

2025 South Dakota Legislature

Senate Bill 11**AMENDMENT 11C
FOR THE SENATE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to limit the amount of money that a political committee may accept from an**
2 **inactive candidate campaign committee.**

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 that is designated by the political party's bylaws or constitution as an auxiliary
8 organization, provided the term does not mean an association or other group of
9 persons acting in concert if the association or group:

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

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

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

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

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

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

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

25 A ballot question committee is not a person or political committee that makes a
26 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 provided by a person volunteering for or
28 on behalf of a candidate or political committee, including the free or discounted
29 use of the person's residence, without full payment or that is provided by any
30 person or political committee whose primary business is to provide services or
31 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 the entity; or

(d) The nominal use of a:

(i) A candidate's real or personal property or nominal use of resources;

or

(ii) 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," except for a candidate, public office holder, or political committee, any:

(1) Organized or unorganized association; business corporation; limited liability company; nonprofit corporation; limited liability partnership; limited liability limited partnership; limited partnership; partnership; cooperative; trust, except for a trust account representing or containing only a contributor's personal funds; a business trust; association; club; labor union; or collective bargaining organization;

(2) Local, state, or national organization to which a labor organization pays membership or per capita fees, based upon its affiliation and membership;

- 1 (3) Trade or professional association that receives its funds from membership
 2 dues or service fees, whether organized inside or outside of the state;
 3 (4) Other entity of any kind, except a natural person that is, has been, or could
 4 be recognized by law; or
 5 (5) Group of persons, acting in concert, that is not a political committee under
 6 this chapter;
 7 ~~(9)~~(11) "Expressly advocate," any communication that:
 8 (a) Uses words to explicitly advocate for election, passage, or defeat, including:
 9 (i) Vote;
 10 (ii) Re-elect;
 11 (iii) Support;
 12 (iv) Cast your ballot for;
 13 (v) Reject; or
 14 (vi) Defeat; and
 15 (b) In context has no other reasonable meaning than to urge the election or
 16 defeat of one or more clearly identified candidates, or public office holders,
 17 or the:
 18 (i) The election or defeat of a candidate or public office holder;
 19 (ii) The placement of a ballot question on the ballot or the; or
 20 (iii) The adoption or defeat of any ballot question using explicit words
 21 of advocacy of election or defeat such as: vote, re-elect, support,
 22 cast your ballot for, reject, and defeat; or
 23 ~~(b)~~(c) If taken as a whole and with limited reference to external events, ~~such as~~
 24 ~~the proximity to the election,~~ may only be interpreted by a reasonable
 25 person as ~~containing advocacy of~~ urging the election or defeat of one or
 26 more clearly identified candidates or public office holders, ~~or the placement~~
 27 of a ballot question on the ballot, or the adoption or defeat of any ballot
 28 question because:
 29 (i) The electoral portion of the communication is unmistakable,
 30 unambiguous, and ~~suggestive of~~ suggests only one meaning; and
 31 (ii) Reasonable minds could not differ as to whether ~~it~~ the
 32 communication encourages actions to elect or defeat one or more
 33 clearly identified candidates or public office holders, ~~or the~~
 34 placement of a ballot question on the ballot, or the adoption or defeat
 35 of any ballot question, or encourages some other kind of action;

