purchase, payment, distribution, loan, advance, deposit,~~
 9 ~~or gift of money or anything of value, made by any person for the purpose of~~
 10 ~~influencing any election, office or ballot initiative, measure, or question; and The~~
 11 ~~term includes a written contract, promise, or agreement to make an expenditure.~~

12 However, the term "expenditure" does not include:

13 ~~(a) A communication appearing in a news story, commentary, or editorial or letter~~
 14 ~~to the editor distributed through the facility of any broadcasting station,~~
 15 ~~newspaper, magazine, or other periodical publication, unless the facility is~~
 16 ~~owned or controlled by any political party, political committee, or candidate;~~

17 ~~(b) Any communication by a person made in the regular course and scope of the~~
 18 ~~person's business or ministry or any communication made by a membership~~
 19 ~~organization solely to members of the organization and the members' families;~~
 20 ~~or~~

21 ~~(c) Any communication that refers to any candidate only as part of the popular~~
 22 ~~name of a bill or statute;~~

23 (10)(11) "Expressly advocate," any communication ~~which~~ that:

24 (a) In context has no other reasonable meaning than to ~~urge~~ encourage the election

1 or defeat of one or more clearly identified candidates, or public office holders,
 2 or the placement of a ballot question on the ballot or the adoption or defeat of
 3 any ballot question ~~by use of~~ using explicit words of advocacy of election or
 4 defeat. The following are examples of words that convey a message of express
 5 advocacy such as: vote, re-elect, support, cast your ballot for, reject, and
 6 defeat; or

7 (b) If taken as a whole and with limited reference to external events, such as the
 8 proximity to the election, may only be interpreted by a reasonable person as
 9 containing advocacy of the election or defeat of one or more clearly identified
 10 candidates; or public office holders, or the placement of a ballot question on
 11 the ballot or the adoption or defeat of any ballot question because:

12 (i) The electoral portion of the communication is unmistakable,
 13 unambiguous, ~~and~~ or suggestive of only one meaning; and

14 (ii) Reasonable minds could not differ as to whether it encourages actions
 15 to elect or defeat one or more clearly identified candidates; or public
 16 office holders, or the placement of a ballot question on the ballot or the
 17 adoption or defeat of any ballot question or encourages some other kind
 18 of action;

19 ~~(11)~~(12) "Immediate family," a spouse of a candidate or public office holder, or a
 20 person under the age of eighteen years who is claimed by the candidate or public
 21 office holder or that candidate's or public office holder's spouse as a dependent for
 22 federal income tax purposes, or any relative within the third degree of kinship of the
 23 candidate or the candidate's spouse, and any spouse of those relatives;

24 (13) "Independent communication expenditure," any expenditure, including the payment

1 of money or exchange of other valuable consideration or promise, for a
2 communication made by a person, organization, entity, or political committee, or
3 political party which is not a contribution and which:

4 ~~———— (a) Refers to a clearly identified candidate for state or local elective office or the~~
5 ~~placement of a ballot question on the ballot or the adoption or defeat of any~~
6 ~~ballot question; and~~

7 ~~———— (b) Is made without arrangement, cooperation, or consultation between any~~
8 ~~candidate or any authorized committee or agent of a candidate and the person~~
9 ~~making the expenditure or any authorized agent of that person, and is not~~
10 ~~made in concert with or at the request or suggestion of any candidate or any~~
11 ~~authorized committee or agent of the candidate; and~~

12 ~~———— (c) Satisfies at least one of the following standards: Contains express advocacy,~~
13 ~~or its functional equivalent, of the election or defeat of a clearly identified~~
14 ~~candidate for office; or is disseminated, broadcast or otherwise published~~
15 ~~within sixty days of the election sought by a candidate, mentions a candidate~~
16 ~~and targets the candidate's relevant electorate;~~

17 ~~———— The term "independent expenditure" does not include: a communication appearing~~
18 ~~in a news story, commentary, or editorial or letter to the editor distributed through the~~
19 ~~facilities of any broadcasting station, newspaper, magazine, or other periodical~~
20 ~~publication, unless such facilities are owned or controlled by any political party,~~
21 ~~political committee, or candidate; a communication by a person made in the regular~~
22 ~~course and scope of the person's business or ministry or any communication made by~~
23 ~~a membership organization solely to members of the organization and the members'~~
24 ~~families; or any communication that refers to any candidate only as part of the~~

1 ~~popular name of a bill or statute~~ for a communication concerning a candidate or a
 2 ballot question that is not made to, controlled by, coordinated with, requested by, or
 3 made upon consultation with a candidate, political committee, or agent of a candidate
 4 or political committee. The term does not include administration or solicitation of
 5 any contribution for a political action committee established by an entity and
 6 associated expenses, nor the use of an entity's real or personal property located on its
 7 business premises for such purposes. The term does not include any communication
 8 by a person made in the regular course and scope of the person's business or ministry,
 9 or any communication by a person made in the regular course and scope of the
 10 person's business or ministry, or any communication made by a membership
 11 organization solely to a member of the organization and the member's family;

12 ~~(12)~~ ~~"In-kind contribution," the value of a good or service provided at no charge or for~~
 13 ~~less than its fair market value. The term does not include the value of services~~
 14 ~~provided by a person as a volunteer for or on behalf of any candidate, political~~
 15 ~~committee, or political party, including the free or discounted use of any person's~~
 16 ~~residence or office;~~

17 ~~(14)~~ "Itemize," creating a detailed list including any amount spent; the purpose of the
 18 expense; the recipient of the amount spent; any person, entity, or committee on which
 19 the expense was made or to whom the expense was donated; the contributor's name
 20 and mailing address;

21 ~~(13)~~(15) "Legislative office," the Senate and the House of Representatives of the South
 22 Dakota Legislature;

23 ~~(14)~~(16) "Loan," a transfer of money, property, guarantee, or anything of value in
 24 exchange for an obligation, conditional or not, to repay in whole or part. ~~The~~

1 outstanding amount of a loan not made in the ordinary course of business and
2 at a usual and normal interest rate is a contribution until repaid;

3 (15)(17) "National political party," the organization which is responsible for the day-to-
4 day operation of a political party at the national level, as determined by the
5 Federal Election Commission;

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

17 (18) "Mailing address," any street or post office box number, city, state, and zip code;

18 (17)(19) "Person," a natural person, an individual;

19 (18)(20) "Political action committee," a any person or organization that raises, collects
20 or disburses contributions to influence the outcome of an election and who is
21 not a candidate, public office holder, candidate campaign committee, ballot
22 question committee, or a political party. A political action committee is not
23 any:

24 (a) Person ~~that~~ who makes a contribution to a political committee or political

1 party from that person's own funds; or

2 (b) ~~Organization-Entity~~ that makes a contribution to a ballot question committee
3 from treasury funds;

4 ~~(19)~~(21) "Political committee," any candidate campaign committee, political action
5 committee, political party or ballot question committee;

6 ~~(20)~~(22) "Political party," any state or county political party qualified to participate in
7 a primary or general election, including any auxiliary organization of such
8 political party. An auxiliary organization is any organization designated as an
9 auxiliary organization in ~~the~~ a political party's bylaws or constitution except
10 any auxiliary organization that only accepts contributions to support volunteer
11 activities of the organization and does not make monetary or ~~in-kind~~
12 ~~contributions~~ donated good or service or any independent communication
13 expenditures to any political committee except a political party;

14 ~~(21)~~(23) "Public office," any statewide office, legislative office, or county office;

15 ~~(21A)~~ "Qualified contribution," a contribution made by a natural person resident of the state
16 that is not, in the aggregate, in excess of two hundred and fifty dollars to a candidate
17 for legislative office or in excess of five hundred dollars to a candidate for statewide
18 office;

19 ~~(22)~~ "Recognized business entity," any:

20 ~~(a)~~ Domestic corporation, limited liability company, nonprofit corporation,
21 limited liability partnership, or cooperative duly registered with the secretary
22 of state as of the first day of January of the current calendar year, and which
23 is currently in good standing;

24 ~~(b)~~ Foreign corporation, limited liability company, nonprofit corporation, limited

1 liability partnership, or cooperative duly registered with the secretary of state
 2 as of the first day of January of the current calendar year, and which is
 3 currently in good standing; or

