Campaign Finance Reporting Guidelines
SDCL 12-27

This document serves as a guide to compliance for any person or organization required to disclose information required by the Act. Feel free to contact us with any questions or comments.

2016-2017

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Important Campaign Finance Disclosure Filing Dates

Year-End:

- Filing deadline of the first Monday in February of following year - February 1, 2016
- Reporting Period: Last report through December 31, 2015
- **NOTE**: The following are not required to file a year-end report following a year in which there is not an election for the office:
    - A candidate campaign committee for legislative or county office

Pre-Primary:

- Filing deadline of 2nd Friday prior to the Primary - May 27, 2016
- Reporting Period: January 1, 2016 through May 23, 2016
- **NOTE:** The following are not required to file a pre-primary report:
    - A county, local, or auxiliary committee of any political party, qualified to participate in a primary or general election, prior to a statewide primary election
    - A legislative or county candidate campaign committee without opposition in a primary election, prior to a primary election
    - A statewide candidate who is publicly seeking a nomination by that candidate's party convention prior to a primary election
    - A statewide candidate whose name does not appear on the primary ballot
    - An independent candidate prior to a primary election

Post-Primary (Candidates who lost in the primary election)

- Filing deadline of 2nd Friday of August after Primary - August 12, 2016
- Reporting Period: May 24, 2016 through August 8, 2016

Pre-General:

- Filing deadline of 2nd Friday prior to General - October 28, 2016
- Reporting Period: second Friday prior to Primary election through 15 days prior to General election, May 24, 2016 through October 24, 2016
- **NOTE:** The following are not required to file a pre-general report:
    - A candidate campaign committee whose name is not on the general election ballot, prior to the general election

Year-End:

- Filing deadline of the first Monday in February of following year - February 6, 2017
- Reporting Period: Last report filed through December 31, 2016

NOTE: A political committee that regularly submits a campaign finance disclosure statement with another state or the Federal Election Commission or a report of contributions and expenditures with the Internal Revenue Service is not required to file any campaign finance disclosures with our office.
Administrative penalty

*All reports that are filed with the Secretary of State's office are due by **5 pm CT** on the day of the deadline.
*Reports filed with local jurisdictions are due by **5 pm local time**.

12-27-29.1. Administrative penalty for failure to timely file statement, amendment, or correction. In addition to any other penalty or relief provided under this chapter, the secretary of state, after notice and opportunity for hearing pursuant to chapter 1-26, may impose an administrative penalty for the failure to timely file any statement, amendment, or correction required to be filed by this chapter. The administrative penalty is fifty dollars per day for each violation not to exceed three thousand dollars. However, if the violation is made by a county political party or auxiliary, the administrative penalty is ten dollars per day for each violation not to exceed six hundred dollars. Any administrative penalty collected pursuant to this section shall be deposited in the state general fund.

Campaign Finance FAQs

SDCL Chapter 12-27

All political committees that file campaign finance disclosures with another state, the Federal Election Commission or report contributions and expenses to the Internal Revenue Service are not required to file with the SD Secretary of State SDCL 12-27-3.

Introduction and Legal Basis

In 2007 the State Legislature completed the task of reforming the laws governing campaign finance in South Dakota for the first time in over 30 years.

Financial Records to Be Maintained - SDCL 12-27-29

Candidates and committees must keep accurate records of all receipts and expenditures. While a separate campaign bank account for a candidate is not required, it does simplify record keeping.

The responsibility for filing campaign finance disclosure statements is squarely on the shoulders of the treasurer of any political committee or political party. This guide will help you understand the responsibility each political committee holds in complying with the law. If you are the treasurer of a political party or political committee you are strongly urged to become familiar with your duties and the filing deadlines. There are administrative, civil and criminal penalties for violations of campaign finance statutes. The committee treasurer will be assessed a $50 per day administrative penalty for each day a report is delinquent. Treasures for county political parties will be assessed a $10 per day administrative penalty for each day a report is delinquent. There are also civil penalties in the amount of $50 per day for treasurers who fail to timely file statements for county, municipal or school district elections.

Treasurer Duties (SDCL 12-27-29)

All responsibility for campaign financial records rests with the **TREASURER** of the political committee or political party who is required by law to maintain and preserve detailed and accurate records of the following:

- Each contribution and in-kind contribution received by the political committee or political party;
- In the case of a ballot question committee, the information required for any contribution from an organization as described in SDCL 12-27-19;
- Each loan received or made by the political committee or political party;
- Each refund, rebate, interest, or other income received by the political committee or political party;
- All receipts, invoices, bills, canceled checks, or other proofs of payment, with an explanation of each, for each expenditure;
- The name and address of any financial institution where an account or depository for the political committee or political party is maintained including the account number.

The treasurer is required to maintain and preserve the records for a period of seven years or three years past the date of filing the termination statement for the election for which the contribution or expenditure was made, whichever is earlier. Any violation of these duties is a Class 1 misdemeanor.

Who files and who do you file with?

The following **FILE** with the Secretary of State's office:	The following **DO NOT FILE** with the Secretary of State's office *(file in the office where the nominating petition or ballot question petition was filed)*:

• Statewide Political Action Committees (PACs)
• Statewide Political Parties
• County Political Parties
• Auxiliary Political Parties
• Statewide Ballot Question Committees
• Legislative Committees
• Statewide Candidate Committees
	• **County ***
	  ○ Candidates, Ballot Question Committees and Political Action Committees
	• **Municipal ***
	  ○ Candidates, Ballot Question Committees and Political Action Committees
	• **School ***
	  ○ Board Candidates, Ballot Question Committees and Political Action Committees

All political committees that file campaign finance disclosures with another state, the Federal Election Commission or report contributions and expenses to the Internal Revenue Service are not required to file with the SD SOS SDCL 12-27-3.	

Note: Local governments are not required to follow Campaign Finance laws except those listed under SDCL 12-27-39

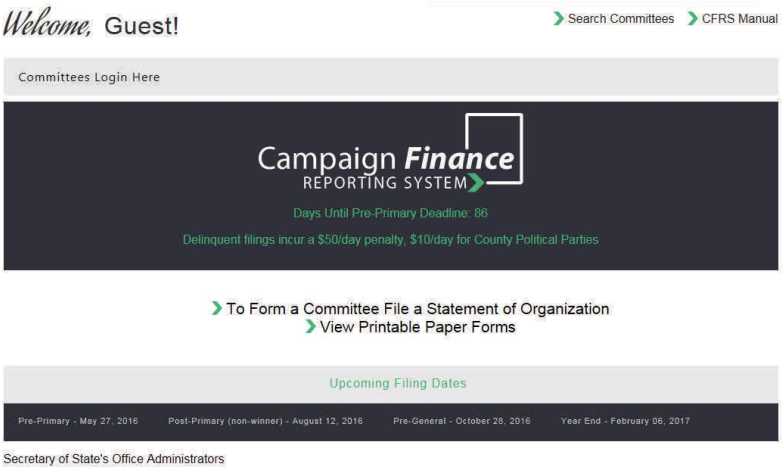
SDCL 12-27-39. Application of campaign finance requirements. The provisions of this chapter apply to each statewide office, legislative office, statewide ballot question, county offices and ballot questions in counties with population greater than five thousand according to the most recent Federal census, ballot questions in first class municipalities, and school district offices and ballot questions in school districts with more than two thousand average daily membership. Any municipal or school district election covered by this chapter shall conform to the contribution limits applicable to legislative offices. This chapter does not apply to the unified judicial system, nor does this chapter apply to any township or special purpose district offices or ballot questions or elections for municipal offices. However, the governing body of any county, township, municipality, school district, or special purpose district not otherwise covered by this chapter may adopt an ordinance or resolution to make the provisions of this chapter, with or without amendments, applicable to county, township, municipal, school district, or special purpose district elections.

Political Committee Registration (SDCL 12-27-2 thru 12-27-6)

- Every political committee must be registered **not later than fifteen days** after the date upon which the committee made contributions, received contributions, or paid expenses in excess of five hundred dollars unless such activity falls within thirty days of any statewide election in which case the statement of organization shall be filed within forty-eight hours. **(Appendix A)**
- Any candidate for public office shall organize a candidate campaign committee not later than fifteen days after becoming a candidate and shall file a statement of organization. (Except for exceptions above)
- The candidate or treasurer of a political committee shall file an updated statement of organization not later than fifteen days after any change in the information contained on the most recently filed statement of organization.

Campaign Finance Reporting System (CFRS)

The Secretary of State's Office has developed a new Campaign Finance Reporting System that allows committees to file reports online. Through this user friendly system, committees may access there reports, make changes to their committee information and view other submitted reports. Anyone may use the system to search reports filed by the Secretary of State's office.



The Campaign Finance Reporting System may be accessed at https://sdcfr.sdsos.gov

The Campaign Finance Reporting Manual may be accessed at https://sdcfr.sdsos.gov/Papers/CFRSManualJan.2016.pdf

What Needs To Be Reported? SDCL 12-27-24

- Aggregate contributions received from individuals of $100.01 or more in a calendar year shall be itemized and include name, **residence address** and amount of contribution.
- Contributions received from individuals of $100.00 or less must be reported but need not be itemized.
- All contributions of any amount from Federal, out-of-State or South Dakota political action committees (PAC's) must be itemized.
- All contributions of any amount from Political Party committees must be itemized.
- Expenditures may be categorized by expense type.
- All contributions from a committee to another candidate or committee must be itemized.
- Outstanding debts, obligations and unpaid bills at the end of the reporting period must be itemized.
- Organization costs for establishing and administering a political action committee.
- Loans and Loan repayments.

What is an organization?

SDCL 12-27-1 (16) "Organization," any business corporation, limited liability company, nonprofit corporation, limited liability partnership, limited partnership, partnership, cooperative, trust except a trust account representing or containing only a contributor's personal funds, business trust, association, club, labor union, collective bargaining organization, local, state, or national organization to which a labor organization pays membership or per capita fees, based upon its affiliation and membership, trade or professional association that receives its funds from membership dues or service fees, whether organized inside or outside the state, any entity organized in a corporate form under federal law or the laws of this state, or any group of persons acting in concert which is not defined as a political committee or political party in this chapter;

Any organization may:

- Make a maximum contribution of $10,000 in a calendar year to a political action committee (SDCL 12-27-9).
- **NOT make a contribution to a candidate campaign committee or political party.**
- Create a political action committee or ballot question committee.
- Make unlimited contributions to ballot question committees. Before contributing **more than** $10,000 in the aggregate in a calendar year, a sworn written statement has to be filed with the Ballot Question Committee (SDCL 12-27-19). **(Appendix F)**

- Make an advocating communication which is an independent expenditure for/against candidates, public office holders, ballot questions, or political parties. If the total cost for the communication is $100 or more the organization must file an advocating communication Statement within 48 hours (SDCL 12-27-16). **(Appendix J)**
- Make a non-advocating communication. If the communication is $100 or more, the organization must file a communication Statement within 48 hours. **(Appendix I)**

Any person may:

- Make contributions to any candidate, political action committee, ballot question committee or political party.