- 1 ~~(10)~~(12) "Immediate family," a a person who is:
- 2 (a) The spouse of a candidate or public office holder; a
- 3 (b) A person under the age of eighteen years who is claimed by that candidate
- 4 or public office holder or that candidate's or public office holder's spouse as
- 5 a dependent for federal income tax purposes; or any
- 6 (c) Any relative within the third degree of kinship of the candidate or the
- 7 candidate's spouse, and the spouses of such the relatives;
- 8 (13) "Inactive candidate campaign committee," the candidate campaign committee of a
- 9 candidate who:
- 10 (a) Is not holding or actively pursuing nomination for or election to a public
- 11 office, has failed to secure the nomination for a public office, or has lost the
- 12 election for that office; and
- 13 (b) Has not filed a termination report pursuant to § 12-27-25;
- 14 ~~(11)~~(14) "Independent communication expenditure," an expenditure, including the
- 15 payment of money or exchange of other valuable consideration or promise, made
- 16 by a person, entity, or political committee for a communication concerning a
- 17 candidate or a ballot question which that is not made to, controlled by, coordinated
- 18 with, requested by, or made upon consultation with that candidate, political
- 19 committee, or agent of a candidate or political committee. The, provided the term
- 20 does not include administration:
- 21 (a) Administration and solicitation of any contribution for a political action
- 22 committee established by an entity and associated expenses, nor the
- 23 (b) The use of an entity's real or personal property located on its business
- 24 premises for such purposes. The term does not include any of administering
- 25 and soliciting any contribution for a political action committee established
- 26 by the entity;
- 27 (c) Any communication by a person made in the regular course and scope of
- 28 the person's business or ministry or any; or
- 29 (d) Any communication made by a membership organization solely to any
- 30 member of the organization and the member's family;
- 31 ~~(12)~~(15) "Donated good or service," a good or service provided at no charge or for less
- 32 than its fair market value. The, provided the term does not include the value of
- 33 services provided by a person as a volunteer for or on behalf of any candidate or
- 34 political committee including the free or discounted use of the volunteer's residence
- 35 or office;

- 1 ~~(13)~~(16) "Legislative office," the Senate and the House of Representatives of the South
2 Dakota Legislature;
- 3 ~~(14)~~(17) "Loan," a transfer of money, property, guarantee, or anything of value in
4 exchange for an obligation, conditional or not, to repay in whole or part;
- 5 ~~(14A)~~(18) "Mailing address," includes street or PO Box, city, state, and zip code;
- 6 ~~(15)~~—"Entity," any organized or unorganized association, business corporation, limited
7 liability company, nonprofit corporation, limited liability partnership, limited liability
8 limited partnership, limited partnership, partnership, cooperative, trust except for
9 a trust account representing or containing only a contributor's personal funds, a
10 business trust, association, club, labor union, or collective bargaining organization;
11 any local, state, or national organization to which a labor organization pays
12 membership or per capita fees, based upon its affiliation and membership; any
13 trade or professional association that receives its funds from membership dues or
14 service fees, whether organized inside or outside the state; any other entity of any
15 kind, except a natural person that is, has been, or could be recognized by law; or
16 any group of persons acting in concert that is not defined as a political committee
17 in this chapter except, an entity is not a candidate, a public office holder, or a
18 political committee;
- 19 ~~(16)~~(19) "Person," a natural person;
- 20 ~~(17)~~(20) "Political action committee," any person or entity that raises, collects or
21 disburses contributions to influence the outcome of an election and who is not a
22 candidate, public officer holder, candidate campaign committee, ballot question
23 committee, or a political party. A political action committee is not any:
- 24 (a) Person who makes a contribution to a political committee; or
25 (b) Entity that makes a contribution to a ballot question committee from
26 treasury funds;
- 27 ~~(18)~~(21) "Political committee," any candidate campaign committee, political action
28 committee, political party, or ballot question committee;
- 29 ~~(19)~~(22) "Political party," any state or county ~~political party~~ association organized
30 pursuant to chapter 12-5 and qualified to participate in a primary or general
31 election, including any auxiliary organization of ~~such a~~ a political party;
- 32 ~~(19A)~~ "Auxiliary organization," any organization designated as an auxiliary organization
33 in the political party's bylaws or constitution except any auxiliary organization that
34 only accepts contributions to support volunteer activities of the organization and
35 does not make monetary contributions or contribute donated goods or services or

1 any independent communication expenditures to any political committee except a
2 political party;

3 ~~(20)~~(23) "Statewide office," the office of Governor, lieutenant governor, secretary of
4 state, attorney general, state auditor, state treasurer, commissioner of school and
5 public lands, and public utilities commissioner;

6 ~~(21)~~(24) "Treasurer," ~~the treasurer is~~ the person who is designated as and has agreed
7 to ~~serve as the person~~ be responsible for each required filing that a committee is
8 required to make under this title;

9 ~~(22)~~(25) "Treasury funds," ~~funds of moneys of~~ an entity not raised or collected from any
10 other source for the purpose of influencing a ballot question; and

11 ~~(23)~~(26) "Volunteer," any person who provides services free of charge.