4 ~~_____ (c) Entity organized in a corporate form under federal law.~~

5 ~~_____ The term "recognized business entity" does not include a political committee or~~
 6 ~~political party or an organization which was established by or is controlled, in whole~~
 7 ~~or in part, by a candidate, political committee, or agent of a candidate or political~~
 8 ~~committee;~~

9 (24) "Restricted funds," funds originating with a person or entity and contributed to any
 10 political committee;

11 (25) "Sourced," to record the origination of any contribution and to account for the
 12 contribution in accordance with generally accepted accounting principles;

13 ~~(23)~~(26) "Statewide office," the ~~offices~~ office of Governor, lieutenant governor,
 14 secretary of state, attorney general, state auditor, state treasurer, commissioner
 15 of school and public lands, ~~and~~ or public utilities commissioner;

16 ~~(23A)~~(27) "Treasurer," any person who is designated to be responsible for any required
 17 filing to be made by a committee under this title, or any person who may be
 18 responsible for any monetary penalty assessed pursuant to this chapter. If a candidate
 19 is not the treasurer of the candidate campaign committee, the penalty of a candidate
 20 being decertified remains. Notwithstanding any other law, a candidate is jointly and
 21 severally liable with the treasurer of the candidate campaign committee for any
 22 monetary fine or penalty imposed under this chapter;

23 (28) "Treasury funds," funds of an organization that were any entity not raised or collected
 24 from any other source for the purpose of influencing a ballot question;

1 ~~(24)~~(29) "Volunteer," a any person who provides ~~person's own personal~~ services free
2 of charge without remuneration.

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

4 12-27-2. A political committee shall have and continually maintain a chair and a treasurer,
5 which may be the same person as the chair; the candidate, if any; or any other officer. One
6 person may serve as chair, candidate, and treasurer or any combination thereof. ~~The chair and~~
7 ~~treasurer for a candidate campaign committee shall be appointed by the candidate, and the~~
8 ~~candidate may serve as either, or both, such officers.~~ No political committee may receive or
9 make contributions or pay expenses while the office of treasurer is vacant. A violation of this
10 section is a ~~Class 2~~ Class 1 misdemeanor.

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

12 12-27-3. The treasurer ~~for~~ of a political ~~action~~ committee shall file a statement of
13 organization with the secretary of state not later than fifteen days ~~after~~ following the date upon
14 which the committee made contributions, received contributions, or paid expenses in excess of
15 ~~five hundred~~ one thousand dollars. ~~However, if such~~ If any activity under this section falls
16 within thirty days of any statewide election, the statement of organization shall be filed within
17 forty-eight hours. ~~A~~ Notwithstanding any provision of this section, a candidate shall file a
18 statement of organization for a candidate campaign committee with the secretary of state not
19 later than fifteen days after becoming a candidate pursuant to this chapter. The statement of
20 organization may be filed electronically pursuant to § 12-27-41. ~~A~~ Any political committee that
21 regularly files a campaign finance disclosure statement with another state or the Federal Election
22 Commission or a report of contributions and expenditures with the Internal Revenue Service is
23 not required to file a statement of organization. A violation of this section is a ~~Class 2~~ Class 1
24 misdemeanor.

1 Section 4. That § 12-27-6 be amended to read:

2 12-27-6. The statement of organization shall include:

3 (1) The name, street address, ~~postal~~ mailing address, if different from the street address,
4 and ~~daytime~~ telephone number of the committee;

5 (2) The name, street address, ~~postal~~ mailing address, if different from the street address,
6 and ~~daytime~~ telephone number of the chair and the treasurer of the committee;

7 (3) A statement of the type of political committee that has been or is being organized;

8 (4) In the case of a candidate campaign committee, the ~~committee~~ name, street address,
9 ~~and name and postal~~ and mailing address, ~~the candidate~~ if different from the street
10 address; and

11 (5) In the case of a political action committee or ballot question committee, a concise
12 statement of its purpose and goals, and the full name, street address, and ~~postal~~
13 mailing address, if different from the street address, of the ~~organization~~ entity with
14 which the committee is connected or affiliated, or if the committee is not connected
15 or affiliated with any one ~~organization~~ entity, the trade, profession, or primary
16 interest of the committee.

17 The statement shall be signed by the candidate and treasurer for a candidate campaign
18 committee and by the chair and treasurer for other political committees ~~or~~ and filed
19 ~~electronically pursuant to~~ in accordance with § 12-27-41. A political committee continues to
20 exist until a termination statement is filed pursuant to §§ 12-27-25 and 12-27-26.

21 The treasurer of a political committee shall file an updated statement of organization not
22 later than fifteen days after any change in the information contained on the most recently filed
23 statement of organization.

24 Any correspondence regarding any reporting ~~deadlines~~ deadline, ~~delinquent reports~~ report,

1 administrative ~~penalties, and penalty, or administrative hearings~~ hearing may only be sent to the
2 treasurer listed on the most current statement of organization on file.

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

4 ~~12-27-7. No candidate for governor, or the candidate's campaign committee, may accept~~
5 ~~contributions from a person or political committee which in the aggregate from one source~~
6 ~~exceeds four thousand dollars during any calendar year, or contributions from a political party~~
7 ~~which in the aggregate from one source exceeds forty thousand dollars during any calendar year.~~

8 ~~— No candidate for attorney general or lieutenant governor, or the candidate's campaign~~
9 ~~committee, may accept contributions from a person or political committee which in the~~
10 ~~aggregate from one source exceeds two thousand dollars during any calendar year, or~~
11 ~~contributions from a political party which in the aggregate from one source exceeds twenty~~
12 ~~thousand dollars during any calendar year.~~

13 ~~— No candidate for secretary of state, state auditor, state treasurer, commissioner of school and~~
14 ~~public lands, or public utilities commissioner, or the candidate's campaign committee, may~~
15 ~~accept contributions from a person or political committee which in the aggregate from one~~
16 ~~source exceeds one thousand dollars during any calendar year, or contributions from a political~~
17 ~~party which in the aggregate from one source exceeds ten thousand dollars during any calendar~~
18 ~~year.~~

19 ~~— No candidate for statewide office may accept a contribution from a ballot question~~
20 ~~committee.~~

21 ~~— Funds received by a candidate or candidate's campaign committee by way of redemption of~~
22 ~~a democracy credit are considered a contribution from the person who assigned the democracy~~
23 ~~credit to the candidate. If a contributor is a person or an entity, no candidate for statewide office~~
24 ~~or the candidate's campaign committee may accept any contribution that in the aggregate~~

1 exceeds four thousand dollars during any calendar year. A candidate campaign committee may
2 accept contributions from any candidate campaign committee, political action committee, entity,
3 or political party. The limitation on any contribution from a person in this section does not apply
4 to any contribution by the candidate ~~to the candidate's campaign committee~~ or the candidate's
5 immediate family. A violation of this section is a Class 1 misdemeanor.

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

7 12-27-8. ~~No~~ If the contributor is a person or entity, no candidate for legislative or county
8 office or the candidate's campaign committee may accept ~~contributions from a person or~~
9 ~~political committee which in the aggregate from one source exceeds seven hundred and fifty~~
10 ~~dollars during any calendar year, or contributions from a political party which in the aggregate~~
11 ~~from one source exceeds five thousand dollars during any calendar year.~~

12 ~~— No candidate for legislative or county office may accept a contribution from a ballot~~
13 ~~question committee.~~

14 ~~— Funds received by a candidate or candidate's campaign committee by way of redemption of~~
15 ~~a democracy credit are considered a contribution from the person who assigned the democracy~~
16 ~~credit to the candidate~~ any contribution that in the aggregate exceeds one thousand dollars
17 during any calendar year. A candidate campaign committee may only accept contributions from
18 any candidate campaign committee, entity, political action committee, or political party.

19 The limitation on any contribution from a person in this section does not apply to any
20 contribution by the candidate ~~to the candidate's campaign committee~~ or the candidate's
21 immediate family. A violation of this section is a Class 1 misdemeanor.

22 Section 7. That § 12-27-9 be amended to read:

23 12-27-9. ~~No~~ If the contributor is a person or an entity, no political action committee may
24 accept any contribution ~~from a person, organization, political committee or political party which~~

1 ~~that~~ in the aggregate ~~from a single source~~ exceeds ~~two~~ ten thousand dollars during any calendar
2 year. A political action committee may ~~not~~ also accept contributions from ~~a ballot question~~
3 ~~committee~~ any candidate campaign committee, political action committee, or political party. A
4 violation of this section is a Class 1 misdemeanor.

