

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

861T0125

## HOUSE BILL NO. 1179

Introduced by: Representatives Kirkeby, Brunner, Deelstra, and Munsterman and Senators Lederman, Juhnke, Peters, and Schlekeway

1 FOR AN ACT ENTITLED, An Act to require certain campaign finance requirements to apply  
2 to all counties and municipalities.

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

4 Section 1. That § 12-27-39 be amended to read as follows:

5 12-27-39. The provisions of this chapter apply to each statewide office, legislative office,  
6 statewide ballot question, county offices and ballot questions in counties with population greater  
7 than five thousand according to the most recent Federal census, municipal offices and ballot  
8 questions in first and second class municipalities, and school district offices and ballot questions  
9 in school districts with more than two thousand average daily membership. Any municipality  
10 or school district election covered by this chapter shall conform to the contribution limits  
11 applicable to legislative offices. This chapter does not apply to the unified judicial system, nor  
12 does this chapter apply to any township, ~~municipal~~, or special purpose district offices or ballot  
13 questions. However, the governing body of any county, township, municipality, school district,  
14 or special purpose district not otherwise covered by this chapter may adopt an ordinance or  
15 resolution to make the provisions of this chapter, with or without amendments, applicable to



1 ~~county~~, township, ~~municipal~~, school district, or special purpose district elections.

2 Section 2. That § 12-27-40 be amended to read as follows:

3 12-27-40. The state's attorney shall investigate any violation of the provisions of this chapter  
4 relating to elections for county, municipal, and school district office or ballot questions, and  
5 prosecute any violation thereof. In lieu of bringing a criminal action, the state's attorney may  
6 elect to file a civil action for any violation of this chapter. In a civil action, in addition to other  
7 relief, the court may impose a civil penalty in an amount not to exceed one thousand dollars for  
8 each violation. Any civil penalty recovered shall be paid to the county general fund if the  
9 violation arose out of a county office or ballot question, municipal general fund if the violation  
10 arose out of a municipal office or ballot questions, or the school district general fund if the  
11 violation arose out of a school district office or ballot question. A civil enforcement action for  
12 a violation of the chapter concerning a municipal office or ballot question may, with the consent  
13 of the state's attorney, be brought by the municipality's attorney. A civil enforcement action for  
14 a violation of the chapter concerning a school district office or ballot question may, with the  
15 consent of the state's attorney, be brought by the school district's attorney. A civil action brought  
16 under this section shall be commenced in the county where filings under the chapter are  
17 required, in the county where the person resides, or in the county where the organization,  
18 political party, or political committee has its principal office.

19 Section 3. That § 12-27-42 be amended to read as follows:

20 12-27-42. Any statement, form, or filing required by this chapter shall be filed with the  
21 secretary of state in the case of a statewide office or legislative office election. Any statement,  
22 form, or filing required by this chapter shall be filed with the county auditor in the case of a  
23 county office election, with the municipal finance officer or clerk in the case of a municipal  
24 office election, with the school business manager in the case of a school district office election,

1 or with the person in charge of the election in the case of other political subdivisions or special  
2 purpose districts. However, any county, municipality, school district, or other political  
3 subdivision may, by resolution, delegate that any statement, form, or filing required by this  
4 chapter to be filed with secretary of state.