The following limits apply during any calendar year:

- County candidate $1,000
- Legislative candidate: $1,000
- Statewide candidate: $4,000
- Political Action Committee: $10,000
- Political Party $10,000
- Ballot Question Committee: No limit

- There is no limit to the amount any candidate or the candidate's immediate family may contribute to that candidate campaign committee.
- Make an independent expenditure for/against a candidate, public officer holder, ballot question, or political party. If the total cost for the independent expenditure is $100 or more the person must file an expenditure form within 48 hours. (**Expenditure Forms - Appendix I and J**)

Note: If a person raises, collects or disburses contributions to influence the outcome of an election and is not simply making a contribution to a political committee or political party, that person is considered a political action committee and is required to register, **within 15 days of receiving or expending $500**, with the election official you are required to file with and must follow the campaign finance disclosure reporting requirements.

Any political action committee may:

- Make unlimited contributions to any candidate, political committee, or political party.
- Make independent expenditures and electioneering communications. **(Appendix I)**
- Accept contributions from individuals, candidates, organizations, PACs, and political parties.

Any political party may:

- Make unlimited contributions to any candidate, political committee or political party.
- Make independent expenditures and electioneering communications. **(Appendix I)**
- Accept contributions from individuals, candidates, PACs, and political parties.

Any candidate campaign committee may:

- Make unlimited contributions to any candidate, political committee or political party.
- Make independent expenditures and electioneering communications. **(Appendix I)**
- Accept contributions from individuals, candidates, PACs, and political parties.
- **NOT** accept contributions from an organization.

Any ballot question committee may:

- Make independent expenditures and electioneering communications. **(Appendix I)**
- Accept contributions from individuals, candidates, organizations, PACs, and political parties.
- Not make contributions to PACs, political parties, or candidates.

Disclaimer: All candidates, political committees and political parties must

display or clearly speak the statement: "Paid for by (Name of candidate, political committee or political party)"on any printed material or communication. This disclaimer is not required on buttons, balloons, pins, pens, matchbooks, clothing, or similar small items upon which the inclusion of the statement would be impracticable (SDCL 12-27-15).

Financial Disclosure Statements (SDCL 12-27-22 thru 12-27-28)

The campaign financial disclosure statement is the most visible part of the disclosure process. This is the document that contains the information most utilized by the public. The disclosure statement provides the public with information on contributions received and expenditures made by the political committee or political party during the calendar year up to the cutoff date of the reporting period. (**Appendix B and D**)

Independent Expenditures Statement (SDCL 12-27-16)

- Who files this statement: SDCL 12-27-16 states that any PERSON or ORGANIZATION that makes a payment or promise of payment totaling $100.00 or more, including an in-kind contribution, for a communication which expressly advocates for or against a candidate, public office holder, ballot question, or political party. SDCL 12-27-16 (6a-d) outlines what types of communications do not need to be reported on this form. **(Appendix J)**
- Deadline to file: Within 48 hours of the time that the communication is disseminated, broadcast, or otherwise published.

Expenditures for Communications NOT Expressly Advocating Statement (SDCL 12-27-17)

- Who files this statement: SDCL 12-27-17 states that any POLITICAL COMMITTEE, ORGANIZATION, PERSON or POLITICAL PARTY that makes a payment or promise of payment totaling $100.00 or more, including an in-kind contribution, for a communication clearly identifies a candidate or public officer holder but does not expressly advocate the election or defeat of the candidate or public office holder. SDCL 12-27-17 (1-5) outlines what types of communications do not need to be reported on this form. **(Appendix I)**
- Deadline to file: Within 48 hours of the time that the communication is disseminated, broadcast, or otherwise published.

A Supplemental Statement must be filed if any candidate campaign committee for Statewide office, political action committee, ballot question committee, or political party receives a contribution of five hundred dollars or more within fourteen days immediately prior to an election. The Statement shall be filed within forty-eight hours of the receipt of the contribution. **(Appendix E)**

Contributions that Exceed Limitation

If a contribution is received that exceeds the contribution limit (or exceeds the limit in the aggregate when combined with other contributions from the individual during the calendar year) the treasurer **must return** the contribution to the contributor. It is a Class 1 misdemeanor for a political committee or political party to accept a contribution from an individual that exceeds the contribution limit.

Anonymous Contributions (SDCL 12-27-24 (14), 12-27-11)

Every contribution must include the name and residence address of the contributor. If this information is not provided, the treasurer may not deposit the contribution. If any contribution, money, or other thing of value is received from an unknown source the treasurer must donate it to a nonprofit charitable organization.

Fictitious Names on Contributions Not Allowed (SDCL 12-27-12)

No person or organization may make a contribution in the name of another person, make a contribution in a fictitious name, make a contribution on behalf of another person, or knowingly permit another to use his or her name to make a contribution.

Contributions Disguised as Gifts Not Allowed (SDCL 12-27-12)

No person may make a contribution disguised as a gift and no candidate may accept a contribution disguised as a gift. This simply means that gifts are contributions and fall under the same limitations. It would be unlawful for someone to give a candidate a "personal" gift while intending the gift to be used as a contribution.

Can Public Funds be used to Influence an Election? (SDCL 12-27-20)

No. The State, an agency of the State, and the governing body of a county, municipality, or other political subdivision of the State may not expend or permit the expenditure of public funds for the purpose of influencing the nomination or election of any candidate, or for the petitioning of a ballot question on the ballot or the adoption or defeat of any ballot question. This section may not be construed to limit the freedom of speech of any officer or employee of the State or such political subdivisions in his or her personal capacity. This section does not prohibit the State, its agencies, or the governing body of any political subdivision of the State from presenting factual information solely for the purpose of educating the voters on a ballot question.

Campaign Finance Paper Forms

Appendix A

Statement of Organization

SDCL 12-27-6

The Treasurer for a political action or ballot question committee shall file a statement of organization not later than 15 days after the date upon which the committee made contributions, received contributions, or paid expenses in excess of $500.00. However, if such activity falls within 30 days of any statewide election, the statement of organization shall be filed within 48 hours. A candidate shall file a statement of organization for a candidate campaign committee not later than 15 days after becoming a candidate (SDCL 12-27-3; 12-27-23).

If you are required to file with your local jurisdiction (county, school or municipality: candidate, ballot question committees and PACs) contact your local election official for the necessary form(s).

If you are submitting this Statement to the Secretary of State's office choose a **Committee Type** below.

Committee Type *(you must select one)*:

☐ **Statewide Political Action Committee (PAC)** ☐ **Statewide Political Party** ☐ **County Political Party**

☐ **Auxiliary Political Party** ☐ **Statewide Ballot Question Committee**

☐ **Statewide Candidate Committee** ☐ **Legislative Committee**

Committee Information

(ALL fields required unless indicated otherwise, please print):

*only **ONE candidate campaign committee** may be organized for each candidate (SDCL 12-27-1 (3))*

Full Name of Committee_____

If you are a **Candidate**, list your name below as it appears on your nominating petition, the office you are seeking (include legislative district if applicable).

_____

Street Address_____ City _____State _____ Zip_____

Postal Address_____ City _____State _____ Zip_____

Committee website address *(optional)* _____

Chair (*Candidate can serve as Chair of their Committee)*

*(first and last name)*_____

Daytime Phone Number_____ Evening Phone Number_____

Street Address_____ City _____State _____ Zip_____

Postal Address_____ City _____State _____ Zip_____

Email Address _____

☐ Check this box if **Chair is also serving as Treasurer**. If the same, you are not required to fill out Treasurer fields below.

**The Treasurer is responsible for filing all campaign finance reports and forms. Letters and notices, sent by the Secretary of State's office, will go to the Treasurer only.*

Treasurer* *(first and last name)*_____

Daytime Phone Number_____ Evening Phone Number_____

Street Address_____ City _____State _____ Zip_____

Postal Address_____ City _____State _____ Zip_____

Email Address _____

Political Action or Ballot Question Committees (required): you **must** list the full name, street address and postal address of the organization with which the committee is connected or affiliated, **OR** if the committee is not connected or affiliated with any one organization, state the trade, profession, or primary interest of the committee.

Name of Affiliated Organization_____

Statement of Purpose or Goals _____

Street Address_____ City _____State _____ Zip_____

Postal Address_____ City _____State _____ Zip_____

Trade, Profession, or Primary Interest of Committee _____

If you are a **Ballot Question Committee**, indicate which measure the committee was involved with during the reporting period and whether the measure was supported or opposed.

Ballot Measure Number *(if has been assigned):* _____Support ☐ Oppose ☐

*You may only support /oppose one ballot measure per ballot question committee.

Verification below must be SIGNED BEFORE SUBMITTING this Statement

This statement shall be signed by the candidate and treasurer for a candidate committee and by the chair and treasurer for other political committees. The treasurer of a political committee shall ***file an updated statement of organization not later than fifteens days after ANY change*** *in the information contained on this statement.*

PLEASE PRINT (required)

I _____(Treasurer),

I _____(Chair or Candidate),

certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete. I also understand that failure to timely file any statement, amendment, or correction required subjects the Treasurer responsible for filing to an administrative penalty of ten dollars (county political parties only) or fifty dollars per day for each day that the statement remains delinquent (SDCL 12-27-29.1).

Date:_____ _____
Signature of Treasurer

Date:_____ _____
Signature of Chair or Candidate

Mail completed form to:

Secretary of State's Office,
Attn: Elections Department,
500 E Capitol Ave., Ste. 204,
Pierre, SD 57501-5070,

Fax 605-773-6580
Email to cfr@state.sd.us.
You may update or form a new committee online at https://sdcfr.sdsos.gov/

Campaign Finance Disclosure Statement

SDCL 12-27

The following **FILE** this form with the Secretary of State's office:

- Statewide Political Action Committees (PACs)
- Statewide Political Parties
- County Political Parties
- Auxiliary Political Party
- Statewide Ballot Question Committees
- Legislative Committees
- Statewide Candidate Committees

The following **DO NOT FILE** this form with the Secretary of State's office *(file this form in the office where the nominating petition or ballot question petition was filed)*:

- County
  - → Candidates, Ballot Question Committees and Political Action Committees
- Municipal
  - → Candidates, Ballot Question Committees and Political Action Committees
- School
  - → Board Candidates, Ballot Question Committees and Political Action Committees

Committee Information Required *(please print)***:**

Full Name of Committee_____

If you are a Candidate, list name as it appears on your nominating petition and what office you are seeking.