5 Section 8. That § 12-27-10 be amended to read:

6 12-27-10. ~~No~~ If the contributor is a person or an entity, no political party may accept any
7 contribution ~~from a person or political committee which~~ that in the aggregate ~~from a single~~
8 ~~source~~ exceeds ~~five~~ ten thousand dollars during any calendar year. A political party may ~~not~~ also
9 accept contributions from ~~a ballot question committee~~ any candidate campaign committee,
10 entity, political action committee, or political party. A violation of this section is a Class 1
11 misdemeanor.

12 Section 9. That § 12-27-11 be amended to read:

13 12-27-11. No person, ~~organization~~ entity, candidate, or political committee, ~~or political party~~
14 may give or accept a contribution unless the name and ~~residence~~ mailing address of the
15 contributor is made known to the ~~recipient of~~ person, entity, candidate, or political committee
16 receiving the contribution. In the case of an entity or a political committee, the street address
17 or post office box, city, and state of the contributor shall be made known to the candidate or
18 political committee receiving the contribution. Any contribution, money, or other thing of value
19 received by a candidate; ~~or political committee, or political party~~ from an unknown source shall
20 be donated to a nonprofit charitable ~~organization~~ entity. ~~No person, organization, candidate,~~
21 ~~political committee, or political party~~ may accept from a person a contribution of more than five
22 hundred dollars in the aggregate in a calendar year unless the occupation and current employer
23 of that person disclosed to the recipient at the time the contribution is made. A violation of this
24 section is a ~~Class 2~~ Class 1 misdemeanor.

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

2 12-27-12. No person or ~~organization~~ entity may make a contribution in the name of another
3 person or ~~organization~~ entity, make a contribution disguised as a gift, make a contribution in a
4 fictitious name, make a contribution on behalf of another person or ~~organization~~ entity, or
5 knowingly permit another to use that person's or ~~organization's~~ entity's name to make a
6 contribution. No candidate may knowingly accept a contribution disguised as a gift. ~~This section~~
7 ~~does not prohibit a person from assigning a democracy credit to a participating candidate,~~
8 ~~pursuant to §§ 12-28-17, 12-28-18, and 12-28-20 and commission regulation, or prohibit a~~
9 ~~participating candidate from redeeming a democracy credit, pursuant to § 12-28-30 and~~
10 ~~commission regulation.~~ A violation of this section is a ~~Class 1~~ Class 2 misdemeanor.

11 Section 11. That § 12-27-13 be amended to read:

12 12-27-13. ~~A contribution or receipt is considered to be converted to personal use if the~~
13 ~~contribution or amount is used to fulfill any commitment, obligation, or expense of a person that~~
14 ~~would exist irrespective of the candidate's election campaign, person's duties as a holder of~~
15 ~~elective office, or political committee's political activities, including but not limited to a home~~
16 ~~mortgage, rent, or utility payment; a clothing purchase; a noncampaign-related automobile~~
17 ~~expense; a country club membership; a vacation or other noncampaign-related trip; a household~~
18 ~~food item; a tuition payment; admission to a sporting event, concert, theater, or other form of~~
19 ~~entertainment not associated with an election campaign; and dues, fees, and other payments to~~
20 ~~a health club or recreational facility.~~

21 ~~—Equipment, supplies, and materials purchased with contributions are property of the political~~
22 ~~committee or political party, and are not property of the candidate or any other person.~~

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

24 12-27-15. Any printed material or communication made, purchased, paid for, or authorized

1 by a candidate; or political committee that disseminates information concerning a candidate,
2 public office holder, ballot question, or political party shall prominently display or clearly speak
3 the following statement: "Paid for by (Name name of candidate, political committee, or political
4 party)." If the communication is made, purchased, paid for, or authorized by a political
5 committee or political party, the communication shall also state whether or not the
6 communication was authorized by or coordinated with any candidate and the name of any
7 candidate who authorized the communication or with whom the communication was
8 coordinated. This section does not apply to buttons, balloons, pins, pens, matchbooks, clothing,
9 or similar small items upon which the inclusion of the statement would be impracticable. A
10 violation of this section is a Class 1 misdemeanor.

11 Section 13. That § 12-27-16 be amended to read:

12 12-27-16. The following apply to independent communication expenditures by persons and
13 ~~organizations~~ entities related to communications concerning candidates, public office holders,
14 ballot questions, or political parties who are not controlled by, coordinated with, requested by,
15 or made upon consultation with a candidate, political committee, or agent of a candidate or
16 political committee:

17 (1) Any person or ~~organization that makes~~ entity making a payment or promise of
18 payment totaling more than one hundred dollars ~~or more~~, including ~~an in-kind~~
19 ~~contribution~~ a donated good or service, for an independent ~~expenditure~~
20 communication that concerns a candidate, public office holder, ballot question, or
21 political party shall append to or include in each communication a disclaimer that
22 clearly and ~~conspicuously~~ forthrightly:

23 (a) Identifies ~~the name and address or website of the person or organization~~ entity
24 making the independent communication or expenditure for that

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communication;

(b) States the street or mailing address and website address, if any, of the person or entity;

(c) States that the communication is an independent expenditure and not made in consultation or coordination with any candidate, or any authorized committee or agent of the candidate political party, or political committee; and

(d) If the an independent communication expenditure is undertaken by an organization the communication entity not including a candidate, public office holder, or political party, the following notation must also include a clear and conspicuous statement entitled be included: "Top Five Contributors" followed by Contributors," including a listing of the names of the five persons making the largest contributions in aggregate to the organization entity during the twelve months preceding that communication.

A violation of this subdivision is a Class 1 misdemeanor;

(2) Any person or ~~organization that makes~~ entity making a payment or promise of payment of ~~for an independent expenditure aggregating~~ more than one hundred dollars ~~or more in any calendar year, including an in-kind contribution, any donated good or service, for a communication described in subdivision (1) shall file by electronic transmission a statement with the secretary of state within forty-eight hours of the time that the payment or promise of payment is made and each time any additional payment or promise of payment aggregating one-hundred dollars or more is made. The statement for each person or organization shall include:~~

~~(a) The name, street address, city, and state of the person or organization and any expenditures made for the independent expenditure during that calendar year,~~

1 but not yet reported on a prior statement;

2 ~~(b) The elections to which the independent expenditures pertain and name of~~
3 ~~candidate, ballot question, or political party identified in each independent~~
4 ~~expenditure;~~

5 ~~(c) The amount spent on each independent expenditure, as well as the name, street~~
6 ~~address, city, and state of the person or organization paid; and~~

7 ~~(d) Whether the independent expenditure was for or against the candidate, ballot~~
8 ~~question, or political party~~

9 ~~(e) For an organization, the full name, residence address including city and state,~~
10 ~~occupation, name of employer, and aggregate amount of the payment of each~~
11 ~~person whose funds were used for the independent expenditure. The identity~~
12 ~~of the person or persons whose funds were used for the independent~~
13 ~~expenditures shall be determined in the following manner. Any person or~~
14 ~~persons who made payments in the aggregate in excess of \$100 during that~~
15 ~~calendar year pursuant to an agreement or understanding that person's funds~~
16 ~~would be used for an independent expenditure shall be identified. A person's~~
17 ~~payment can only be credited to all independent expenditures up to the amount~~
18 ~~given in the calendar year. If the funds identified pursuant to this subdivision~~
19 ~~are insufficient to cover the cost of the independent expenditure, the~~
20 ~~organization shall report its donors utilizing a "last in, first out" accounting~~
21 ~~method, reporting donors in reverse chronological order beginning with the~~
22 ~~most recent of its donors or, if there are any prior payments or expenditures,~~
23 ~~beginning with the most recent donor for which unattributed payments remain,~~
24 ~~until the full amount expended for the independent expenditure is accounted~~

