

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

634Y0582

HOUSE JUDICIARY ENGROSSED NO. **HB 1200** 2/22/2017

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Mickelson, Anderson, Bartling, Gosch, Hawley, Heinemann, Holmes, Jensen (Kevin), Kaiser, Kettwig, Lesmeister, Marty, May, Otten (Herman), Qualm, Reed, Rhoden, Rounds, Schaefer, Steinhauer, Tieszen, Tulson, and Willadsen and Senators Bolin, Cronin, Curd, Kolbeck, Langer, Maher, Novstrup, Otten (Ernie), Solano, Stalzer, and Youngberg

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

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

4 Section 1. That chapter 12-27 be amended by adding a NEW SECTION to read:

5 If a ballot question committee receives contributions totaling twenty-five thousand dollars
6 or more within a twelve-month period from an organization or from a political action committee
7 that is not otherwise required to file a campaign finance disclosure statement under subdivision
8 12-27-22(2), the committee shall disclose in a supplemental disclosure within the committee's
9 campaign finance disclosure required under this chapter the name and address of the fifty largest
10 contributors to the organization or political action committee during the one year preceding the
11 date the supplemental disclosure is filed.

12 Section 2. That chapter 12-27 be amended by adding a NEW SECTION to read:



1 If any organization, or any political action committee that is otherwise required to file a
2 campaign finance disclosure statement under subdivision 12-27-22(2), makes an independent
3 communication expenditure of twenty-five thousand dollars or more within a twelve-month
4 period, the organization or committee shall disclose as a supplemental disclosure within the
5 campaign finance disclosure statement required under this chapter the name and address of the
6 fifty largest contributors to the organization or the political action committee during the one year
7 preceding the date the supplemental disclosure is filed.

8 Section 3. That chapter 12-27 be amended by adding a NEW SECTION to read:

9 If any of the fifty largest contributors required to be disclosed under this Act is an
10 organization or political action committee that is not otherwise required by any other law to
11 disclose its contributors, the ballot question committee, organization, or political action
12 committee shall collect and disclose the top fifty contributors to the contributing organization
13 or political action committee in a supplemental disclosure.

14 Section 4. That chapter 12-27 be amended by adding a NEW SECTION to read:

15 The disclosure requirements under this Act do not apply to:

- 16 (1) A nonprofit corporation as defined in 26 U.S.C. § 501(c)(3);
- 17 (2) An organization from which any part of the net earnings inures to the benefit of a
18 private shareholder, partner, member, or person; or
- 19 (3) A contributor of less than five thousand dollars during the required reporting period.

20 Section 5. That chapter 12-27 be amended by adding a NEW SECTION to read:

21 If an organization, political action committee, or ballot question committee fails to make a
22 timely disclosure pursuant to this Act, the organization, political action committee, or ballot
23 question committee shall be subject to a civil penalty of not more than five thousand dollars to
24 be imposed by the secretary of state and deposited into the general fund. If a ballot question

1 committee knowingly and intentionally fails to make a timely disclosure pursuant to this Act,
2 the ballot question committee shall be subject to a civil penalty equal to twenty-five percent of
3 the organization's or political action committee's aggregate contribution during that calendar
4 year to be imposed by the secretary of state and deposited into the general fund. If an
5 organization or political action committee fails to make a timely disclosure pursuant to section
6 3 of this Act the organization or political action committee is subject to a civil penalty equal to
7 twenty-five percent of the total independent communication expenditure made by that
8 organization or political action committee imposed by the secretary of state and deposited into
9 the general fund. An intentional violation of the provisions of this Act is a Class 1 misdemeanor.

10 Section 6. That chapter 12-27 be amended by adding a NEW SECTION to read:

11 If any ballot question committee, organization, or political action committee is found to be
12 in violation of the provisions of this Act and does not comply with the provisions of this Act
13 within ten days of written notification delivered by certified mail from the secretary of state, the
14 committee or organization may not contribute to any other ballot question committee or make
15 any other independent communication expenditure for a period of five years.

16 Section 7. That chapter 12-27 be amended by adding a NEW SECTION to read:

17 For purposes of this Act, all ballot question committees established, financed, maintained,
18 or controlled by the same corporation, labor organization, person, or group of persons, including
19 any parent, subsidiary, branch, division, department, or local unit are affiliated and share a
20 single contribution limit.