

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

813P0080

## SENATE BILL NO. 90

Introduced by: Senators Katus, Hanson (Gary), Hoerth, Jerstad, Maher, Napoli, Peterson (Jim), Schmidt (Dennis), and Two Bulls and Representatives Van Norman, Bradford, Kirkeby, Lucas, Nygaard, Sigdestad, and Thompson

1 FOR AN ACT ENTITLED, An Act to provide for voluntary limitations on campaign spending  
2 for legislative office.

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

4 Section 1. That chapter 12-27 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Terms used in this Act mean:

- 7 (1) "Election cycle," the period of time beginning thirty-one days following a general  
8 election for the particular office and ending thirty days following the next general  
9 election for that office;
- 10 (2) "Expenditure," any purchase, payment, distribution, loan, advance, deposit, or gift of  
11 money by any person for the purpose of expressly advocating the election or defeat  
12 of a candidate. An expenditure is made when the actual spending occurs or when  
13 there is a contractual agreement requiring such spending and the amount is  
14 determined. Expenditure does not include:



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15

16  
17

18  
19  
20  
21

22  
23

24

1 of this Act also agrees that the candidate's personal contributions to the candidate's own  
2 campaign shall be counted as political party contributions and are subject to the aggregate limit  
3 on such contributions set forth in § 12-27-10.

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

6 Each legislative candidate who chooses to accept the voluntary spending limit established  
7 in section 2 of this Act shall file a statement to that effect with the secretary of state at the time  
8 the candidate files a nominating petition as provided in § 12-6-4. Acceptance of the voluntary  
9 spending limit is irrevocable except as provided in this section. If a legislative candidate accepts  
10 the applicable spending limit and another candidate for the same office refuses to accept the  
11 spending limit, the accepting candidate has ten days in which to withdraw acceptance. The  
12 accepting candidate has this option of withdrawing acceptance after each additional  
13 nonaccepting candidate for the same office enters the race. Any candidate who, after accepting  
14 the spending limit in accordance with this section, exceeds the spending limit is guilty of a Class  
15 1 misdemeanor.

16 Section 5. That chapter 12-27 be amended by adding thereto a NEW SECTION to read as  
17 follows:

18 The applicable contribution limits set forth in § 12-27-8 shall double for any legislative  
19 candidate who has accepted the applicable voluntary spending limit established in section 2 of  
20 this Act if:

- 21 (1) Another candidate in the race for the same office has not accepted the voluntary  
22 spending limit; and
- 23 (2) The nonaccepting candidate has raised more than ten percent of the applicable  
24 voluntary spending limit.

1       Section 6. That chapter 12-27 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3       Only those legislative candidates who have agreed to abide by the applicable voluntary  
4 spending limit established pursuant to this Act may advertise their compliance. All other  
5 candidates are prohibited from advertising, or in any way implying, their acceptance of  
6 voluntary spending limits. A violation of this section is a Class 1 misdemeanor.