- 1 for: communication is disseminated, broadcast, or otherwise published;
- 2 (3) ~~For an organization, the statement shall also include the name and title of the person~~
3 ~~filing the report, the name of its chief executive, if any, and the name of the person~~
4 ~~who authorized the expenditures on behalf of the organization~~ The statements
5 required by this section shall identify the person or entity making the expenditure,
6 including the street or mailing address of the person or entity; if an entity, the street
7 or mailing address and website address, if any; and any expenditures made for
8 communications described in subdivision (1) during the current calendar year but not
9 yet reported on a prior statement, the name of each candidate, public office holder,
10 ballot question, or political party mentioned or identified in each communication, the
11 amount spent on each communication, and a description of the content of each
12 communication. For any entity, the statement shall also include the name and title of
13 the person filing the report, the name of its chief executive, if any, and the name of
14 the person who authorized the expenditure on behalf of the entity;
- 15 (4) ~~For an organization~~ entity whose majority ownership is owned by, controlled by, held
16 for the benefit of, or comprised of twenty or fewer persons, partners, owners, trustees,
17 beneficiaries, participants, members, or shareholders, the statement shall ~~also~~ identify
18 by name and address each person, partner, owner, trustee, beneficiary, participant,
19 shareholder, or member who owns, controls, or comprises ten percent or more of the
20 ~~organization~~ entity;
- 21 (5) ~~An organization shall also provide~~ For an entity, supplemental statements, as defined
22 in subdivision ~~(2)~~ (3), for any of its partners, owners, trustees, beneficiaries,
23 participants, members, or shareholders identified pursuant to subdivision (4) ~~which~~
24 that are owned by, controlled by, held for the benefit of, or comprised of twenty or

1 fewer persons, partners, owners, trustees, beneficiaries, participants, members, or
2 shareholders, until no organization identified in the supplemental statements meets
3 the ownership test set forth in subdivision (4);

4 (6) An independent communication expenditure made by a person or entity shall include:
5 "This communication is independently funded and not made in consultation with any
6 candidate or political committee." If the independent communication expenditure is
7 undertaken by an entity, not including a candidate, public office holder, or political
8 committee, the expenditure shall also include: "Top Five Contributors," followed by
9 a listing of the names of the five persons making the largest contributions or the
10 entity during the twelve months preceding the communication; and

11 (7) For purposes of this section, the term, communication, does not include any:

12 (a) News article, editorial endorsement, opinion or commentary writing, or letter
13 to the editor printed in a newspaper, magazine, flyer, pamphlet, or other
14 periodical not owned or controlled by a candidate or political committee;

15 (b) Editorial endorsement or opinion aired by a broadcast facility not owned or
16 controlled by a candidate or political committee;

17 (c) Communication by a person made in the regular course and scope of the
18 person's business or ministry or any communication made by a membership
19 entity solely to members of the entity and the members' families;

20 (d) Communication that refers to any candidate only as part of the popular name
21 of a bill or statute; or

22 (e) Communication used for the purpose of polling the poll question does not
23 expressly advocate for or against a candidate, public office holder, ballot
24 question, or political party.

1 Section 14. That § 12-27-17.1 be amended to read:

2 12-27-17.1. Any political committee, ~~organization, entity, or person, or political party that~~
3 ~~makes~~ making a communication as defined in § 12-27-17, which does not expressly advocate
4 for or against a candidate, public office holder, ballot question, or political party, other than an
5 independent communication expenditure, shall append to or include in each communication a
6 disclaimer that:

- 7 (1) Identifies the political committee, ~~organization~~ entity, person, or political party
8 making the communication; and
- 9 (2) States the address or website address, if any, of the political committee, ~~organization~~
10 entity, person, or political party.

11 ~~If the communication is an independent expenditure made by a person or organization, then~~
12 ~~the disclaimer shall include the following: "This communication is independently funded and~~
13 ~~not made in consultation with any candidate, political party, or political committee." If the~~
14 ~~independent expenditure is undertaken by an organization not including a candidate, public~~
15 ~~office holder, political party, or political committee, then the following notation must also be~~
16 ~~included: "Top Five Contributors" followed by a listing of the names of the five persons making~~
17 ~~the largest contributions to an organization during the twelve months preceding that~~
18 ~~communication. Any person or entity making a communication under this section has the same~~
19 ~~reporting requirement as provided under § 12-27-16. Any political committee making a~~
20 ~~communication under this section shall include the communication as an expenditure on the~~
21 ~~appropriate form.~~

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

23 Section 15. That § 12-27-18 be amended to read:

24 12-27-18. ~~No organization~~ Any entity may make a contribution to a candidate committee

1 or political party with the same contribution limit prescribed under this chapter for a person. ~~An~~
 2 ~~organization~~ Any entity may make a contribution to a ballot question committee organized
 3 solely for the purpose of influencing an election on a ballot question and independent
 4 communication expenditures regarding the placement of a ballot question on the ballot or the
 5 adoption or defeat of a ballot question. Any ~~organization~~ entity making expenditures, equal to
 6 or exceeding fifty percent of the organization's annual gross income, for the adoption or defeat
 7 of a ballot measure is a ballot question committee. ~~An organization~~ Any entity may create a
 8 political action committee. A violation of this section is a Class 1 misdemeanor.

9 Section 16. That § 12-27-18.1 be amended to read:

10 12-27-18.1. A ballot question committee may only accept contributions from a person,
 11 ~~organization, entity, or political action~~ committee, or political party. A violation of this section
 12 is a Class 1 misdemeanor.

13 Section 17. That § 12-27-19 be amended to read:

14 12-27-19. Before making a contribution to a ballot question committee pursuant to § 12-27-
 15 18, an organization shall provide to the ballot question committee the following:

16 (1) ~~A statement that the organization is filed as a domestic or foreign entity in good~~
 17 ~~standing with the Office of the Secretary of State of this state~~ The name or fictitious
 18 name of the entity;

19 (2) ~~A statement that the organization is filed as an entity in good standing with another~~
 20 ~~jurisdiction, and setting forth the following:~~

21 ~~_____ (a) The name of the organization;~~

22 ~~_____ (b) The name of the state or nation under whose law the organization is~~
 23 ~~incorporated or organized; and~~

24 ~~_____ (c) The street address of the organization's principal office; or~~ The street or

1 mailing address of the entity's principal office;

2 (3) ~~If neither of the above apply, a statement providing:~~

3 ~~———— (a) The name of the organization;~~

4 ~~———— (b) The street address of the organization's principal office;~~

5 ~~———— (c) The name and street address of the person authorizing the contribution; and~~

6 ~~———— (d) The name and street address of every owner, director, and officer of the~~

7 ~~organization. The name and street or mailing address of the person authorizing~~

8 ~~the contribution;~~

9 (4) The name and street or mailing address of every owner, director, and officer of the

10 entity.

11 Before contributing more than ten thousand dollars in the aggregate during any calendar year

12 to a ballot question committee pursuant to § 12-27-18, an ~~organization~~ entity shall provide to

13 the ballot question committee a sworn written statement made by ~~the president and treasurer~~ an

14 officer, whose title shall be disclosed, of the ~~organization~~ entity declaring and affirming, under

15 the penalty of perjury, the following:

16 (1) The name and street or mailing address of every person who owns ten percent or

17 more of the ~~organization~~ entity, has provided ten percent or more of the

18 organization's gross receipts, including capital contributions, in the current or

19 preceding year, or has provided ten percent or more of the funds being contributed

20 to the ballot question committee; and

21 (2) That no part of the contribution was raised or collected by the ~~organization~~ entity for

22 the purpose of influencing the ballot question.

23 A ballot question committee shall disclose in its applicable campaign financial disclosure

24 statement or supplement statement all information received from ~~an organization~~ any entity

1 pursuant to this section. No ballot question committee may accept any contribution from an
2 ~~organization~~ any entity not preceded or accompanied by the statements required by this section.

3 Except as provided by § 22-29-1, violation of this section is a Class 1 misdemeanor.

4 Section 18. That § 12-27-21 be amended to read:

5 12-27-21. No candidate; or political committee; ~~or political party~~ may accept any
6 contribution from any state, state agency, political subdivision of the state, foreign government,
7 Indian tribal entity as defined in the Federal Register Vol. 72, No. 55 as of March 22, 2007,
8 federal agency, or the federal government. ~~This section does not prohibit a candidate or~~
9 ~~candidate's campaign committee from redeeming or accepting a democracy credit pursuant to~~
10 ~~§§ 12-28-15 to 12-28-34, inclusive.~~ A violation of this section is a Class 1 misdemeanor.