_____

Type of Committee_____

Street Address_____ City _____State _____ Zip_____

Postal Address_____ City _____State _____ Zip_____

Treasurer Daytime Phone Number_____ Treasurer Evening Phone Number_____

Treasurer Email Address_____

If you are a **Ballot Question Committee**, indicate which measure the committee was involved with during the reporting period and whether the measure was supported or opposed.

Ballot Measure Number *(if has been assigned):* _____Support ☐ Oppose ☐

Type of Campaign Statement *(you must select one)*:

☐ **Pre-Primary** ☐ **Post-Primary** *(non-winner)* ☐ **Pre-General** ☐ **Year-End** ☐ **Termination of Committee**

You may also select one of the **reports below in combination** with a **report** above:

☐ **Amendment** *(for most recent report filed)* ☐ **Termination of Committee**

The following verification must be **signed by the Treasurer** before submitting the report (SDCL 12-27-24 (29))

I _____(print name legibly), certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete. I also understand that failure to timely file any statement, amendment, or correction required subjects the Treasurer responsible for filing to an administrative penalty of ten dollars (county political parties only) or fifty dollars per day for each day that the statement remains delinquent (SDCL 12-27-29.1).

Date:_____ _____

Signature of Treasurer

INCOME

Direct Contributions from Individuals

This section reports all contributions from individuals. These pages may be duplicated if you need more space or you may attach additional sheets of paper as appendices.

Unitemized Direct Contributions from Individuals	
This is the sum of all contributions of $100.00 or less from individuals. Enter this total here.	***Amount***
TOTAL of all Unitemized Direct Contributions from Individuals:	**$**

Itemized Direct Contributions from Individuals
Enter all itemized contributions of $100.01 or more from each individual below (SDCL 12-27-24 (14)):
If you have received a contribution from an individual in the calendar year that will put them over the $100.01 contribution limit they will need to be listed in this section.

Contributor name	***Residence Address (PO Box not accepted)***	***City and State***	***Amount***
Joe Smith	1234 5th Ave	Pierre, SD	$100.00*
**Because Joe gave $50.00 in a previous reporting period and gave $100.00 in this reporting period, his contributions are now required to be Itemized since his total amount contributed in the calendar year is over $100.01. His aggregate amount is now $150.00.*			
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
TOTAL of all Itemized Direct Contributions from Individuals:			**$**

INCOME *cont'd*

Direct Contributions from Organizations

Only PAC's and Ballot Question Committees* may receive direct contributions from organizations. An organization is defined as any business corporation, limited liability company, nonprofit corporation, limited liability partnership, limited partnership, partnership, cooperative, trust except a trust account representing or containing only a contributor's personal funds, business trust, association, club, labor union, collective bargaining organization, local, state or national organization to which a labor organization pays membership or per capita fees, based upon its affiliation and membership, trade or professional association that receives its funds from membership dues or service fees, whether organized inside or outside the state, any entity organized in a corporate form under federal law or the laws of this state, or any group of persons acting in concert which is not defined as a political committee or political party. SDCL 12-27-18
*If you are a **ballot question committee,** which received a contribution from an organization, you must attach to this report the Ballot Question Statement you received from the organization.

Organization name	*Street Address*	*City and State*	*Amount*
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
TOTAL of all Itemized Direct Contributions from Organizations:			**$**

Direct Contributions from Political Parties

A political party is defined by SDCL 12-27-1 (20). All contributions from Political Parties must be entered as a separate item (itemized) listing the required information below.

Political Party name	*Street Address*	*City and State*	*Amount*
			$
			$
			$
			$
			$
			$
TOTAL of all Itemized Direct Contributions from Political Parties:			**$**

INCOME *cont'd*

Direct Contributions from In-State Political Action Committees

A political action committee (PAC) is defined by SDCL 12-27-1 (18).

In-State PAC name	*Street Address*	*City and State*	*Amount*
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
TOTAL of all Itemized Direct Contributions from In-State Political Action Committees:			**$**

Direct Contributions from Out-of-State or Federal Political Action Committees (PAC)

All contributions must be itemized separately and include the PAC name and website address of the filing office where the PAC regularly files their campaign finance report(s).

Out-of-State or Federal PAC Name	*Filing Website Address*	*Amount*
		$
		$
		$
		$
		$
TOTAL of all Itemized Direct Contributions from Out-of-State or Federal Political Action Committees:		**$**

INCOME *cont'd*

Direct Contributions from Candidate Committees

A candidate committee is defined by SDCL 12-27-1 (3).

Candidate Committee name	*Street Address*	*City and State*	*Amount*
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
			$
		TOTAL of all Itemized Direct Contributions from Candidate Committees:	**$**

Other Income

This section reports all income received from any refunds, rebates, interest earned, sale of property, or other income which is not a direct contribution, during this reporting period. Any initial source of income from a loan that is received should be listed here.

Source of Income	*Description*	*Amount*
Example: Joe Smith	Loan Income	$10,000.00
		$
		$
		$
		$
	TOTAL of all Other Income:	**$**

INCOME *cont'd*

In-Kind Contributions

An in-kind contribution is defined as a good or service provided at no charge or for less than its fair market value. The term does not include the value of services provided by a person as a volunteer for or on behalf of any candidate, political committee, or political party, including the free or discounted use of any person's residence or office.

Name and residence address	***Description***	***Estimated Value***
Example: Joe Smith, 125 State Street, Pierre, SD	Plywood for campaign signs	$200.00
		$
		$
		$
		$
TOTAL of all estimated In-Kind Contributions:		**$**

Establishing and Administering Committee/Solicitation Costs

List a categorical description and the estimated value of funds or donations by an organization to its own political committee for establishing and administering the political committee or solicitation costs of the political committee. (*This section is rarely used).* SDCL 12-27-24 (19)

Organization Name	***Categorical Description***	***Amount***
Example: ABC Company	ABC Company pays for the administration of their ABC PAC (ex: office space rent, utility costs, equipment rental, salary for Treasurer)	$2,000.00
		$
		$
		$
		$
		$
TOTAL of all Establishing and Administering Committee/Solicitation Costs:		**$**

EXPENDITURES

Operational Expenditures

This section reports expenses that the committee has incurred. Categories have been provided for reporting common expenses. All other expenses should be listed.

Categorical Description	***Amount***
Advertising	$
Bank Fees	$
Credit Card Fees	$
Consulting	$
Loan Repayment *(Ex: repaid $25,000; new balance is $50,000; so expense here would be $25,000)*	$
Office Supplies	$
Postage	$
Printing	$
Rent	$
Salaries	$
Telephone	$
Travel	$
Utilities	$
List other expense items below (i.e. donations to organizations, gifts, meals, fundraising expenses, etc.):	$
	$
	$
	$
	$
	$
	$
	$
	$
	$
	$
	$
TOTAL of all Operational Expenditures:	**$**

EXPENDITURES con*t'd*

Contributions Made to Other Candidates and/or Committees

This section reports all contributions that this committee has made to another candidate and/or committee.

Name of Candidate or Committee	***Amount***
	$
	$
	$
	$
	$
	$
	$
	$
	$
	$
	$
	$
	$
	$
	$
	$
	$
TOTAL of all Contributions to Other Candidates and/or Committees:	**$**

Expenditures Incurred but not yet Paid

(prior reports listed these as Outstanding Debts and Obligations)

This section reports all expenditures incurred by this committee but have not been paid during this reporting period (i.e. consulting services that been contracted but not yet billed). If a service has been contracted but not yet billed, estimate the amount of the obligation.

Owed to	***Amount***
Example: ABC Consulting Firm	$600.00
	$
	$
	$
	$
TOTAL amount of Expenditures Incurred but not yet Paid:	**$**

EXPENDITURES cont'd

Loans Owed TO this Committee

This section reports all loans that this committee has made to others (i.e. loan to another candidate committee). Please list the name, address, city and state for each loan and the amount of loan given during the reporting period. Also list the balance of each loan at the end of the reporting period.

Recipient Name	*Address, City and State*	*Amount of loan given during reporting period*	*Balance of loan owed to this committee at the end of the reporting period*
Example: Mary Smith	123 River Rd., Pierre, SD	$100,000.00	$100,000.00
Example: Louis Rogers	500 E. Capitol Ave., Pierre, SD	$0.00	$50,000.00
	Total of all Loans Owed TO this Committee:		

Loans Owed BY this Committee

This section reports all loans that have been given to this committee (i.e. personal loan to committee). Please list the name, address, city and state of the lender and the terms, interest rate and repayment schedule. Also list the balance of each loan at the end of the reporting period. If part of a **loan** has been **repaid**, please also list that **expense** in the **Loan Repayment** category of **Operational Expenditures** (page 7 above). If the **loan** is an initial source of **income**, please also list the amount of the **loan** in the **Loan Income** category of **Other Income** (page 5 above).

Lender Name	*Address, City and State*	*Terms, Interest Rate and Repayment Schedule*	*Balance of loan committee owes at the end of the reporting period*
Example: BankOne	123 Main St., Sioux Falls, SD	Monthly, 5%, full in 1 year.	$50,000.00
		Total of all Loans Owed BY this Committee:	

SUMMARY OF INCOME AND EXPENDITURES

This is a summary of transactions conducted during the reporting period.

Balance of cash and cash equivalents on hand, if any, at the beginning of the reporting period.		**$**	
The beginning balance should be zero for new committees or the ending balance of the previous report filed for existing committees.			
		INCOME	**EXPENSES**
INCOME TOTALS			
	Unitemized Contributions *(total from page 2)*	$	
	Itemized Contributions *(total from page 2)*	$	
	Contributions from Organizations *(total from page 3)*	$	
	Contributions from Political Parties *(total from page 3)*	$	
	Contributions from In-State Political Action Committees *(total from page 4)*	$	
	Contributions from Out-of-State or Federal Political Action Committees *(total from page 4)*	$	
	Contributions from Candidate Committees *(total from page 5)*	$	
	Other Income *(total from page 5)*	$	
	TOTAL of Cash Income	**$**	
EXPENSE TOTALS			
	Operational Expenditures *(total from page 7)*		$
	Contributions to Candidates and/or Committees *(total from page 8)*		$
	TOTAL of Cash Expenses		**$**
	Amount of cash on hand at the end of the reporting period:	**$**	
The ending balance must not be negative. If this is a Termination Report, the ending balance must be zero and there cannot be any outstanding debts, obligations or loans.			

