

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

571Z0204

SENATE BILL NO. 77

Introduced by: Senators Nesiba, Bolin, Frerichs, Heinert, Kennedy, Killer, and Otten (Ernie)
and Representatives Reed, Ahlers, Campbell, McCleerey, Peterson (Kent),
Willadsen, and Wismer

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding required campaign
2 finance disclosure statements submitted by ballot question committees.

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

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

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

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

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



- 1 (3) Statewide political action committee shall file a pre-primary, pre-general, year-end,
2 and, if applicable, supplemental report and amendments in even numbered years. In
3 odd numbered years shall file a year-end or, if applicable, amendments. A
4 termination report may be submitted at any time;
- 5 (4) Statewide political party shall file a pre-primary, pre-general, year-end and, if
6 applicable, supplemental report and amendments in even numbered years. In odd
7 numbered years shall file a year-end or amendments, if applicable. A termination
8 report may be submitted at any time. A political party that loses its status as a
9 qualified party shall file a termination statement by 5:00 p.m. central time the last
10 Friday in January following the calendar year in which qualified party status was lost;
- 11 (5) County political party and auxiliary organization shall file a pre-general and, if
12 applicable, supplemental report and amendments in even numbered years. A
13 termination report may be submitted at any time; and
- 14 (6) Statewide ballot question committee shall file in an odd numbered year a circulation
15 report, and in an even numbered year, a pre-primary, pre-general, year-end and, if
16 applicable, supplemental report and amendments ~~in even numbered years. In odd~~
17 ~~numbered years shall file a year-end and, if applicable, amendments.~~ A termination
18 report may be submitted at any time. A statewide ballot question committee:
- 19 (a) That does not meet the signature requirements for placement of the ballot issue
20 on the general election ballot, shall submit a termination report to the secretary
21 of state by 5:00 p.m. central time on the last Friday in January following the
22 year the statement of organization was submitted to the secretary of state; or
- 23 (b) For a ballot issue that was on a ballot shall submit a termination report to the
24 secretary of state by 5:00 p.m. central time on the last Friday in January

1 following the calendar year the ballot question was on the ballot.

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

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

9 Section 2. That § 12-27-21.1 be amended to read:

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

13 (1) Circulation report for a ballot question committee in an odd numbered year: by the
14 first day of July for the reporting period commencing with the filing of a statement
15 of organization submitted up through twenty days prior to the first day of July, or by
16 not less than thirty days following the filing of a statement of organization for the
17 reporting period commencing with the filing of the statement of organization
18 submitted up through twenty days following the day of filing the statement of
19 organization, whichever is later;

20 (2) Pre-primary report: fifteen days prior to the primary election, for the reporting period
21 commencing with the last report submitted up through ~~and including~~ twenty days
22 prior to the election date;

23 ~~(2)~~(3) Pre-general report: fifteen days prior to the general election, for the reporting period
24 commencing with the last report submitted up through ~~and including~~ twenty days

1 prior to the election date;

2 ~~(3)~~(4) Amendments: submitted pursuant to § 12-27-27;

3 ~~(4)~~(5) Supplemental report: submitted pursuant to § 12-27-28;

4 ~~(5)~~(6) Year-end report: by the last Friday in January each year, for the reporting period
5 commencing with the last report submitted up through ~~and including~~ December
6 thirty-first of each year;

7 ~~(6)~~(7) Termination report: at any time as stated in § 12-27-25;

8 ~~(7)~~(8) ~~Pre-primary Circulation, pre-primary~~, pre-general, amendments, supplemental, year-
9 end, and termination reports shall cover the contributions and expenditures since the
10 last report submitted; and

11 ~~(8)~~(9) All required filings under this chapter shall be submitted using the forms as provided
12 by the secretary of state.

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

15 Section 3. That § 12-27-24 be amended to read:

16 12-27-24. A campaign finance disclosure report shall include the following information:

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

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

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

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

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

1 or service contribution;

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

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

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

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

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

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

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

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

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

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