

2025 South Dakota Legislature

Senate Bill 17**AMENDMENT 17A
FOR THE INTRODUCED BILL**

1 **An Act to clarify when a political committee must file certain campaign finance**
2 **disclosure statements.**

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

4 **~~Section 1. That § 12-27-1 be AMENDED:~~**

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

6 ~~(1) "Auxiliary organization," an association or other group of persons acting in concert,~~
7 ~~designated by the political party's bylaws or constitution, provided the term does~~
8 ~~not mean an association or other group of persons acting in concert that:~~

9 ~~(a) Only accepts contributions to support the volunteer activities of the~~
10 ~~association or group; and~~

11 ~~(b) Does not contribute any money, donated goods or services, or independent~~
12 ~~communication expenditures to any political committee except a political~~
13 ~~party;~~

14 ~~(2) "Ballot question," any referendum, initiative, proposed constitutional initiated~~
15 ~~measure, or initiated amendment, or other measure submitted to voters at any~~
16 ~~election to the South Dakota Constitution;~~

17 ~~(2)(3) "Ballot question committee," a person or entity that raises, collects, or disburses~~
18 ~~contributions:~~

19 ~~(a) As a proponent for the placement of one or more ballot questions on the~~
20 ~~ballot;~~

21 ~~(b) As an opponent to the placement of one or more ballot questions on the~~
22 ~~ballot; or~~

23 ~~(c) For the adoption or defeat of one or more ballot questions.~~

24 ~~A ballot question committee is not a person or political committee that makes a~~
25 ~~contribution to a ballot question committee. A ballot question committee is not an~~

- 1 ~~entity that makes a contribution to a ballot question committee from treasury~~
2 ~~funds;~~
- 3 ~~(3)(4) "Candidate campaign committee," any committee organized by a candidate to~~
4 ~~receive contributions and make expenditures for the candidate. Only one candidate~~
5 ~~campaign committee may be organized for each candidate and only one statewide~~
6 ~~candidate campaign committee may be organized for each candidate. A candidate~~
7 ~~may, simultaneously, have both a legislative campaign committee and a statewide~~
8 ~~campaign committee;~~
- 9 ~~(4)(5) "Candidate," any person who seeks nomination for or election to public office. A~~
10 ~~person is a candidate if the person raises, and:~~
- 11 ~~(a) Raises, collects, or disburses contributions in excess of five hundred dollars;~~
12 ~~has~~
- 13 ~~(b) Has authorized the solicitation of contributions or the making of~~
14 ~~expenditures; has~~
- 15 ~~(c) Has been certified as a candidate by a political party; has~~
- 16 ~~(d) Has created a candidate campaign committee for the purpose of obtaining~~
17 ~~public office; or has~~
- 18 ~~(e) Has taken all actions required by state law to qualify for nomination for or~~
19 ~~election to public office;~~
- 20 ~~(5)(6) "Clearly identified," the appearance of the name, nickname, a photograph or a~~
21 ~~drawing of a candidate or public office holder, or the unambiguous reference to the~~
22 ~~identity of a candidate or public office holder;~~
- 23 ~~(6)(7) "Contribution," any gift, advance, distribution, deposit, or payment of money or~~
24 ~~any other valuable consideration, or any contract, promise or agreement to do so;~~
25 ~~any discount or rebate not available to the general public; any forgiveness of~~
26 ~~indebtedness or payment of indebtedness by another person; or any use of~~
27 ~~services or property, other than services or property provided by a person~~
28 ~~volunteering for or on behalf of a candidate or political committee, including the~~
29 ~~free or discounted use of the person's residence, without full payment or that is~~
30 ~~provided by any person or political committee whose primary business is to provide~~
31 ~~services or property, made for the purpose of influencing:~~
- 32 ~~(a) The nomination, election, or re-election of any person to public office; or~~
- 33 ~~(b) The placement of a ballot question on the ballot or the adoption or defeat~~
34 ~~of any ballot question submitted.~~

~~The term does not include services provided by a person as a volunteer for or on behalf of any candidate or political committee including the free or discounted use of a person's residence. Nor does the, made for the purpose of influencing the nomination, election, or re-election of any person to public office, the placement of a ballot question on the ballot, or the adoption or defeat of any ballot question submitted; provided the term does not include the:~~

~~(a) — The purchase of any item of value or service from any political committee. The purchase price of the item may not exceed at the fair market value and may not include an intent to contribute of the item of service, if the political committee does not intend to provide anything to the purchaser beyond the item's value. A contribution does not include administration of the item or service;~~

~~(b) — Administration and solicitation of a contribution for a political action committee established by an entity or its associated expenses, nor the use;~~

~~(c) — The use of an entity's real or personal property located on its business premises for such the purposes. A contribution does not include nominal of administering and soliciting a contribution for the political action committee established by an entity; or~~

~~(d) — The nominal use of a candidate's real or personal property or nominal use of resources available at a candidate's primary place of business;~~