SUMMARY OF TRANSACTIONS NOT INCLUDED ABOVE

This is the summary of all non-cash transactions conducted during the reporting period. These amounts **do not** calculate into the **Amount of cash on hand at the end of the reporting period** above.

	In-Kind Contributions *(total from page 6)*	$
	Establishing and Administering Committee/Solicitation Costs *(total from page 6)*	$
	Expenditures Incurred but not yet Paid *(total from page 8)*	$
	Loans Owed TO this Committee *(total from page 9)*	$
	Loans Owed BY this Committee *(total from page 9)*	$

Mail completed form to Secretary of State's Office, Attn: Elections Department, 500 E Capitol Ave., Ste. 204, Pierre, SD 57501-5070, fax 605-773-6580 or email to cfr@state.sd.us.

Statement of Organization- Local Jurisdictions

SDCL 12-27-6

The Treasurer for a political action or ballot question committee shall file a statement of organization not later than 15 days after the date upon which the committee made contributions, received contributions, or paid expenses in excess of $500.00. However, if such activity falls within 30 days of any statewide election, the statement of organization shall be filed within 48 hours. A candidate shall file a statement of organization for a candidate campaign committee not later than 15 days after becoming a candidate (SDCL 12-27-3; 12-27-23).

Contact your local election official to make sure this is the required form they want you to use.

Those local jurisdictions that are required to file campaign finance documents (12-27-39)**:**

- County offices and ballot questions in counties with population greater than five thousand
- Ballot questions in first class municipalities
- School district offices and ballot questions in school districts with more than two thousand average daily membership

Committee Type *(you must select one)*:

□ **County Candidate Committee** □ **County Political Action Committee (PAC)** □ **County Ballot Question Committee**

□ **Municipal Candidate Committee** □ **Municipal Political Action Committee (PAC)** □ **Municipal Ballot Question Committee**

□ **School Board Candidate Committee** □ **School District Political Action Committee (PAC)**

□ **School District Ballot Question Committee**

Committee Information

*(ALL fields required unless indicated otherwise, please print)***:**

*only **ONE candidate campaign committee** may be organized for each candidate (SDCL 12-27-1 (3))*

Full Name of Committee_____

If you are a Candidate, list your name below as it appears on your nominating petition and the office you are seeking.

_____

Street Address_____ City _____State _____ Zip_____

Postal Address_____ City _____State _____ Zip_____

Committee website address *(optional)* _____

Chair (*Candidate can serve as Chair of their Committee)*

*(first and last name)*_____

Daytime Phone Number_____ Evening Phone Number_____

Street Address_____ City _____State _____ Zip_____

Postal Address_____ City _____State _____ Zip_____

Email Address _____

□ Check this box if **Chair is also serving as Treasurer.** If the same, you are not required to fill out Treasurer fields below.

**The Treasurer is responsible for filing all campaign finance reports and forms.*

Treasurer* *(first and last name)*_____

Daytime Phone Number_____ Evening Phone Number_____

Street Address_____ City _____State _____ Zip_____

Postal Address_____ City _____State _____ Zip_____

Email Address _____

Political Action or Ballot Question Committees: You must list the full name, street address and postal address of the organization with which the committee is connected or affiliated, **OR** if the committee is not connected or affiliated with any one organization, state the trade, profession, or primary interest of the committee.

Name of Affiliated Organization_____

Statement of Purpose or Goals _____

Street Address_____ City _____State _____ Zip_____

Postal Address_____ City _____State _____ Zip_____

Trade, Profession, or Primary Interest of Committee _____

If you are a **Ballot Question Committee**, indicate which measure the committee was involved with during the reporting period and whether the measure was supported or opposed.

Ballot Measure Number *(if has been assigned):* _____Support ☐ Oppose ☐

*You may only support /oppose one ballot measure per ballot question committee.

Verification below must be SIGNED BEFORE SUBMITTING this Statement

This statement shall be signed by the candidate and treasurer for a candidate committee and by the chair and treasurer for other political committees. The treasurer of a political committee shall ***file an updated statement of organization not later than fifteens days after ANY change*** *in the information contained on this statement.*

PLEASE PRINT (required)

I _____(Treasurer),

I _____(Chair or Candidate),

certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete. I also understand that failure to timely file any statement, amendment, or correction required subjects the Treasurer responsible for filing to a civil penalty of fifty dollars per day for each day that the statement remains delinquent (SDCL 12-27-30). The civil penalty shall be in addition to any criminal sanctions.

Date:_____ _____

Signature of Treasurer

Date:_____ _____

Signature of Chair or Candidate

Mail completed form to your local election official.

Local Jurisdictions

Campaign Finance Disclosure Statement

SDCL 12-27

This statement is filed with your local election official. Contact them for additional information or if you need assistance with filling out this document.

Those local jurisdictions that are required to file campaign finance documents (12-27-39)**:**

- County offices and ballot questions in counties with population greater than five thousand
- Ballot questions in first class municipalities
- School board positions and ballot questions in school districts with more than two thousand average daily memberships

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Committee Information required *(please print)***:**

Full Name of Committee_____

If you are a Candidate, list name as it appears on your nominating petition and what office you are seeking.

_____

Type of Committee_____

Street Address_____ City _____State _____ Zip_____

Postal Address_____ City _____State _____ Zip_____

Treasurer Daytime Phone Number_____

Treasurer Evening Phone Number_____

Treasurer Email Address_____

If you are a **Ballot Question Committee**, indicate which measure the committee was involved with during the reporting period and whether the measure was supported or opposed.

Ballot Measure Number *(if has been assigned):* _____ Support □ Oppose □

Choose the Type of Campaign Statement you are filing on page two.

Type of Campaign Statement *(you must select one)*

COUNTY candidates *select* one of these reports:

☐ **Pre-Primary:** filed by the 2nd Friday prior to the Primary. The reporting period is from January 1 through the Monday before the deadline.

☐ **Post-Primary** *(non-winner):* filed by the 2nd Friday of August after the Primary. The reporting period would be from the last report filed to the deadline date.

☐ **Pre-General:** filed by the 2nd Friday prior to the General. The reporting period would be from the last report filed through 15 days prior to the General Election.

☐ **Year-End:** filed by the 1st Monday in February. The reporting period would from the last report filed through December 31.

☐ **Termination of Committee:** filed whenever you choose. The reporting period is from the last report filed to the date you are terminating. The balance has to end in zero and you must report all expenditures and receipts and pay off all outstanding loans, debt and obligations since your last filed report.

COUNTY SPECIAL elections and LOCAL JURISDICTION elections *select* one of these reports:

☐ **Pre-Election report:** filed by the 2nd Friday prior to the election date. The reporting period is from the Statement of Organization date through the fifteenth day prior to the election.

☐ **Year-End report:** filed by first Monday in February of the year following the election. The reporting period is from the last filing date to December 31. If you terminate prior to December 31, you do not need to file a Year-End.

☐ **Termination report:** filed whenever you choose. The reporting period is from the last report filed to the date you are terminating. The balance has to end in zero and you must report all expenditures and receipts and pay off all outstanding loans, debt and obligations since your last filed report.

You may also select one of the **reports below in combination** with a **report** above:
☐ **Amendment** *(for most recent report filed)* ☐ **Termination of Committee**

The following verification must be **signed by the Treasurer** before submitting the report (SDCL 12-27-24 (29))

I _____(print name legibly), certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete. I also understand that failure to timely file any statement, amendment, or correction required subjects the Treasurer responsible for filing to a civil penalty of fifty dollars per day for each day that the statement remains delinquent (SDCL 12-27-30). The civil penalty shall be in addition to any criminal sanctions.

Date:_____ _____
Signature of Treasurer

SUPPLEMENTAL STATEMENT

Candidates, Political Action, Political Party or Ballot Question Committees

Who files this statement: State law requires that if any candidate committee for statewide office (legislative candidates do not file supplemental statements), political action committee, ballot question committee, or political party receives a contribution of **five hundred dollars or more within the fourteen days immediately prior to an election** for which a campaign finance disclosure form may be filed, a supplemental statement shall be filed within forty-eight hours of receipt of the contribution (SDCL 12-27-28). If the contribution is received on or after Election Day, a supplemental statement is not required to be submitted.

Deadline to file: Within 48 hours of the time that the contribution was received if it was received within the 14 days immediately prior to an election.

File with: The Secretary of State except local political committees file with their local election official.

Full Name of Committee: _____

You must list the name, street address, city and state of each contributor, the amount and date of each contribution of $500 or more.

*If an organization has contributed, the committee is required to collect the Ballot Question Contribution Statement from the organization to include with this statement. Forms are available on the Secretary of State's website at sdsos.gov.

Note: If you've already submitted a Ballot Question Statement for this organization you are not required to file another one.

Name of Contributor	Street Address, City and State (No PO Box)	Amount of Contribution	Date of Contribution

Please include extra sheets if space is needed.

Sign and date below before submitting report.

Date:_____ _____

Treasurer Signature

Submit Supplemental Statement to:
Secretary of State, Elections Department
500 East Capitol Ave., Ste 204
Pierre, SD 57501
or fax to 605-773-6580
or e-mail to CFR@state.sd.us

Ballot Question Contribution Statement

A ballot question committee may only accept contributions from a person, organization, political committee, or political party. A violation of this section is a Class 1 misdemeanor (SDCL 12-27-18.1).

Organizations must complete the following sections that apply (SDCL 12-27-19).

File this statement with the _____ Ballot Question committee.

SECTION 1 - *choose one of the following*

☐ Check here if your organization is filed as a domestic or foreign entity in good standing with the South Dakota Secretary of State. Name of Organization _____

☐ Check here if your organization is filed as an entity in good standing with another jurisdiction. **Proceed to Section 2**.

☐ Check here if the previous statements do not apply and proceed to **Section 3**.

SECTION 2

Full name of organization:_____

State or country under whose law the organization is incorporated or organized:_____

Complete address (address, city, state, zip) of organization's principal office:

_____

SECTION 3 – *required if you did not fill out Sections 1 and 2.*

Full name of organization: _____

Complete address (address, city, state, zip) of organization's principal office:

_____

Name of person authorizing the contribution: _____

Complete address (address, city, state, zip) of person authorizing the contribution:

_____

You must provide the names and street addresses of any owners, directors, or officers of the organization including the name and street address of the person authorizing the contribution.