12 **Section 2. That § 12-27-7 be AMENDED:**

13 **12-27-7.** A statewide candidate or the candidate's campaign committee may
14 accept contributions during any calendar year as follows:

15 (1) Not to exceed four thousand dollars from a person, unless the person is the
16 candidate or a member of the candidate's immediate family, in which case
17 contributions may be made without limit;

18 (2) Not to exceed four thousand dollars from an entity;

19 (3) Not to exceed four thousand dollars from an inactive candidate campaign
20 committee;

21 (4) Without limit from a political action committee;

22 ~~(4)~~(5) Without limit from a political party; and

23 ~~(5)~~(6) Without limit from a candidate campaign committee.

24 Any contribution from a ballot question committee is prohibited. Any contribution
25 from a person who is an unemancipated minor ~~shall be~~ is deducted from the total
26 contribution permitted under this section by the unemancipated minor's custodial parent
27 or parents.

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

30 **Section 3. That § 12-27-8 be AMENDED:**

31 **12-27-8.** A legislative or county candidate or the candidate's campaign committee
32 may accept contributions during any calendar year as follows:

- 1 (1) Not to exceed one thousand dollars from a person, unless the person is the
 2 candidate or a member of the candidate's immediate family, in which case
 3 contributions may be made without limit;
- 4 (2) Not to exceed one thousand dollars from an entity;
- 5 (3) Not to exceed one thousand dollars from an inactive candidate campaign
 6 committee;
- 7 (4) Without limit from a political action committee;
- 8 ~~(4)~~(5) Without limit from a political party; and
- 9 ~~(5)~~(6) Without limit from a candidate campaign committee.

10 Any contribution from a ballot question committee is prohibited. Any contribution
 11 from a person who is an unemancipated minor ~~shall be~~ is deducted from the total
 12 contribution permitted under this section by the unemancipated minor's custodial parent
 13 or parents. A violation of this section is a Class 2 misdemeanor. A subsequent offense
 14 within a calendar year is a Class 1 misdemeanor.

15 **Section 4. That § 12-27-9 be AMENDED:**

16 **12-27-9.** A political action committee may accept contributions during any
 17 calendar year as follows:

- 18 (1) Not to exceed ten thousand dollars from a person;
- 19 (2) Not to exceed ten thousand dollars from an entity;
- 20 (3) Not to exceed ten thousand dollars from an inactive candidate campaign
 21 committee;
- 22 (4) Without limit from a political action committee;
- 23 ~~(4)~~(5) Without limit from a political party;
- 24 ~~(5)~~(6) Without limit from a candidate campaign committee; and
- 25 ~~(6)~~(7) Not to exceed ten thousand dollars from a ballot question committee.

26 Any contribution from a person who is an unemancipated minor ~~shall be~~ is deducted
 27 from the total contribution permitted under this section by the unemancipated minor's
 28 custodial parent or parents. A violation of this section is a Class 2 misdemeanor. A
 29 subsequent offense within a calendar year is a Class 1 misdemeanor.

30 **Section 5. That § 12-27-10 be AMENDED:**

31 **12-27-10.** A political party may accept contributions during any calendar year as
 32 follows:

- 33 (1) Not to exceed ten thousand dollars from a person;

- 1 (2) Not to exceed ten thousand dollars from an entity;
- 2 (3) Not to exceed ten thousand dollars from an inactive candidate campaign
- 3 committee;
- 4 ~~(4)~~ Without limit from a political action committee;
- 5 ~~(4)~~(5) Without limit from a political party; and
- 6 ~~(5)~~(6) Without limit from a candidate campaign committee.

7 Any contribution from a ballot question committee is prohibited. Any contribution

8 from a person who is an unemancipated minor ~~shall be~~ is deducted from the total

9 contribution permitted under this section by the unemancipated minor's custodial parent

10 or parents. A violation of this section is a Class 2 misdemeanor. A subsequent offense

11 within a calendar year is a Class 1 misdemeanor.

