

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

634Y0582

HOUSE BILL NO. 1200

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 Any organization that contributes fifty thousand dollars or more within a twenty-four-month
6 period to a ballot question committee or makes an independent communication expenditure of
7 fifty thousand dollars or more within a twenty-four-month period shall disclose as a
8 supplemental disclosure within the campaign finance disclosure statement filed with the
9 secretary of state pursuant to the provisions of this chapter the name, address, occupation, and
10 current employer of each of the one hundred largest contributors to the organization during the
11 five years preceding the disclosure. If any of the one hundred largest contributors to an
12 organization is an organization that is not otherwise required by any other law to disclose its top
13 contributors, the ballot question committee shall collect and disclose the top one hundred



1 contributors to the organization that is not otherwise required by any other law to disclose its
2 top contributors. If an organization fails to make a timely disclosure pursuant to this section as
3 required by ballot question committee disclosure requirements, the ballot question committee
4 shall be subject to a civil penalty equal to twenty-five percent of the organization's total
5 contribution to the ballot question committee imposed by the secretary of state pursuant to rules
6 promulgated by the secretary of state under chapter 1-26. If an organization fails to make a
7 timely disclosure pursuant to this section as required by independent communication
8 expenditure disclosure requirements, the organization is subject to a civil penalty equal to
9 twenty-five percent of the organization's total independent communication expenditure imposed
10 by the secretary of state pursuant to rules promulgated by the secretary of state under chapter
11 1-26. A ballot question committee or organization found to be in violation of this Act and not
12 complying within ten days of written notification delivered by certified mail from the secretary
13 of state may not contribute to any other ballot question committee or make any other
14 independent communication expenditure, nor may any board member or officer of that
15 committee or organization for a period of five years from the date of the violation. The secretary
16 of state shall impose any civil penalty pursuant to this section and the proceeds deposited into
17 the state general fund. An intentional violation of this Act is a Class 1 misdemeanor.

18 For purposes of this section, all ballot question committees established, financed,
19 maintained, or controlled by the same corporation, labor organization, person, or group of
20 persons, including any parent, subsidiary, branch, division, department, or local unit are
21 affiliated and share a single contribution limit. For purposes of this section, a contributor is any
22 person, organization, or political committee that gives to an organization gratuitously.