Name of Organization's Owners, Directors or Officers	Complete Address (address, city, state, zip)

SECTION 4 - (SDCL 12-27-19)

Before contributing more than ten thousand dollars in the aggregate to a ballot question committee pursuant to § 12-27-18, an organization shall provide to the ballot question committee a sworn written statement below made by the president and treasurer of the organization declaring and affirming, under the penalty of perjury, the following:

(1) The name and street address of every person who owns ten percent or more of the organization, has provided ten percent or more of the organization's gross receipts, including capital contributions, in the current or preceding year, or has provided ten percent or more of the funds being contributed to the ballot question committee; and

(2) That no part of the contribution was raised or collected by the organization for the purpose of influencing the ballot question.

Name of Shareholder or Member	Complete Address (address, city, state, zip)

**** This statement required only for those organizations that are required to fill out section 4. ****

I hereby declare and affirm under penalty of perjury that the name and address of every person who owns ten percent or more of the organization, has provided ten percent or more of the organization's gross receipts, including capital contributions, in the current or preceding year, or has provided ten percent or more of the funds being contributed to the ballot question committee is included above and that no part of the contribution was raised or collected by the organization for the purpose of influencing the ballot questions.

Date: _____ President Signature: (required)_____

Date: _____ Treasurer Signature: (required)_____

State law requires you to submit this information to the treasurer of the ballot question committee you are making the contribution to.

CANDIDATE
Statement of Financial Interest

Who files: All candidates for *State and Federal office* (US Senate and House of Representatives, Governor, circuit court judge, the State Legislature and a Supreme Court Justice; SDCL 12-25-28); *Convention nominees* (Lieutenant Governor, State Treasurer, Attorney General, Secretary of State, State Auditor, Public Utilities Commissioner and Commissioner of School and Public Lands; SDCL 12-25-29); and candidates for *Local Office* (County Commissioner, School Board Member in a school district with a total enrollment of more than 2,000 students or Commissioner, Council Member or Mayor in 1st Class Municipalities; SDCL 12-25-30).

Deadline to file: Within 15 days after filing nominating petitions (Supreme Court Justice files within 15 days of notifying Secretary of State of his intention to place his name on the retention ballot) or certification of convention nomination.

File with: The Secretary of State except local candidates file with the office where they file their nominating petition.

Please print:

Full Name _____

Complete Address _____

Office Sought *(list District number if applicable)* _____

What is your occupation/profession? _____

List any **enterprise** (any business or economic relationship) which accounted for **more than 10%** of or contributed **more than $2,000** to your family's *(includes spouse, minor children living at home)* **gross income** in the preceding calendar year or an enterprise in which you or an immediate family member(s) **controls more than 10% of the capital or stock**. Identify who receives the income from each enterprise but do not include the value. (SDCL 12-25-27)

Name of Candidate or Family Member	**Name of Enterprise**	**Enterprise Relationship** (Ex: employee, officer, director, associate, shareholder, member, partner, proprietor, etc.)

I declare under the penalties of perjury that the information above has been examined by me and to the best of my knowledge and belief is a true, correct and complete representation of my financial interests for the preceding calendar year.

_____ _____

(Signature) (Date)

ELECTED OFFICIAL
Statement of Financial Interest

Who files: All Elected Officials for *State office* (Governor, Lieutenant Governor, State Treasurer, Attorney General, Secretary of State, State Auditor, Public Utilities Commissioner and Commissioner of School and Public Lands, Supreme Court Justice, circuit court judge and State Legislator; SDCL 3-1A-2); *Gubernatorial appointee* (for whom Senate confirmation is required; SDCL 3-1A-3); and Elected officials in *Local Office* (County Commissioner, School Board Member in a school district with a total enrollment of more than 2,000 students or Commissioner, Council Member or Mayor in 1st Class Municipalities; SDCL 3-1A-4).

Deadline to file: Within 15 days after assuming office.

File with: The Secretary of State except local candidates file with the office where they file their oath of office.

Please print:
Full Name _____

Complete Address _____

Office Sought *(list District number if applicable)* _____

What is your occupation/profession? _____
****If there are no changes from your previously filed CANDIDATE Financial Interest Statement check the box and sign and date below.**

☐ NO Changes

List any **enterprise** (any business or economic relationship) which accounted for **more than 10%** of or contributed **more than $2,000** to your family's *(includes spouse, minor children living at home)* **gross income** in the preceding calendar year or an enterprise in which you or an immediate family member(s) **controls more than 10% of the capital or stock**. Identify who receives the income from each enterprise but do not include the value. (SDCL 3-1A)

Name of Candidate or Family Member	**Name of Enterprise**	**Enterprise Relationship** (Ex: employee, officer, director, associate, shareholder, member, partner, proprietor, etc.)

I declare under the penalties of perjury that the information above has been examined by me and to the best of my knowledge and belief is a true, correct and complete representation of my financial interests for the preceding calendar year.

_____ _____
(Signature) (Date)

EXPENDITURES *for* Communications NOT Expressly Advocating

Who files this statement: SDCL 12-27-17 states that any **POLITICAL COMMITTEE, ORGANIZATION, PERSON** or **POLITICAL PARTY** that makes a payment or promise of payment totaling **$100.00 or more**, including an in-kind contribution, for a communication clearly identifies a candidate or public officer holder but does not expressly advocate the election or defeat of the candidate or public office holder. SDCL 12-27-17 (1-5) outlines what types of communications do not need to be reported on this form.

Deadline to file: Within 48 hours of the time that the communication is disseminated, broadcast, or otherwise published.

File with: The Secretary of State except local political committees file with their local election official.

Disclaimers for communications: follow SDCL 12-27-17.1

Please print (all fields are required if applicable)**:**

_____

Name of *Political Committee, Organization, Person or Political Party*

_____

Complete *Street Address, City and State*

List the **NAME** of each candidate or public office holder mentioned or identified in each communication, the **AMOUNT SPENT** on each communication, and a **DESCRIPTION** of the content of each communication.
** Please include extra sheets if more space is needed.*

NAME	DESCRIPTION	AMOUNT SPENT

I declare under the penalties of perjury that the information above has been examined by me and to the best of my knowledge and belief is a true, correct and complete representation of my financial interests for the preceding calendar year.

_____ _____
(Signature) (Date)

INDEPENDENT EXPENDITURES
for Communications Expressly Advocating

Who files this statement: SDCL 12-27-16 states that any **PERSON** or **ORGANIZATION** that makes a payment or promise of payment totaling **$100.00 or more**, including an in-kind contribution, for a communication which expressly advocates for or against a candidate, public office holder, ballot question, or political party. SDCL 12-27-16 (6a-d) outlines what types of communications do not need to be reported on this form.

Deadline to file: Within 48 hours of the time that the communication is disseminated, broadcast, or otherwise published.

File with: The Secretary of State except local political committees file with their local election official.

Disclaimers for communications: follow SDCL 12-27-16 (1a-1d)

Please print (all fields are required if applicable)**:**

_____

Name of *Individual or Organization*

_____

Complete *Street Address, City and State*

_____

Organization: name and title of person filing the report

_____

Organization: name of person who authorized the expenditures on behalf of the organization

_____

Organization: name of Chief Executive *(if any)*

List the **NAME** of each candidate, public office holder, ballot question, or political party mentioned or identified in each communication, the **AMOUNT SPENT** on each communication, and a **DESCRIPTION** of the content of each communication. ** Please include extra sheets if more space is needed.*

NAME	DESCRIPTION	AMOUNT SPENT

Additional information for an ORGANIZATION to report:

(1) For an **organization** whose majority ownership is owned by, controlled by, held for the benefit of, or comprised of **twenty or fewer** persons, partners, owners, trustees, beneficiaries, participants, members, or shareholders, the **statement shall identify by name and address each** person, partner, owner, trustee, beneficiary, participant, shareholder, or member **who owns, controls, or comprises ten percent or more of the organization**. (SDCL 12-27-16(4))

Name	**Street Address, City, State and Zip Code**

* Please include extra sheets if more space is needed.

(2) An **organization** shall also **provide supplemental statements**, for any of its partners, owners, trustees, beneficiaries, participants, members, or shareholders identified pursuant to (1) above, which are owned by, controlled by, held for the benefit of, or comprised of twenty or fewer persons, partners, owners, trustees, beneficiaries, participants, members, or shareholders, until no organization identified in the supplemental statements meets the ownership test set forth above. (SDCL 12-27-16(5))

Name	**Street Address, City, State and Zip Code**

* Please include extra sheets if more space is needed

I declare under the penalties of perjury that the information above has been examined by me and to the best of my knowledge and belief is a true, correct and complete representation of my financial interests for the preceding calendar year.

_____ _____

(Signature) (Date)

CHAPTER 12-27

CAMPAIGN FINANCE REQUIREMENTS

12-27-1. Definitions. Terms used in this chapter mean:

(1) "Ballot question," any referendum, initiative, proposed constitutional amendment, or other measure submitted to voters at any election;

(2) "Ballot question committee," a person or organization that raises, collects, or disburses contributions for the placement of a ballot question on the ballot or the adoption or defeat of any ballot question. A ballot question committee is not a person, political committee, or political party that makes a contribution to a ballot question committee. A ballot question committee is not an organization that makes a contribution to a ballot question committee from treasury funds;

(3) "Candidate campaign committee," any entity organized by a candidate to receive contributions and make expenditures for the candidate. Only one candidate campaign committee may be organized for each candidate;

(4) "Candidate," any person who seeks nomination for or election to public office, and for the purpose of this chapter a person is deemed a candidate if the person raises, collects, or disburses contributions in excess of five hundred dollars; has authorized the solicitation of contributions or the making of expenditures; or has created a candidate campaign committee for the purpose of obtaining public office. The person is also deemed a candidate if the person has taken all actions required by state law to qualify for nomination for or election to public office;

(5) "Clearly identified," the appearance of the name, nickname, a photograph or a drawing of a candidate or public office holder, or the unambiguous reference to the identity of a candidate or public office holder;

(6) "Contribution," any gift, advance, distribution, deposit, or payment of money or any other valuable consideration, or any contract, promise or agreement to do so; any discount or rebate not available to the general public; any forgiveness of indebtedness or payment of indebtedness by another person; or the use of services or property without full payment made or provided by any person, political committee, or political party whose primary business is to provide such services or property for the purpose of influencing:

(a) The nomination, election, or re-election of any person to public office; or

(b) The placement of a ballot question on the ballot or the adoption or defeat 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, political committee, or political party, including the free or discounted use of a person's residence. Nor does the term include the purchase of any item of value or service from any political committee or political party. The purchase price of the item may not exceed the fair market value and may not include an intent to contribute beyond the item's value. A contribution does not include administration and solicitation of a contribution for a political action committee established by an organization and associated expenses, nor the use of an organization's real or personal property located on its business premises for such purposes. A contribution does not include 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) "County office," any elected office at a county in this state;

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

(9) "Expressly advocate," any communication which:

(a) In context has no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates, public office holders, or the placement of a ballot question on the ballot or the adoption or defeat of any ballot question by use of explicit words of advocacy of election or defeat. The following words convey a message of express advocacy: vote, re-elect, support, cast your ballot for, reject, and defeat; or

(b) 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 the election or defeat of one or more clearly identified candidates, 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 only one meaning; and

(ii) Reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidates, 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) "Immediate family," a spouse of a candidate or public office holder, or 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 relative within the third degree of kinship of the candidate or the candidate's spouse, and the spouses of such relatives;

(11) "Independent expenditure," an expenditure, including the payment of money or exchange of other valuable consideration or promise, made by a person, organization, political committee, or political party to expressly advocate the election or defeat of a clearly identified candidate or the placement of a ballot question on the ballot or the adoption or defeat of any ballot question, but which is not made to, controlled by, coordinated with, requested by, or made upon consultation with a candidate, political committee, or agent of a candidate or political committee. The term does not include administration and solicitation of any contribution for a political action committee established by an organization and associated expenses, nor the use of an organization's real or personal property located on its business premises for such purposes. The term does not include any communication by a person made in the regular course and scope of the person's business or ministry or any communication made by a membership organization solely to any member of the organization and the member's family;

(12) "In-kind," a good or service provided at no charge or for less than its fair market value. The term does not include the value of services provided by a person as a volunteer for or on behalf of any candidate, political committee, or political party, including the free or discounted use of any person's residence or office;

(13) "Legislative office," the Senate and the House of Representatives of the South Dakota Legislature;

(14) "Loan," a transfer of money, property, guarantee, or anything of value in exchange for an obligation, conditional or not, to repay in whole or part;

(15) "National political party," the organization which is responsible for the day-to-day operation of a political party at the national level, as determined by the Federal Election Commission;

(16) "Organization," any business corporation, limited liability company, nonprofit corporation, limited liability partnership, limited partnership, partnership, cooperative, trust except a trust account representing or containing only a contributor's personal funds, business trust, association, club, labor union, collective bargaining organization, local, state, or national organization to which a labor organization pays membership or per capita fees, based upon its affiliation and membership, trade or professional association that receives its funds from membership dues or service fees, whether organized inside or outside the state, any entity organized in a corporate form under federal law or the laws of this state, or any group of persons acting in concert which is not defined as a political committee or political party in this chapter;

(17) "Person," a natural person;

(18) "Political action committee," a person or organization that raises, collects or disburses contributions to influence the outcome of an election and who is not a candidate, candidate campaign committee, ballot question committee, or a political party. A political action committee is not any:

(a) Person that makes a contribution to a political committee or political party; or

(b) Organization that makes a contribution to a ballot question committee from treasury funds;

(19) "Political committee," any candidate campaign committee, political action committee, or ballot question committee;

(20) "Political party," any state or county political party qualified to participate in a primary or general election, including any auxiliary organization of such political party. An auxiliary organization is any organization designated as an auxiliary organization in the political party's bylaws or constitution except any auxiliary organization that only accepts contributions to support volunteer activities of the organization and does not make monetary or in-kind contributions or any independent expenditures to any political committee;

(21) "Public office," any statewide office, legislative office, or county office;

(22) "Recognized business entity," any:

(a) Domestic corporation, limited liability company, nonprofit corporation, limited liability partnership, or cooperative duly registered with the secretary of state as of the first day of January of the current calendar year, and which is currently in good standing;

(b) Foreign corporation, limited liability company, nonprofit corporation, limited liability partnership, or cooperative duly registered with the secretary of state as of the first day of January of the current calendar year, and which is currently in good standing; or

(c) Entity organized in a corporate form under federal law.

A political committee or political party is not a recognized business entity. An organization which was established by or is controlled, in whole or in part, by a candidate, political committee, or agent of a candidate or political committee is not a recognized business entity;

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

(23A) "Treasury funds," funds of an organization that were not raised or collected from any other source for the purpose of influencing a ballot question;

(24) "Volunteer," a person who provides services free of charge.

Source: SL 2007, ch 80, § 1; SL 2008, ch 67, § 1; SL 2009, ch 67, § 3; SL 2010, ch 76, §§ 1, 4, 5, eff. Mar. 25, 2010.

12-27-2. Political committee chair and treasurer required--Violation as misdemeanor. A political committee shall have and continually maintain a chair and a treasurer, which may be the same person. The chair and treasurer for a candidate campaign committee shall be appointed by the candidate, and the candidate may serve as either, or both, such officers. No political committee may receive or make contributions or pay expenses while the office of treasurer is vacant. A violation of this section is a Class 2 misdemeanor.
Source: SL 2007, ch 80, § 2; SL 2008, ch 67, § 2.

12-27-3. Statements of organization to be filed for political action committee and candidate campaign committee--Time for filing--Violation as misdemeanor. The treasurer for a political action committee shall file a statement of organization with the secretary of state not later than fifteen days after the date upon which the committee made contributions, received contributions, or paid expenses in excess of five hundred dollars. However, if such activity falls within thirty days of any statewide election, the statement of organization shall be filed within forty-eight hours. A candidate shall file a statement of organization for a candidate campaign committee with the secretary of state not later than fifteen days after becoming a candidate pursuant to this chapter. The statement of organization may be filed electronically pursuant to § 12-27-41. A political committee that regularly files a campaign finance disclosure statement with another state or the Federal Election Commission or a report of contributions and expenditures with the Internal Revenue Service is not required to file a statement of organization. A violation of this section is a Class 2 misdemeanor.
Source: SL 2007, ch 80, § 3; SL 2008, ch 67, § 3; SL 2010, ch 76, § 2, eff. Mar. 25, 2010; SL 2012, ch 18, § 9; SL 2013, ch 67, § 4.

12-27-4. Incorporation of political committee permitted--Treasurer remains personally responsible. A political committee may incorporate and not be subject to the provisions of § 12-27-18 if the political committee incorporates for liability purposes only. Notwithstanding the corporate status of the political committee, the treasurer of an incorporated political committee remains personally responsible for carrying out the treasurer's duties under this chapter.
Source: SL 2007, ch 80, § 4.

12-27-5. Time for existing political committees to file statement of organization--Violation as misdemeanor. A political committee created prior to July 1, 2007 that has not filed a termination statement shall file a statement of organization with the secretary of state not later than fifteen days after this chapter becomes effective. A violation of this section is a Class 2 misdemeanor.
Source: SL 2007, ch 80, § 5.

12-27-6. Contents of statement of organization. The statement of organization shall include:

(1) The name, street address, postal address, and daytime telephone number of the committee;

(2) The name, street address, postal address, and daytime telephone number of the chair and the treasurer of the committee;

(3) A statement of the type of political committee that has been or is being organized;

(4) In the case of a candidate campaign committee, the committee name, street address, and name and postal address of the candidate; and

(5) In the case of a political action committee or ballot question committee, a concise statement of its purpose and goals, and the full name, street address, and postal address of the organization with which the committee is connected or affiliated, or if the committee is not connected or affiliated with any one organization, the trade, profession, or primary interest of the committee.

The statement shall be signed by the candidate and treasurer for a candidate campaign committee and by the chair and treasurer for other political committees or filed electronically pursuant to § 12-27-41. A political committee continues to exist until a termination statement is filed pursuant to §§ 12-27-25 and 12-27-26.

The treasurer of a political committee shall file an updated statement of organization not later than fifteen days after any change in the information contained on the most recently filed statement of organization.

Any correspondence regarding reporting deadlines, delinquent reports, administrative penalties, and administrative hearings may only be sent to the treasurer listed on the most current statement of organization on file.
Source: SL 2007, ch 80, § 6; SL 2008, ch 67, § 4; SL 2013, ch 67, § 5; SL 2016, ch 78, § 1.

12-27-7. Limit on contributions to candidates for statewide office--Violation as misdemeanor. If the contributor is a person, no candidate for statewide office or the candidate's campaign committee may accept any contribution which in the aggregate exceeds four thousand dollars during any calendar year. A candidate campaign committee may accept contributions from any candidate campaign committee, political action committee, or political party. The limitation on any contribution from a person in this section does not apply to any contribution by the candidate or the candidate's immediate family. A violation of this section is a Class 1 misdemeanor.
Source: SL 2007, ch 80, § 7.

12-27-8. Limit on contributions to candidates for legislative or county office--Violation as misdemeanor. If the contributor is a person, no candidate for legislative or county office or the candidate's campaign committee may accept any contribution which in the aggregate exceeds one thousand dollars during any calendar year. A candidate campaign committee may accept contributions from any candidate campaign committee, political action committee, or political party. The limitation on any contribution from a person in this section does not apply to any contribution by the candidate or the candidate's immediate family. A violation of this section is a Class 1 misdemeanor.
Source: SL 2007, ch 80, § 8.

12-27-9. Limit on contributions to political action committees--Violation as misdemeanor. If the contributor is a person or an organization, no political action committee may accept any contribution which in the aggregate exceeds ten

thousand dollars during any calendar year. A political action committee may accept contributions from any candidate campaign committee, political action committee, or political party. A violation of this section is a Class 1 misdemeanor.
Source: SL 2007, ch 80, § 9; SL 2011, ch 83, § 1.

12-27-10. Limit on contributions to political parties--Violation as misdemeanor. If the contributor is a person, no political party may accept any contribution which in the aggregate exceeds ten thousand dollars during any calendar year. A political party may accept contributions from any candidate campaign committee, political action committee, or political party. A violation of this section is a Class 1 misdemeanor.
Source: SL 2007, ch 80, § 10.

12-27-11. Name and address of contributor required--Donation of contributions from unknown sources to charitable organization--Violation as misdemeanor. No person, organization, candidate, political committee, or political party may give or accept a contribution unless the name and residence address of the contributor is made known to the person receiving the contribution. Any contribution, money, or other thing of value received by a candidate, political committee, or political party from an unknown source shall be donated to a nonprofit charitable organization. A violation of this section is a Class 2 misdemeanor.
Source: SL 2007, ch 80, § 11.