~~(7)(8) "County office," any elected office at a county in this state;~~

~~(8)(9) "Election," any election for public office; any general, special, primary, or runoff election; and any election on a ballot question;~~

~~(10) — "Entity," any group of persons other than a candidate, public office holder, or political committee;~~

~~(9)(11) — "Expressly advocate," any communication that:~~

~~(a) — Uses words to explicitly advocate for election, passage, or defeat;~~

~~(b) — In context has no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates, or public office holders, or the;~~

~~(i) — The election or defeat of a candidate or public office holder;~~

~~(ii) — The placement of a ballot question on the ballot or the; or~~

~~(iii) — The adoption or defeat of any ballot question using explicit words of advocacy of election or defeat such as: vote, re-elect, support, cast your ballot for, reject, and defeat; or~~

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

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

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

~~(10)(12)~~ "Immediate family," a person who is:

~~(a)~~ The spouse of a candidate or public office holder; a

~~(b)~~ A person under the age of eighteen years who is claimed by that candidate or public office holder or that candidate's or public office holder's spouse as a dependent for federal income tax purposes; or any

~~(c)~~ Any relative within the third degree of kinship of the candidate or the candidate's spouse, and the spouses of such the relatives;

~~(13)~~ "Inactive candidate campaign committee," the candidate campaign committee of a candidate who:

~~(a)~~ Is not actively pursuing nomination for or election to a public office, has failed to secure the nomination for a public office, or has lost the election for that office; and

~~(b)~~ Has not filed a termination report pursuant to § 12-27-25;

~~(11)(14)~~ "Independent communication expenditure," an expenditure, including the payment of money or exchange of other valuable consideration or promise, made by a person, entity, or political committee for a communication concerning a candidate or a ballot question which that is not made to, controlled by, coordinated with, requested by, or made upon consultation with that candidate, political committee, or agent of a candidate or political committee. The, provided the term does not include administration;

~~(a)~~ Administration and solicitation of any contribution for a political action committee established by an entity and associated expenses, nor the

- 1 ~~(b) — The use of an entity's real or personal property located on its business~~
2 ~~premises for such purposes. The term does not include any of administering~~
3 ~~and soliciting any contribution for a political action committee established~~
4 ~~by the entity;~~
- 5 ~~(c) — Any communication by a person made in the regular course and scope of~~
6 ~~the person's business or ministry or any; or~~
- 7 ~~(d) — Any communication made by a membership organization solely to any~~
8 ~~member of the organization and the member's family;~~
- 9 ~~(12)(15) — "Donated good or service," a good or service provided at no charge or for less~~
10 ~~than its fair market value. The, provided the term does not include the value of~~
11 ~~services provided by a person as a volunteer for or on behalf of any candidate or~~
12 ~~political committee, including the free or discounted use of the volunteer's~~
13 ~~residence or office;~~
- 14 ~~(13)(16) — "Legislative office," the Senate and the House of Representatives of the South~~
15 ~~Dakota Legislature;~~
- 16 ~~(14)(17) — "Loan," a transfer of money, property, guarantee, or anything of value in~~
17 ~~exchange for an obligation, conditional or not, to repay in whole or part;~~
- 18 ~~(14A)(18) — "Mailing address," includes street or PO Box, city, state, and zip code;~~
- 19 ~~(15) — "Entity," any organized or unorganized association, business corporation, limited~~
20 ~~liability company, nonprofit corporation, limited liability partnership, limited liability~~
21 ~~limited partnership, limited partnership, partnership, cooperative, trust except for~~
22 ~~a trust account representing or containing only a contributor's personal funds, a~~
23 ~~business trust, association, club, labor union, or collective bargaining organization;~~
24 ~~any local, state, or national organization to which a labor organization pays~~
25 ~~membership or per capita fees, based upon its affiliation and membership; any~~
26 ~~trade or professional association that receives its funds from membership dues or~~
27 ~~service fees, whether organized inside or outside the state; any other entity of any~~
28 ~~kind, except a natural person that is, has been, or could be recognized by law; or~~
29 ~~any group of persons acting in concert that is not defined as a political committee~~
30 ~~in this chapter except, an entity is not a candidate, a public office holder, or a~~
31 ~~political committee;~~
- 32 ~~(16)(19) — "Person," a natural person;~~
- 33 ~~(17)(20) — "Political action committee," any person or entity that raises, collects, or~~
34 ~~disburses contributions to influence the outcome of an election and who is not a~~

1 candidate, public officer holder, candidate campaign committee, ballot question
2 committee, or a political party. A political action committee is not any:

3 (a) Person who makes a contribution to a political committee; or

4 (b) Entity that makes a contribution to a ballot question committee from
5 treasury funds;

6 ~~(18)(21)~~ "Political committee," any candidate campaign committee, political action
7 committee, political party, or ballot question committee;

8 ~~(19)(22)~~ "Political party," any state or county political party association organized
9 pursuant to chapter 12-5 and qualified to participate in a primary or general
10 election, including any auxiliary organization of such a political party;