12 **Section 6. That § 12-27-22 be AMENDED:**

13 **12-27-22.** ~~The treasurer of a political committee listed in this section shall file~~

14 ~~a campaign finance disclosure statement shall be submitted to or report with~~ the secretary

15 ~~of state. The treasurer of each as follows:~~

- 16 (1) ~~Candidate or~~ For a candidate, candidate campaign committee, ~~or inactive candidate~~
- 17 campaign committee for any statewide office ~~shall,~~ file a pre-primary, pre-general,
- 18 year-end, and, if applicable, supplemental report and amendments in even
- 19 numbered years. ~~In and in~~ and in odd numbered years shall file a year-end report and, if
- 20 applicable, amendments. ~~A termination report may be submitted at any time;~~
- 21 (2) ~~All candidates running~~ For a candidate, candidate campaign committee, or inactive
- 22 candidate campaign committee for a legislative or county office with a recognized
- 23 political party ~~shall,~~ file a pre-primary report if there is any primary race for that
- 24 particular office in the legislative district or county, and for all candidates or
- 25 candidate campaign committees for a legislative or county office ~~shall~~ file a pre-
- 26 general, year-end and, if applicable, supplemental report and amendments in even
- 27 numbered years. ~~A termination report may be submitted at any time;~~
- 28 (3) ~~Statewide~~ For a statewide political action committee ~~shall,~~ file a pre-primary, pre-
- 29 general, year-end, and, if applicable, supplemental report and amendments in even
- 30 numbered years. ~~In and~~ and odd numbered years shall file a year-end ~~or report~~ and, if
- 31 applicable, amendments. ~~A termination report may be submitted at any time;~~
- 32 (4) ~~Statewide~~ For a statewide political party ~~shall,~~ file a pre-primary, pre-general,
- 33 year-end and, if applicable, supplemental report and amendments in even
- 34 numbered years. ~~In and~~ and odd numbered years shall file a year-end ~~or amendments,~~

1 if applicable. A termination report may be submitted at any time. A political party
2 that loses its status as a qualified party shall file a termination statement by 5:00
3 p.m. central time the last Friday in January following the calendar year in which
4 qualified party status was lost;

- 5 (5) ~~County~~ For a county political party and auxiliary organization shall file a pre-
6 general and, if applicable, supplemental report and amendments in even numbered
7 years. ~~A termination report may be submitted at any time; and~~
- 8 (6) ~~Statewide~~ For a statewide ballot question committee shall file a pre-primary, pre-
9 general, year-end and, if applicable, supplemental report and amendments in even
10 numbered years. ~~In and in~~ odd numbered years shall file a year-end and, if
11 applicable, amendments. ~~A termination report may be submitted at any time. If a~~
12 ~~statewide ballot question committee does not list any activity on the next required~~
13 ~~campaign finance report submitted to the secretary of state, that committee has~~
14 ~~until the next reporting period to report activity. If that committee does not have~~
15 ~~any activity to report by the next reporting period, the committee shall submit a~~
16 ~~termination report by that reporting period deadline.~~

17 ~~A campaign finance disclosure statement shall be submitted to the secretary of~~
18 ~~state by the treasurer of each committee who shall file the following financial disclosure~~
19 ~~reports in accordance with the time frames stated in this chapter: pre-primary, pre-~~
20 ~~general, year-end, amendment, supplemental, and a termination when a committee is~~
21 ~~terminating its existence. The treasurer of a political committee listed in this section may~~
22 submit a termination report at any time.

23 If a political party loses its status as a qualified party, the party must file a
24 termination statement by five p.m. central time on the last Friday in January following the
25 calendar year in which qualified party status was lost. If a statewide ballot question
26 committee does not list any activity on the next required campaign finance report
27 submitted to the secretary of state, that committee has until the next reporting period to
28 report activity. If that committee does not have any activity to report by the next reporting
29 period, the committee shall submit a termination report by that reporting period deadline.

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