12-27-12. Disguised contributions prohibited--Misdemeanor. No person or organization may make a contribution in the name of another person or organization, make a contribution disguised as a gift, make a contribution in a fictitious name, make a contribution on behalf of another person or organization, or knowingly permit another to use that person's or organization's name to make a contribution. No candidate may accept a contribution disguised as a gift. A violation of this section is a Class 1 misdemeanor.
Source: SL 2007, ch 80, § 12; SL 2008, ch 67, § 5.

12-27-13. Property purchased with contributions to be property of political committee or party. Equipment, supplies, and materials purchased with contributions are property of the political committee or political party, and are not property of the candidate or any other person.
Source: SL 2007, ch 80, § 13.

12-27-14. Report of sale of property--Violation as misdemeanor. The sale of any property shall be reported in the campaign finance disclosure statement. A violation of this section is a Class 1 misdemeanor.
Source: SL 2007, ch 80, § 14.

12-27-15. Printed political communications to contain certain language--Exceptions--Violation as misdemeanor. Any printed material or communication made, purchased, paid for, or authorized by a candidate, political committee, or political party which expressly advocates for or against a candidate, public office holder, ballot question, or political party shall prominently display or clearly speak the statement: "Paid for by (Name of candidate, political committee, or political party)." This section does not apply to buttons, balloons, pins, pens, matchbooks, clothing, or similar small items upon which the inclusion of the statement would be impracticable. A violation of this section is a Class 1 misdemeanor.
Source: SL 2007, ch 80, § 15.

12-27-16. Statements to be filed and disclaimers regarding independent expenditures for communications advocating for or against candidate, office holder, ballot question, or political party--Contents--Violation as misdemeanor--Exceptions. The following apply to independent expenditures by individuals and organizations related to communications advocating for or against candidates, public office holders, ballot questions, or political parties:

(1) Any person or organization that makes a payment or promise of payment totaling one hundred dollars or more, including an in-kind contribution, for a communication which expressly advocates for or against a candidate, public office holder, ballot question, or political party shall append to or include in each communication a disclaimer that clearly and forthrightly:

(a) Identifies the person or organization making the independent expenditure for that communication;

(b) States the address or website address of the person or organization;

(c) States that the communication is independently funded and not made in consultation with any candidate, political party, or political committee; and

(d) If the independent expenditure is undertaken by an organization not including a candidate, public office holder, political party, or political committee, then the following notation must also be included: "Top Five Contributors" followed by a listing of the names of the five persons making the largest contributions to an organization during the twelve months preceding that communication.

A violation of this subdivision is a Class 1 misdemeanor;

(2) Any person or organization that makes a payment or promise of payment of one hundred dollars or more, including an in-kind contribution, for a communication described in subdivision (1) shall file a statement within forty-eight hours of the time that the communication is disseminated, broadcast, or otherwise published;

(3) The statements required by this section shall include the name, street address, city, and state of the person or organization and, any expenditures made for communications described in subdivision (1) during that calendar year but not yet reported on a prior statement, the name of each candidate, public office holder, ballot question, or political party mentioned or identified in each communication, the amount spent on each communication, and a description of the content of each communication.

For an organization, the statement shall also include the name and title of the person filing the report, the name of its chief executive, if any, and the name of the person who authorized the expenditures on behalf of the organization;

(4) For an organization whose majority ownership is owned by, controlled by, held for the benefit of, or comprised of twenty or fewer persons, partners, owners, trustees, beneficiaries, participants, members, or shareholders, the statement shall identify by name and address each person, partner, owner, trustee, beneficiary, participant, shareholder, or member who owns, controls, or comprises ten percent or more of the organization;

(5) An organization shall also provide supplemental statements, as defined in subdivision (3), for any of its partners, owners, trustees, beneficiaries, participants, members, or shareholders identified pursuant to subdivision (4) which are owned by, controlled by, held for the benefit of, or comprised of twenty or fewer persons, partners, owners, trustees, beneficiaries, participants, members, or shareholders, until no organization identified in the supplemental statements meets the ownership test set forth in subdivision (4);

(6) For the purposes of this section, the term, communication, does not include:

(a) Any news articles, editorial endorsements, opinion, or commentary writings, or letter to the editor printed in a newspaper, magazine, flyer, pamphlet, or other periodical not owned or controlled by a candidate, political

committee, or political party;

(b) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate, political committee, or political party;

(c) Any communication by a person made in the regular course and scope of the person's business or ministry or any communication made by a membership organization solely to members of the organization and the members' families; and

(d) Any communication that refers to any candidate only as part of the popular name of a bill or statute.

Source: SL 2007, ch 80, § 16; SL 2010, ch 76, § 6, eff. Mar. 25, 2010; SL 2013, ch 67, § 1.

12-27-17. Statements to be filed regarding payments for communications identifying candidate or office holder but not advocating election or defeat--Contents--Exceptions. Any political committee, organization, person, or political party that makes a payment or promise of payment totaling one hundred dollars or more, including an in-kind contribution, for a communication that clearly identifies a candidate or public office holder, but does not expressly advocate the election or defeat of the candidate or public office holder, and that is disseminated, broadcast, or otherwise published, shall file a statement with the secretary of state disclosing the name, street address, city, and state of such political committee, organization, person, or political party. The statement shall also include the name of the candidate or public office holder mentioned in the communication, the amount spent on the communication, and a description of the content of the communication. The statement shall be received and filed within forty-eight hours of the time that the communication is disseminated, broadcast, or otherwise published.

For the purposes of this section, the term, communication, does not include:

(1) Any news articles, editorial endorsements, opinion or commentary writings, or letter to the editor printed in a newspaper, magazine, flyer, pamphlet, or other periodical not owned or controlled by a candidate, political committee, or political party;

(2) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate, political committee, or political party;

(3) Any communication by a person made in the regular course and scope of the person's business or ministry or any communication made by a membership organization solely to members of the organization and the members' families;

(4) Any communication that refers to any candidate only as part of the popular name of a bill or statute; and

(5) Any communication used for the purpose of polling if the poll questions do not expressly advocate for or against a candidate, public office holder, ballot question, or political party.

Source: SL 2007, ch 80, § 17; SL 2010, ch 76, § 7, eff. Mar. 25, 2010; SL 2013, ch 67, § 2.

12-27-17.1. Disclaimers to be included in communications which do not expressly advocate for or against candidate, office holder, ballot question, or political party--Violation as misdemeanor. Any political committee, organization, person, or political party that makes a communication as defined in § 12-27-17, which does not expressly advocate for or against a

candidate, public office holder, ballot question, or political party, shall append to or include in each communication a disclaimer that:

(1) Identifies the political committee, organization, person, or political party making the communication; and

(2) States the address or website address of the political committee, organization, person, or political party.

If the communication is an independent expenditure made by a person or organization, then the disclaimer shall include the following: "This communication is independently funded and not made in consultation with any candidate, political party, or political committee." If the independent expenditure is undertaken by an organization not including a candidate, public office holder, political party, or political committee, then the following notation must also be included: "Top Five Contributors" followed by a listing of the names of the five persons making the largest contributions to an organization during the twelve months preceding that communication.

A violation of this section is a Class 1 misdemeanor.
Source: SL 2013, ch 67, § 3.

12-27-18. Contributions by organizations to candidate committee or political party prohibited--Contributions to ballot question committee permitted--Violation as misdemeanor. No organization may make a contribution to a candidate committee or political party. An organization may make a contribution to a ballot question committee organized solely for the purpose of influencing an election on a ballot question and independent expenditures regarding the placement of a ballot question on the ballot or the adoption or defeat of a ballot question. Any organization making expenditures, equal to or exceeding fifty percent of the organization's annual gross income, for the adoption or defeat of a ballot measure is a ballot question committee. An organization may create a political action committee. A violation of this section is a Class 1 misdemeanor.
Source: SL 2007, ch 80, § 18; SL 2009, ch 65, § 1; SL 2010, ch 76, § 8, eff. Mar. 25, 2010; SL 2011, ch 83, § 2.

12-27-18.1. Restriction on acceptance of contributions by ballot question committee--Violation as misdemeanor. A ballot question committee may only accept contributions from a person, organization, political committee, or political party. A violation of this section is a Class 1 misdemeanor.
Source: SL 2008, ch 67, § 16.

12-27-19. Statements required for organization to make contribution to ballot question committee--Disclosure of information by committee--Violation as misdemeanor. Before making a contribution to a ballot question committee pursuant to § 12-27-18, an organization shall provide to the ballot question committee the following:

(1) A statement that the organization is filed as a domestic or foreign entity in good standing with the Office of the Secretary of State of this state;

(2) A statement that the organization is filed as an entity in good standing with another jurisdiction, and setting forth the following:

(a) The name of the organization;

(b) The name of the state or nation under whose law the organization is incorporated or organized; and

(c) The street address of the organization's principal office; or

(3) If neither of the above apply, a statement providing:

(a) The name of the organization;

(b) The street address of the organization's principal office;

(c) The name and street address of the person authorizing the contribution; and

(d) The name and street address of every owner, director, and officer of the organization.

Before contributing more than ten thousand dollars in the aggregate to a ballot question committee pursuant to § 12-27-18, an organization shall provide to the ballot question committee a sworn written statement made by the president and treasurer of the organization declaring and affirming, under the penalty of perjury, the following:

(1) The name and street address of every person who owns ten percent or more of the organization, has provided ten percent or more of the organization's gross receipts, including capital contributions, in the current or preceding year, or has provided ten percent or more of the funds being contributed to the ballot question committee; and

(2) That no part of the contribution was raised or collected by the organization for the purpose of influencing the ballot question.

A ballot question committee shall disclose in its applicable campaign financial disclosure statement or supplement statement all information received from an organization pursuant to this section. No ballot question committee may accept any contribution from an organization not preceded or accompanied by the statements required by this section. Except as provided by § 22-29-1, violation of this section is a Class 1 misdemeanor.
Source: SL 2007, ch 80, § 19; SL 2009, ch 66, § 1.

12-27-20. Expenditure of public funds to influence election outcome prohibited. The state, an agency of the state, and the governing body of a county, municipality, or other political subdivision of the state may not expend or permit the expenditure of public funds for the purpose of influencing the nomination or election of any candidate, or for the petitioning of a ballot question on the ballot or the adoption or defeat of any ballot question. This section may not be construed to limit the freedom of speech of any officer or employee of the state or such political subdivisions in his or her personal capacity. This section does not prohibit the state, its agencies, or the governing body of any political subdivision of the state from presenting factual information solely for the purpose of educating the voters on a ballot question.
Source: SL 2007, ch 80, § 20.