11 Section 19. That § 12-27-22 be amended to read:

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

- 14 (1) Candidate or candidate campaign committee for any statewide or legislative office;
- 15 (2) ~~Political~~ Statewide political action committee;
- 16 (3) ~~Statewide, county, local, or auxiliary committee of any political party~~ Political party,
17 including any county political party or auxiliary organization;
- 18 (4) Statewide ballot question committee;
- 19 (5) ~~Candidate or candidate committee for any statewide or legislative office whose name~~
20 ~~appears on the primary ballot, but does not appear on the general election ballot, shall~~
21 ~~submit a campaign finance disclosure statement, or termination report, which shall~~
22 ~~be received by the secretary of state by 5:00 p.m. on the second Friday of August~~
23 ~~following that primary election; and~~
- 24 ~~(6) Statewide ballot question committee that does not meet the signature requirements~~

1 for placement of the ballot issue on the general election ballot, shall submit a
2 termination report to the secretary of state by 5:00 p.m. central time on the ~~first~~
3 ~~Monday in February~~ second Tuesday in January following the year the statement of
4 organization was submitted to the secretary of state;

5 (6) Statewide ballot question committee for a ballot issue that was on a ballot shall
6 submit a termination report to the secretary of state by 5:00 p.m. central time on the
7 second Tuesday in January following the calendar year during which the ballot
8 question appeared on the ballot; and

9 (7) Political party that loses its status as a qualified party shall file a termination
10 statement on or before 5:00 p.m. central time the second Tuesday in January
11 following the calendar year during which the qualified party status was lost.

12 A campaign finance disclosure statement shall be submitted to the secretary of state by the
13 treasurer of any committee that files in accordance with this chapter: pre-primary, pre-general,
14 year-end, amendment, supplemental, or a termination report.

15 Any county party or auxiliary organization shall file only the following financial disclosure
16 reports in accordance with the time frames of this chapter: pre-general, amendments,
17 supplemental, or a termination report. County parties and auxiliary organizations are exempt
18 from all other reports.

19 ~~The~~ Any statement required under this section shall be signed and submitted by the treasurer
20 of the political committee ~~or political party~~. The statement shall be received by the secretary of
21 state and submitted by 5:00 p.m. central time on the ~~first Monday of February~~ and shall ~~cover~~
22 ~~the contributions and expenditures for the preceding calendar year. The statement shall also be~~
23 ~~received by the secretary of state and submitted by 5:00 p.m. on the second Friday prior to each~~
24 ~~primary and general election complete through the fifteenth day prior to that election. Each~~

1 ~~statewide ballot question committee shall submit a termination report by 5:00 p.m. no later than~~
2 ~~the first Monday in February following the year the ballot question was on the ballot. Any~~
3 ~~statement submitted pursuant to this section shall be consecutive and shall cover contributions~~
4 ~~and expenditures since the last statement submitted following dates:~~

5 (1) Pre-primary: fifteen days prior to the primary election for the reporting period
6 commencing from the date of the last report submitted and including the twenty days
7 prior to the date of the election;

8 (2) Pre-general: fifteen days prior to the general election for the reporting period
9 commencing from the date of the last report submitted and including the twenty days
10 prior to the date of the election;

11 (3) Amendments: in accordance with § 12-27-27;

12 (4) Supplemental: in accordance with § 12-27-28;

13 (5) Year-end: first Tuesday in December each year for the reporting period commencing
14 from the date of the last report submitted and including November twenty-fifth of
15 each year; and

16 (6) Termination reports: as applicable, excluding any ballot question committee or any
17 political party that lost its status as a qualified party.

18 Pre-primary, pre-general, amendments, supplemental, year-end, and termination reports shall
19 cover the contributions and expenditures since any previously submitted statement.

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

21 ~~—(Text of section effective January 1, 2018) A campaign finance disclosure statement shall~~
22 ~~be filed with the secretary of state by the treasurer of every:~~

23 ~~—(1) Candidate or candidate campaign committee for any statewide or legislative office;~~

24 ~~—(2) Political action committee;~~

1 ~~—(3)— Political party; and~~

2 ~~—(4)— Ballot question committee.~~

3 ~~—(5)— Candidate or candidate committee for any statewide or legislative office whose name~~
4 ~~appears on the primary ballot, but does not appear on the general election ballot, shall~~
5 ~~submit a campaign finance disclosure statement, or termination report, which shall~~
6 ~~be received by the secretary of state by 5:00 p.m. on the second Friday of August~~
7 ~~following that primary election.~~

8 ~~—The statement shall be signed and filed by the treasurer of the political committee or~~
9 ~~political party. The statement shall be received by the secretary of state and filed by 5:00 p.m.~~
10 ~~each February first and shall cover the contributions and expenditures for the preceding calendar~~
11 ~~year. The statement shall also be received by the secretary of state and filed by 5:00 p.m. on the~~
12 ~~fifth Tuesday before each primary and general election complete through the fiftieth day prior~~
13 ~~to that election. The statement shall also be received by the secretary of state and filed by 5:00~~
14 ~~p.m. on the second Friday prior to each primary and general election complete through the~~
15 ~~fifteenth day prior to that election. The statement shall also be received by the secretary of state~~
16 ~~and filed by 5:00 p.m. on the fourth Friday after each primary and general election complete~~
17 ~~through second Friday after that election. If a candidate is seeking nomination at the biennial~~
18 ~~state convention, the candidate or the candidate campaign committee shall file a campaign~~
19 ~~finance disclosure statement with the secretary of state by 5:00 p.m. on the second Friday prior~~
20 ~~to any biennial state convention. Any statement filed pursuant to this section shall be~~
21 ~~consecutive and shall cover contributions and expenditures since the last statement filed.~~

22 ~~—The following are not required to file a campaign finance disclosure statement:~~

23 ~~—(1)— A candidate campaign committee for county office on February first following a year~~
24 ~~in which there is not an election for the office;~~

1 ~~(2) A political committee that regularly files a campaign finance disclosure statement~~
2 ~~with the Federal Election Commission or a report of contributions and expenditures~~
3 ~~with the Internal Revenue Service.~~

4 ~~(3) A statewide candidate whose is publicly seeking a nomination by that candidate's~~
5 ~~party convention prior to a primary election; and~~

6 ~~(4) An independent statewide candidate prior to a primary election.~~

7 ~~A violation of this section is a Class 1 misdemeanor.~~

8 Section 20. That § 12-27-22.1 be amended to read:

9 12-27-22.1. No campaign finance disclosure statement is required to be submitted ~~under the~~
10 ~~following circumstances:~~

11 ~~(1) A year-end report for a candidate campaign committee for legislative or county office~~
12 ~~on the first Monday in February following a year in which there is not an election for~~
13 ~~the office;~~

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

16 ~~(3) A legislative or county candidate campaign committee without opposition in a~~
17 ~~primary election, prior to a primary election;~~

18 ~~(4) A candidate campaign committee whose name is not on the general election ballot,~~
19 ~~prior to the general election;~~

20 ~~(5) A by a political committee that regularly submits a campaign finance disclosure~~
21 ~~statement with another state or the Federal Election Commission or a report of~~
22 ~~contributions and expenditures with the Internal Revenue Service;~~

23 ~~(6) A statewide candidate who is publicly seeking a nomination by that candidate's party~~
24 ~~convention prior to a primary election; and~~

1 ~~(7) An independent statewide candidate prior to a primary election.~~

2 Section 21. That § 12-27-23 be amended to read:

3 12-27-23. If the treasurer for a ballot question committee does not file a statement of
4 organization pursuant to chapter 2-1, the treasurer shall file a statement of organization with the
5 secretary of state not later than fifteen days after the date which the committee made
6 contributions, received contributions, or paid expenses in excess of ~~five hundred~~ one thousand
7 dollars. However, if such activity falls within thirty days of any statewide election, the statement
8 of organization shall be filed within forty-eight hours. A ballot question committee that
9 regularly files a campaign finance disclosure statement with another state or the Federal Election
10 Commission or a report of contributions and expenditures with the Internal Revenue Service is
11 not required to file a statement of organization. A violation of this section is a ~~Class 2~~ Class 1
12 misdemeanor.