11 ~~(19A)~~ "Auxiliary organization," any organization designated as an auxiliary organization
12 in the political party's bylaws or constitution except any auxiliary organization that
13 only accepts contributions to support volunteer activities of the organization and
14 does not make monetary contributions or contribute donated goods or services or
15 any independent communication expenditures to any political committee except a
16 political party;

17 ~~(20)(23)~~ "Statewide office," the office of Governor, lieutenant governor, secretary of
18 state, attorney general, state auditor, state treasurer, commissioner of school and
19 public lands, and public utilities commissioner;

20 ~~(21)(24)~~ "Treasurer," the treasurer is the person who is designated as and has agreed
21 to serve as the person be responsible for each required filing that a committee is
22 required to make under this title;

23 ~~(22)(25)~~ "Treasury funds," funds of moneys of an entity not raised or collected from any
24 other source for the purpose of influencing a ballot question; and

25 ~~(23)(26)~~ "Volunteer," any person who provides services free of charge.

26 **Section 1. That § 12-27-22 be AMENDED:**

27 **12-27-22.** ~~A~~ The treasurer of ~~an entity a political committee~~ listed below shall file
28 a campaign finance disclosure statement shall be submitted to or a report with the
29 secretary of state. ~~The treasurer of each~~ as follows:

30 (1) ~~Candidate or~~ For a candidate, ~~or~~ candidate campaign committee, ~~or inactive~~
31 candidate campaign committee for any statewide office ~~shall,~~ file a pre-primary,
32 pre-general, year-end, and, if applicable, supplemental report and amendments in
33 even numbered years. ~~In and in~~ odd numbered years shall, file a year-end report

1 and, if applicable, amendments. A termination report may be submitted at any
2 time;

3 (2) ~~All candidates running~~ For a candidate, or candidate campaign committee, or
4 ~~inactive candidate campaign committee~~ for a legislative or county office with a
5 recognized political party ~~shall,~~ file a pre-primary ~~report if there is any primary~~
6 ~~race for that particular office in the legislative district or county, and for all~~
7 ~~candidates or candidate campaign committees for a legislative or county office~~
8 ~~shall, file,~~ a pre-general, year-end and, if applicable, supplemental report and
9 amendments in even numbered years. A termination report may be submitted at
10 any time;

11 (3) ~~Statewide~~ For a statewide political action committee ~~shall,~~ file a pre-primary, pre-
12 general, year-end, and, if applicable, supplemental report and amendments in even
13 numbered years. ~~In and in~~ odd numbered years ~~shall,~~ file a year-end ~~or report and,~~
14 if applicable, amendments. A termination report may be submitted at any time;

15 (4) ~~Statewide~~ For a statewide political party ~~shall,~~ file a pre-primary, pre-general,
16 year-end and, if applicable, supplemental report and amendments in even
17 numbered years. ~~In and in~~ odd numbered years ~~shall,~~ file a year-end or
18 amendments, if applicable. A termination report may be submitted at any time. A
19 political party that loses its status as a qualified party shall file a termination
20 statement by 5:00 p.m. central time the last Friday in January following the
21 calendar year in which qualified party status was lost;

22 (5) ~~County~~ For a county political party and auxiliary organization ~~shall,~~ file a pre-
23 general and, if applicable, supplemental report and amendments in even numbered
24 years. A termination report may be submitted at any time; and

25 (6) ~~Statewide~~ For a statewide ballot question committee ~~shall,~~ file a pre-primary, pre-
26 general, year-end and, if applicable, supplemental report and amendments in even
27 numbered years. ~~In and in~~ odd numbered years ~~shall,~~ file a year-end and, if
28 applicable, amendments. A termination report may be submitted at any time. If a
29 statewide ballot question committee does not list any activity on the next required
30 campaign finance report submitted to the secretary of state, that committee has
31 until the next reporting period to report activity. If that committee does not have
32 any activity to report by the next reporting period, the committee shall submit a
33 termination report by that reporting period deadline.

34 A campaign finance disclosure statement shall be submitted to the secretary of
35 state by the treasurer of each committee who shall file the following financial disclosure

1 ~~reports in accordance with the time frames stated in this chapter: pre-primary, pre-~~
2 ~~general, year-end, amendment, supplemental, and a termination when a committee is~~
3 ~~terminating its existence. The treasurer of ~~an entity~~ a political committee listed in this~~
4 ~~section may submit a termination report at any time.~~

5 If a political party loses the status of a qualified party, the party must file a
6 termination ~~statement~~ report by five p.m. central time on the last Friday in January
7 following the calendar year in which the qualified party status was lost. If a statewide
8 ballot question committee does not list any activity on the next required campaign finance
9 report submitted to the secretary of state, that committee has until the next reporting
10 period to report activity. If that committee does not have any activity to report by the
11 next reporting period, the committee must submit a termination report by that reporting
12 period deadline.

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