

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

861T0125

## HOUSE LOCAL GOVERNMENT ENGROSSED NO. **HB 1179** - 2/9/2012

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, ballot questions in first class  
8 municipalities, and school district offices and ballot questions in school districts with more than  
9 two thousand average daily membership. Any municipal or school district election covered by  
10 this chapter shall conform to the contribution limits applicable to legislative offices. This  
11 chapter does not apply to the unified judicial system, nor does this chapter apply to any  
12 township, ~~municipal~~, or special purpose district offices or ballot questions or elections for  
13 municipal offices. However, the governing body of any county, township, municipality, school  
14 district, or special purpose district not otherwise covered by this chapter may adopt an ordinance



1 or resolution to make the provisions of this chapter, with or without amendments, applicable to  
2 ~~county~~, township, ~~municipal~~, school district, or special purpose district elections.

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

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

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

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

1 ballot question election, with the school business manager in the case of a school district office  
2 election, or with the person in charge of the election in the case of other political subdivisions  
3 or special purpose districts. However, any county, municipality, school district, or other political  
4 subdivision may, by resolution, direct that any statement, form, or filing required by this chapter  
5 be electronically filed with the secretary of state, rather than being filed with the county,  
6 municipality, school district, or other political subdivision.

7 Section 4. That chapter 12-27 be amended by adding thereto a NEW SECTION to read as  
8 follows:

9 Nothing in this chapter prevents any political subdivision from adopting additional standards  
10 or requirements relating to campaign finance for elections held under the political subdivision's  
11 own jurisdiction that are more stringent than the provisions of this title.