13 Section 22. That § 12-27-24 be amended to read:

14 12-27-24. A campaign finance disclosure statement shall include the following information:

- 15 (1) ~~Political~~ The political committee or ~~political party~~ name, street or mailing address,
16 ~~postal address~~, city, state, zip code, ~~daytime and evening~~ telephone number, and e-
17 mail address, if any;
- 18 (2) The name, street or mailing address, telephone number, and e-mail address, if any,
19 of the political committee's treasurer;
- 20 (3) ~~Type~~ The type of campaign statement (pre-primary, pre-general, ~~post-primary~~
21 ~~nonwinner~~, year-end, amendment, supplement, or termination);
- 22 ~~(3)(4) If a~~ For any ballot question committee, the ballot question ~~number~~ name and whether
23 the committee is advocates for or against the ~~measure~~ ballot question;
- 24 ~~(4)(5)~~ The balance of cash and cash equivalents on hand at the beginning of the reporting

1 period;

2 ~~(5)~~(6) The total amount of all contributions received during the reporting period;

3 ~~(6)~~(7) The total amount of ~~all in-kind contributions~~ any donated good or service received
4 during the reporting period;

5 ~~(7)~~(8) The total of refunds, rebates, interest, or other income not previously identified
6 during the reporting period;

7 ~~(8)~~ The total of contributions, loans, and other receipts during the reporting period;

8 ~~(9)~~ The total value of loans made to any person, political committee, or political party
9 during the reporting period;

10 ~~(10)~~(9) The total of expenditures made during the reporting period;

11 ~~(11)~~ The total amount of all expenditures incurred but not yet paid. An expenditure
12 incurred but not yet paid shall be reported on each report filed after the date of receipt
13 of goods or services until payment is made to the vendor. A payment shall be listed
14 as an expenditure when the payment is made;

15 ~~(12)~~(10) The ~~statement shall state the~~ cash balance on hand as of the close of the
16 reporting period;

17 ~~(13)~~(11) ~~The total amount of contributions~~ Any contribution of one hundred dollars or
18 less in the aggregate from one source received during the reporting period will
19 be reported either as an aggregated lump sum or individually. Any individual
20 contribution of one hundred dollars or less shall be noted on the committee's
21 books and a running total of each individual's contributions shall be
22 maintained;

23 ~~(14)~~(12) The name, residence address, mailing address, city, and state of each person
24 ~~contributing~~ making a contribution of more than one hundred dollars in the

1 aggregate during ~~the reporting period~~ any calendar year and the amount of the
2 contribution. Any contribution from any political committee or political party
3 shall be itemized. Any contribution from a federal political committee or
4 political committee organized outside ~~this~~ the state shall also include the name
5 and ~~internet~~ website address, if any, of the filing office where campaign
6 finance disclosure statements are regularly filed for the committee. If ~~all of the~~
7 any information required by this subdivision is ~~not on file~~ unknown to the
8 political committee, the political committee ~~or political party~~ may not deposit
9 the contribution;

10 ~~(15)(13)~~ The statement shall contain the same information for in-kind contributions
11 Any donated good or service contribution shall contain the same information
12 as for any monetary ~~contributions~~ contribution, and shall also include a
13 description of the ~~in-kind~~ donated good or service contribution;

14 ~~(16)(14)~~ Upon the request of the treasurer, a any person making an ~~in-kind~~ any donated
15 good or service contribution shall provide all necessary information to the
16 treasurer, including the value of the donated good or service contribution;

17 ~~(17)(15)~~ Any monetary or ~~in-kind~~ donated good or service contribution made by ~~the~~
18 reporting a political committee ~~or political party~~ to any political committee;
19 ~~political party~~, or nonprofit charitable ~~organization~~ entity shall be itemized;

20 ~~(18)(16)~~ A categorical description and the amount of the refunds, rebates, interest, sale
21 of property, or other receipts not previously identified during the reporting
22 period;

23 ~~(19)(17)~~ A categorical description and the amount of funds or donations by any
24 ~~organization~~ entity to its political committee for establishing and

1 administering the political committee and for any solicitation costs of the
2 political committee;

3 ~~(20)(18)~~ ~~The total balance of loans owed by the political committee or political party~~
4 Any loan received shall be reported in the same manner as any contribution;

5 ~~(21)(19)~~ ~~The balance of loans owed by the political committee or political party,~~
6 ~~itemized by lender's name, street address, city, and state, including the terms,~~
7 ~~interest rate, and repayment schedule of each loan;~~

8 ~~(22)~~ ~~The total balance of loans owed to the political committee or political party;~~

9 ~~(23)~~ ~~The amount of each loan made during the reporting period. The name, street address,~~
10 ~~city, and state of the recipient of the loan;~~

11 ~~(24)~~ ~~The balance of each loan owed to the political committee or political party, itemized~~
12 ~~by name, street address, city, and state~~ Any loan repayment shall be reported in the
13 same manner as any expenditure;

14 ~~(25)(20)~~ ~~The expenditures~~ Any expenditure made during the reporting period shall be
15 categorized. ~~Disbursements~~ as disbursements to consultants, advertising
16 agencies, credit card companies, and or similar firms ~~shall be,~~ itemized into
17 by expense categories. Any contribution made by the ~~reporting~~ political
18 committee ~~or political party~~ that is not in exchange for any item of value or
19 service shall be itemized;

20 ~~(26)~~ ~~The expenditures incurred but not yet paid during the reporting period and to whom~~
21 ~~the expenditure is owed;~~

22 ~~(27)(21)~~ The amount of ~~each~~ any independent communication expenditure, ~~as defined~~
23 ~~in this chapter,~~ from a political committee made during the reporting period,
24 and listing the name of the candidate, public office holder, or ballot question

1 related to the independent communication expenditure and a description of the
2 independent communication expenditure;

3 (22) Any miscellaneous expenditure, described in sufficient detail to be readily
4 identifiable;

5 ~~(28)~~(23) The information contained in any statement provided ~~under~~ pursuant to § 12-
6 27-19; and

7 ~~(29)~~(24) A certification that the contents of the statement ~~is~~ are true and correct signed
8 by the treasurer of the political committee ~~or political party~~.

9 Any political committee that terminates shall have a zero balance at the time of termination.

10 A termination statement shall itemize disbursements of money not spent or gifted in order to
11 achieve a zero balance. The chair of a political committee that is terminating shall designate
12 where property or money not spent or obligated will be gifted. If a ballot question committee
13 is preparing for termination, the chair of the ballot question committee may designate property
14 and money not spent or obligated to be disbursed to any nonprofit organization.

15 ~~—(Text of section effective January 1, 2018) A campaign finance disclosure statement shall~~
16 ~~include the following information, regardless of whether it has previously been included in a~~
17 ~~timely contribution disclosure statement pursuant to § 12-27-24.1:~~

18 ~~—(1)— Political committee or political party name, street address, postal address, city, state,~~
19 ~~zip code, daytime and evening telephone number, and e-mail address;~~

20 ~~—(2)— Type of campaign statement (fifth Tuesday pre-primary, second Friday pre-primary,~~
21 ~~fourth Friday post-primary, fifth Tuesday pre-general, second Friday pre-general,~~
22 ~~fourth Friday post-general, mid-year, year-end, amendment, supplement, or~~
23 ~~termination);~~

24 ~~—(3)— If a ballot question committee, the ballot question number and whether the committee~~

- 1 is for or against the measure;
- 2 ~~(4) The balance of cash and cash equivalents on hand at the beginning of the reporting~~
- 3 ~~period;~~
- 4 ~~(5) The total amount of all contributions received during the reporting period;~~
- 5 ~~(6) The total amount of all in-kind contributions received during the reporting period;~~
- 6 ~~(7) The total of refunds, rebates, interest, or other income not previously identified~~
- 7 ~~during the reporting period;~~
- 8 ~~(8) The total of contributions, loans, and other receipts during the reporting period;~~
- 9 ~~(9) The total value of loans made to any person, political committee, or political party~~
- 10 ~~during the reporting period;~~
- 11 ~~(10) The total of expenditures made during the reporting period;~~
- 12 ~~(11) The total amount of all expenditures incurred but not yet paid, detailed in an itemized~~
- 13 ~~list. An expenditure incurred but not yet paid shall be reported on each report filed~~
- 14 ~~after the date of receipt of goods or services until payment is made to the vendor. A~~
- 15 ~~payment shall be listed as an expenditure when the payment is made;~~
- 16 ~~(12) The statement shall state the cash balance on hand as of the close of the reporting~~
- 17 ~~period;~~
- 18 ~~(13) The total amount of contributions of two hundred dollars or less in the aggregate~~
- 19 ~~from one source received during the calendar year;~~
- 20 ~~(14) The name, residence address, city, and state of each person contributing a~~
- 21 ~~contribution of more than two hundred dollars in the aggregate during the calendar~~
- 22 ~~year and the amount of the contribution, as well as the occupation and name of~~
- 23 ~~employer of each person contributing a contribution of more than five hundred~~
- 24 ~~dollars in the aggregate during the calendar year. Any contribution from any political~~

1 ~~committee or political party shall be itemized. Any contribution from a federal~~
2 ~~political committee or political committee organized outside this state shall also~~
3 ~~include the name and internet website address of the filing office where campaign~~
4 ~~finance disclosure statements are regularly filed for the committee. If all of the~~
5 ~~information required is not on file, the political committee or political party may not~~
6 ~~deposit the contribution;~~

7 ~~(15) The statement shall contain the same information for in-kind contributions as for~~
8 ~~monetary contributions, and shall also include a description of the in-kind~~
9 ~~contribution;~~

10 ~~(16) Upon the request of the treasurer, a person making an in-kind contribution shall~~
11 ~~provide all necessary information to the treasurer, including the value of the~~
12 ~~contribution;~~

13 ~~(17) Any monetary or in-kind contribution made by the reporting political committee or~~
14 ~~political party to any political committee, political party, or nonprofit charitable~~
15 ~~organization shall be itemized;~~

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

18 ~~(19) A categorical description and the amount of funds or donations by any organization~~
19 ~~to its political committee for establishing and administering the political committee~~
20 ~~and for any solicitation costs of the political committee;~~

21 ~~(20) The total balance of loans owed by the political committee or political party;~~

22 ~~(21) The balance of loans owed by the political committee or political party, itemized by~~
23 ~~lender's name, street address, city, and state, including the terms, interest rate, and~~
24 ~~repayment schedule of each loan;~~

- 1 ~~—(22) The total balance of loans owed to the political committee or political party;~~
- 2 ~~—(23) The amount of each loan made during the reporting period. The name, street address,~~
- 3 ~~city, and state of the recipient of the loan;~~
- 4 ~~—(24) The balance of each loan owed to the political committee or political party, itemized~~
- 5 ~~by name, street address, city, and state;~~
- 6 ~~—(25) The expenditures made during the reporting period shall be categorized.~~
- 7 ~~Disbursements to consultants, advertising agencies, credit card companies, and~~
- 8 ~~similar firms shall be itemized into expense categories. Any contribution made by the~~
- 9 ~~reporting political committee or political party that is not in exchange for any item~~
- 10 ~~of value or service shall be itemized;~~
- 11 ~~—(26) The expenditures incurred but not yet paid during the reporting period and to whom~~
- 12 ~~the expenditure is owed;~~
- 13 ~~—(27) The amount of each independent expenditure, as defined in this chapter, made during~~
- 14 ~~the reporting period, the name of the candidate, public office holder, or ballot~~
- 15 ~~question related to the expenditure and a description of the expenditure;~~
- 16 ~~—(28) The information contained in any statement provided under § 12-27-19; and~~
- 17 ~~—(29) The statement shall include a certification that the contents of the statement is true~~
- 18 ~~and correct signed by the treasurer of the political committee or political party.~~

19 Section 23. That § 12-27-25 be amended to read:

20 12-27-25. The last campaign finance statement filed shall be a termination statement. ~~The~~

21 ~~termination statement shall be filed by the treasurer within thirty days following disposition of~~

22 ~~all funds and property and the payment of all obligations.~~

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

24 12-27-27. Any treasurer or other person filing a statement pursuant to this chapter, shall file

1 an amended statement within ~~three~~ seven days of discovering any omission, inaccuracy, or other
2 change necessary to make the statement accurate. A person responsible for filing a statement
3 pursuant to this chapter, who willfully fails to report a material change or correction, is guilty
4 of a Class 1 misdemeanor. A person responsible for filing a statement pursuant to this chapter,
5 who willfully fails to file an amendment pursuant to this section is subject to the administrative
6 penalty in § 12-27-29.1 beginning on the first day following the ~~third~~ seventh day after the
7 candidate, treasurer, or other person is notified of the omission, inaccuracy, or other change
8 necessary to make the statement accurate.

9 Section 25. That § 12-27-28 be amended to read:

10 12-27-28. If any ~~candidate campaign committee for statewide office, political action~~
11 ~~committee, ballot question committee, or political party~~ political committee required to file a
12 campaign finance disclosure statement pursuant to this chapter receives a contribution of five
13 hundred dollars or more within the fourteen days immediately prior to an election for which a
14 campaign finance disclosure statement may be filed, a supplemental statement shall be filed.
15 The statement shall state the name, ~~street~~ mailing address, city, and state of the contributor and
16 the amount and date of the contribution, and information contained in any statement provided
17 under § 12-27-19, if applicable. The statement shall be filed by the treasurer within forty-eight
18 hours of the receipt of the contribution. A violation of this section is a Class 1 misdemeanor.

19 Section 26. That § 12-27-29 be amended to read:

20 12-27-29. The treasurer of a political committee ~~and political party~~ shall maintain and
21 preserve detailed and accurate records of the following:

- 22 (1) Each contribution and ~~in-kind contribution~~ donated good or service received by the
23 political committee ~~or political party~~;
- 24 (2) In the case of a ballot question committee, the information required by § 12-27-19

1 for any ~~organization~~ entity contribution, including sourced funds;

2 (3) Each loan received or made by the political committee ~~or political party~~;

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

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

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

9 The treasurer shall maintain and preserve the records for a period of seven years or three
10 years past the date of filing the termination statement for the election for which the contribution
11 or expenditure was made, whichever is earlier. A violation of this section is a Class 1
12 misdemeanor.

13 Section 27. That § 12-27-29.1 be amended to read:

14 12-27-29.1. In addition to any other penalty or relief provided under this chapter, the
15 secretary of state ~~or the ethics commission~~, after notice and opportunity for hearing pursuant to
16 chapter 1-26, may impose an administrative penalty for the failure to timely file any statement,
17 amendment, or correction required to be filed by this chapter. The administrative penalty is fifty
18 dollars per day for each violation not to exceed three thousand dollars. ~~However, if the~~ If any
19 violation is made by a county political party or auxiliary, the administrative penalty is ten dollars
20 per day for each violation not to exceed six hundred dollars. Any administrative penalty
21 collected pursuant to this section shall be deposited in into the state general fund and used to
22 fund the Campaign Finance Ethics Commission.

23 Section 28. That § 12-27-29.2 be amended to read:

24 12-27-29.2. Any administrative penalty imposed pursuant to § 12-27-29.1 shall be assessed

1 against the violator by an administrative order of the secretary of state or the Campaign Finance
2 Ethics Commission. The order shall state the date and facts of each violation addressed under
3 the penalty assessed and the citations to the provisions of each law alleged to be violated. The
4 order shall contain a statement that the violator may request a contested case hearing on the
5 violation and penalty pursuant to chapter 1-26, by filing a written request with the secretary of
6 state no later than twenty days after the receipt of the order. The secretary of state shall serve
7 the order and assessment by certified mail. If not contested within twenty days of receipt of the
8 order, an administrative order assessing an administrative penalty constitutes a judgment and
9 may be executed by delivery of a true and correct copy certified by the secretary of state in the
10 manner provided for the execution of money judgments provided in chapter 15-18.

11 If a hearing is requested, the matter shall be scheduled for a hearing before the secretary of
12 state within thirty days from the receipt of the request. The secretary of state shall provide notice
13 of the hearing consistent with the provisions of § 1-26-17. A final determination by the secretary
14 of state may be appealed to the circuit court or Supreme Court as provided in chapter 1-26.

15 If the time to take an appeal has lapsed after the final determination by the secretary of state,
16 the administrative order assessing an administrative penalty constitutes a judgment and may be
17 executed by delivery of a true and correct copy certified by the secretary of state in the manner
18 provided for the execution of judgments in chapter 15-18.

19 If a committee incurs the maximum penalty fee, does not submit the delinquent report, and
20 a judgment is executed, the secretary of state may terminate that committee. If a committee is
21 terminated, the secretary of state shall mail a termination letter to the last address on record for
22 the treasurer.

23 Section 29. That § 12-27-29.3 be amended to read:

24 12-27-29.3. No person candidate who is listed on a statement of organization for a political

1 ~~candidate campaign~~ committee or ~~political party~~ pursuant to §§ 12-27-3 and 12-27-6 may be
 2 certified as a candidate for office unless the treasurer of the ~~political~~ candidate campaign
 3 committee or ~~political party~~ for which the ~~person~~ candidate is listed has:

4 (1) ~~Paid all administrative penalties assessed pursuant to § 12-27-29.1 and any other~~
 5 ~~monetary penalty imposed pursuant to this chapter against the person or the treasurer;~~
 6 ~~and~~

7 ~~—(2) Filed all statements, documents, and information required under this title; and~~

8 (2) Paid all administrative penalties assessed pursuant to § 12-27-29.1, the Campaign
 9 Finance Ethics Commission, or any other penalty imposed pursuant to this chapter
 10 against the candidate or the treasurer.

11 Section 30. That § 12-27-33 be amended to read:

12 12-27-33. No information copied, or otherwise obtained, from any statement, or copy,
 13 reproduction, or publication thereof, filed with the secretary of state, county auditor, or other
 14 person in charge of conducting the election under this chapter may be sold or utilized by any
 15 person for any commercial purpose or for the purpose of soliciting contributions. Any violation
 16 of this section is a ~~Class 2~~ Class 1 misdemeanor.

17 Section 31. That § 12-27-35 be amended to read:

18 12-27-35. The attorney general shall investigate ~~violations~~ and prosecute any violation of
 19 the provisions of this chapter ~~and prosecute any violation thereof relating to a legislative office,~~
 20 statewide office, statewide ballot question, or political committee. In lieu of bringing a criminal
 21 action, the attorney general may elect to file a civil action. In a civil action, in addition to other
 22 relief, the court may impose a civil penalty in an amount not to exceed ten thousand dollars for
 23 each violation. Any civil penalty recovered shall be paid to the state general fund. A civil action
 24 brought by the attorney general shall be commenced in Hughes County, in the county where the

1 person resides, or in the county where the ~~organization, political party, entity~~ or political
2 committee has its principal office.

3 Section 32. That § 12-27-36 be amended to read:

4 12-27-36. The attorney general ~~and ethics commission~~ may, for the purpose of enforcing the
5 provisions of this chapter, inspect or examine any political committee ~~or political party~~ records
6 required to be maintained by this chapter. ~~It is a Class 1 misdemeanor for any~~ Any person
7 having charge, control, or possession of political committee ~~or political party~~ records to neglect
8 who neglects or ~~refuse~~ refuses the attorney general ~~or ethics commission~~ reasonable access to
9 any records required to be maintained by this chapter ~~which~~ that are necessary to enforce the
10 provisions of this chapter is guilty of a Class 1 misdemeanor.

11 Section 33. That § 12-27-39 be amended to read:

12 12-27-39. The provisions of this chapter apply to each statewide office, legislative office,
13 statewide ballot question, county offices and ballot questions in counties with population greater
14 than ~~five~~ ten thousand according to the most recent Federal census, ballot questions in first class
15 municipalities, and school district offices and ballot questions in school districts with more than
16 two thousand average daily membership. Any municipal or school district election covered by
17 this chapter shall conform to the contribution limits applicable to legislative offices. This
18 chapter does not apply to the unified judicial system, nor does this chapter apply to any township
19 or special purpose district offices or ballot questions or elections for municipal offices.
20 However, the governing body of any county, township, municipality, school district, or special
21 purpose district not otherwise covered by this chapter may adopt an ordinance or resolution to
22 make the provisions of this chapter, with or without amendments, applicable to county,
23 township, municipal, school district, or special purpose district elections.

24 Section 34. That chapter 12-27 be amended by adding a NEW SECTION to read:

1 The duty of the secretary of state to file any document under this chapter is ministerial. Any
2 filing or refusal to file by the secretary of state of any document under this section does not:

- 3 (1) Affect the validity or invalidity of the document in whole or in part;
4 (2) Relate to the correctness or incorrectness of information contained in the document;
5 or
6 (3) Create a presumption that the document is valid or invalid, or that information
7 contained in the document is correct or incorrect.

8 Section 35. That chapter 12-27 be amended by adding a NEW SECTION to read:

9 If the contributor is a person or entity, no ballot question committee may accept any
10 contribution that in the aggregate exceeds ten thousand dollars during any calendar year.
11 Notwithstanding any other law, no person or entity may contribute more than ten thousand
12 dollars to any ballot question committee. A ballot question committee shall return within ten
13 days to a contributor any contribution that exceeds the contribution limits provided under
14 chapter 12-27. A violation of this section is a Class 1 misdemeanor.

15 Section 36. That chapter 12-27 be amended by adding a NEW SECTION to read:

16 Any contribution by a person or entity to a political action committee or political party is
17 deemed restricted funds. Any contribution by a political action committee or political party to
18 a ballot question committee shall be sourced with the sourcing provided to the ballot question
19 committee at the time the contribution is made to the ballot question committee.

20 If a political action committee contributes any restricted funds to a ballot question
21 committee, the restricted funds are counted toward the contribution limitation of the person or
22 entity to that ballot question committee.

23 Any independent communication expenditure by a person or an entity is counted as part of
24 the limitation on that person's or entity's contributions to any political committee.

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

2 Section 37. That § 12-27-10.2 be repealed.

3 ~~—12-27-10.2. For the purpose of the contribution limits established by §§ 12-27-7, 12-27-8,~~
4 ~~12-27-9, and 12-27-10, all committees established, financed, maintained or controlled by the~~
5 ~~same corporation, labor organization, person, or group of persons, including any parent,~~
6 ~~subsidiary, branch, division, department, or local unit thereof, are affiliated and share a single~~
7 ~~contribution limit both with respect to contributions made and contributions received.~~

8 Section 38. That § 12-27-10.3 be repealed.

9 ~~—12-27-10.3. Any expenditure made by any person, group of persons, political committee,~~
10 ~~or other entity in cooperation, consultation, or concert, with, or at the request or suggestion of,~~
11 ~~a candidate, the candidate's authorized political committees, or the candidate's committee's~~
12 ~~agents, is considered to be a contribution to the candidate.~~

13 ~~—For the purposes of this section, candidate solicitation or direction of funds for or to a~~
14 ~~person, group of persons, political committee or other entity constitutes cooperation sufficient~~
15 ~~to render any subsequent expenditure by the person, group of persons, political committee, or~~
16 ~~other entity in support of that candidate or in opposition to that candidate's opponent to be~~
17 ~~considered a contribution to the candidate.~~

18 ~~—The financing of the dissemination, distribution, or republication, in whole or in part, of any~~
19 ~~broadcast or any written, graphic, or other form of campaign materials prepared by a candidate,~~
20 ~~the candidate's authorized committee, or an agent of either of the foregoing is considered a~~
21 ~~contribution for the purposes of contribution limitations and reporting responsibilities of the~~
22 ~~person group of persons, political committee or other entity making the expenditure. The~~
23 ~~candidate who prepared the campaign material does not receive or accept an in-kind~~
24 ~~contribution, and is not required to report an expenditure, unless the dissemination, distribution,~~

1 ~~or republication of campaign materials was done in concert or cooperation with or at the request~~
2 ~~or suggestion of the candidate. However, the following uses of campaign materials do not~~
3 ~~constitute a contribution to the candidate who originally prepared the materials:~~

4 ~~— (1) — The campaign material is disseminated, distributed, or republished by the candidate~~
5 ~~or the candidate's authorized committee who prepared that material;~~

6 ~~— (2) — The campaign material is incorporated into a communication that advocates the~~
7 ~~defeat of the candidate or party that prepared the material; or~~

8 ~~— (3) — The campaign material is disseminated, distributed, or republished in a news story,~~
9 ~~commentary, or editorial distributed through the facilities of any broadcasting station,~~
10 ~~newspaper, magazine, or other periodical publication, unless such facilities are~~
11 ~~owned or controlled by any political party, political committee, or candidate.~~