12-27-21. Acceptance of contributions from public entities prohibited--Misdemeanor. No candidate, political committee, or political party may accept any contribution from any state, state agency, political subdivision of the state, foreign government, Indian tribal entity as defined in the Federal Register Vol. 72, No. 55 as of March 22, 2007, federal agency, or the federal government. A violation of this section is a Class 1 misdemeanor.
Source: SL 2007, ch 80, § 21; SL 2008, ch 68, § 1.

12-27-22. Persons and entities required to submit campaign finance disclosure statements--Time for submission--Violation as misdemeanor. A campaign finance disclosure statement shall be submitted to the secretary of state by the

treasurer of each:

(1) Candidate or candidate campaign committee for any statewide or legislative office;

(2) Political action committee;

(3) Statewide, county, local, or auxiliary committee of any political party;

(4) Statewide ballot question committee;

(5) Candidate or candidate committee for any statewide or legislative office whose name appears on the primary ballot, but does not appear on the general election ballot, shall submit a campaign finance disclosure statement, or termination report, which shall be received by the secretary of state by 5:00 p.m. on the second Friday of August following that primary election; and

(6) Statewide ballot question committee that does not meet the signature requirements for placement of the ballot issue on the general election ballot, shall submit a termination report to the secretary of state by 5:00 p.m. on the first Monday in February following the year the statement of organization was submitted to the secretary of state.

The statement shall be signed and submitted by the treasurer of the political committee or political party. The statement shall be received by the secretary of state and submitted by 5:00 p.m. on the first Monday of February and shall cover the contributions and expenditures for the preceding calendar year. The statement shall also be received by the secretary of state and submitted by 5:00 p.m. on the second Friday prior to each primary and general election complete through the fifteenth day prior to that election. Each statewide ballot question committee shall submit a termination report by 5:00 p.m. no later than the first Monday in February following the year the ballot question was on the ballot. Any statement submitted pursuant to this section shall be consecutive and shall cover contributions and expenditures since the last statement submitted.

A violation of this section is a Class 1 misdemeanor.
Source: SL 2007, ch 80, § 22; SL 2008, ch 67, § 6; SL 2009, ch 67, § 1; SL 2010, ch 76, § 3, eff. Mar. 25, 2010; SL 2011, ch 84, § 1; SL 2012, ch 18, § 10; SL 2015, ch 78, § 1; SL 2015, ch 79, § 1; SL 2016, ch 78, § 2.

12-27-22.1. Circumstances under which campaign finance disclosure statement not required. No campaign finance disclosure statement is required to be submitted under the following circumstances:

(1) A year-end report for a candidate campaign committee for legislative or county office on the first Monday in February following a year in which there is not an election for the office;

(2) A county, local, or auxiliary committee of any political party, qualified to participate in a primary or general election, prior to a statewide primary election;

(3) A legislative or county candidate campaign committee without opposition in a primary election, prior to a primary election;

(4) A candidate campaign committee whose name is not on the general election ballot, prior to the general election;

(5) A political committee that regularly submits a campaign finance disclosure statement with another state or the Federal Election Commission or a report of contributions and expenditures with the Internal Revenue Service;

(6) A statewide candidate who is publicly seeking a nomination by that candidate's party convention prior to a primary election; and

(7) An independent statewide candidate prior to a primary election.

Source: SL 2016, ch 78, § 3.

12-27-23. Statement of organization to be filed for ballot question committee--Time for filing--Violation as misdemeanor. If the treasurer for a ballot question committee does not file a statement of organization pursuant to chapter 2-1, the treasurer shall file a statement of organization with the secretary of state not later than fifteen days after the date which the committee made contributions, received contributions, or paid expenses in excess of five hundred dollars. However, if such activity falls within thirty days of any statewide election, the statement of organization shall be filed within forty-eight hours. A ballot question committee that regularly files a campaign finance disclosure statement with another state or the Federal Election Commission or a report of contributions and expenditures with the Internal Revenue Service is not required to file a statement of organization. A violation of this section is a Class 2 misdemeanor.
Source: SL 2007, ch 80, § 23; SL 2008, ch 67, § 7; SL 2012, ch 18, § 11.

12-27-24. Contents of campaign finance disclosure statement. A campaign finance disclosure statement shall include the following information:

(1) Political committee or political party name, street address, postal address, city, state, zip code, daytime and evening telephone number, and e-mail address;

(2) Type of campaign statement (pre-primary, pre-general, post-primary nonwinner, year-end, amendment, supplement, or termination);

(3) If a ballot question committee, the ballot question number and whether the committee is for or against the measure;

(4) The balance of cash and cash equivalents on hand at the beginning of the reporting period;

(5) The total amount of all contributions received during the reporting period;

(6) The total amount of all in-kind contributions received during the reporting period;

(7) The total of refunds, rebates, interest, or other income not previously identified during the reporting period;

(8) The total of contributions, loans, and other receipts during the reporting period;

(9) The total value of loans made to any person, political committee, or political party during the reporting period;

(10) The total of expenditures made during the reporting period;

(11) The total amount of all expenditures incurred but not yet paid. An expenditure incurred but not yet paid shall be reported on each report filed after the date of receipt of goods or services until payment is made to the vendor. A payment shall be listed as an expenditure when the payment is made;

(12) The statement shall state the cash balance on hand as of the close of the reporting period;

(13) The total amount of contributions of one hundred dollars or less in the aggregate from one source received during the reporting period;

(14) The name, residence address, city, and state of each person contributing a contribution of more than one hundred dollars in the aggregate during the reporting period and the amount of the contribution. Any contribution from any political committee or political party shall be itemized. Any contribution from a federal political committee or political committee organized outside this state shall also include the name and internet website address of the filing office where campaign finance disclosure statements are regularly filed for the committee. If all of the information required is not on file, the political committee or political party may not deposit the contribution;

(15) The statement shall contain the same information for in-kind contributions as for monetary contributions, and shall also include a description of the in-kind contribution;

(16) Upon the request of the treasurer, a person making an in-kind contribution shall provide all necessary information to the treasurer, including the value of the contribution;

(17) Any monetary or in-kind contribution made by the reporting political committee or political party to any political committee, political party, or nonprofit charitable organization shall be itemized;

(18) A categorical description and the amount of the refunds, rebates, interest, sale of property, or other receipts not previously identified during the reporting period;

(19) A categorical description and the amount of funds or donations by any organization to its political committee for establishing and administering the political committee and for any solicitation costs of the political committee;

(20) The total balance of loans owed by the political committee or political party;

(21) The balance of loans owed by the political committee or political party, itemized by lender's name, street address, city, and state, including the terms, interest rate, and repayment schedule of each loan;

(22) The total balance of loans owed to the political committee or political party;

(23) The amount of each loan made during the reporting period. The name, street address, city, and state of the recipient of the loan;

(24) The balance of each loan owed to the political committee or political party, itemized by name, street address, city, and state;

(25) The expenditures made during the reporting period shall be categorized. Disbursements to consultants, advertising agencies, credit card companies, and similar firms shall be itemized into expense categories. Any contribution

made by the reporting political committee or political party that is not in exchange for any item of value or service shall be itemized;

(26) The expenditures incurred but not yet paid during the reporting period and to whom the expenditure is owed;

(27) The amount of each independent expenditure, as defined in this chapter, made during the reporting period, the name of the candidate, public office holder, or ballot question related to the expenditure and a description of the expenditure;

(28) The information contained in any statement provided under § 12-27-19; and

(29) A certification that the contents of the statement is true and correct signed by the treasurer of the political committee or political party.

Source: SL 2007, ch 80, § 24; SL 2016, ch 78, § 4.

12-27-25. Termination statement. The last campaign finance statement filed shall be a termination statement. The termination statement shall be filed by the treasurer within thirty days following disposition of all funds and property and the payment of all obligations.
Source: SL 2007, ch 80, § 25; SL 2008, ch 67, § 8.

12-27-26. Requirements for dissolution of political committee. A political committee may not dissolve until the political committee has settled all of its debts, disposed of all of its assets, and filed a termination statement.
Source: SL 2007, ch 80, § 26.

12-27-27. Conditions requiring filing of amended statement--Time for filing--Violation as misdemeanor--Civil penalty. Any treasurer or other person filing a statement pursuant to this chapter, shall file an amended statement within three days of discovering any omission, inaccuracy, or other change necessary to make the statement accurate. A person responsible for filing a statement pursuant to this chapter, who willfully fails to report a material change or correction, is guilty of a Class 1 misdemeanor. A person responsible for filing a statement pursuant to this chapter, who willfully fails to file an amendment pursuant to this section is subject to the administrative penalty in § 12-27-29.1 beginning on the first day following the third day after the candidate, treasurer, or other person is notified of the omission, inaccuracy, or other change necessary to make the statement accurate.
Source: SL 2007, ch 80, § 27; SL 2008, ch 67, § 9.

12-27-28. Conditions requiring filing of supplemental statement--Time for filing--Violation as misdemeanor. If any candidate campaign committee for statewide office, political action committee, ballot question committee, or political party required to file a campaign finance disclosure statement pursuant to this chapter receives a contribution of five hundred dollars or more within the fourteen days immediately prior to an election for which a campaign finance disclosure statement may be filed, a supplemental statement shall be filed. The statement shall state the name, street address, city, and state of the contributor and the amount and date of the contribution, and information contained in any statement provided under § 12-27-19, if applicable. The statement shall be filed by the treasurer within forty-eight hours of the receipt of the contribution. A violation of this section is a Class 1 misdemeanor.
Source: SL 2007, ch 80, § 28; SL 2008, ch 67, § 12.

12-27-29. Records required to be kept by treasurer of political committee and political party--Violation as misdemeanor. The treasurer of a political committee and political party shall maintain and preserve detailed and accurate records of the following:

(1) Each contribution and in-kind contribution received by the political committee or political party;

(2) In the case of a ballot question committee, the information required by § 12-27-19 for any organization contribution;

(3) Each loan received or made by the political committee or political party;

(4) Each refund, rebate, interest, or other income received by the political committee or political party;

(5) All receipts, invoices, bills, canceled checks, or other proofs of payment, with an explanation of each, for each expenditure;

(6) The name and address of any financial institution where an account or depository for the political committee or political party is maintained including the account number.

The treasurer shall maintain and preserve the records for a period of seven years or three years past the date of filing the termination statement for the election for which the contribution or expenditure was made, whichever is earlier. A violation of this section is a Class 1 misdemeanor.
Source: SL 2007, ch 80, § 29.

12-27-29.1. Administrative penalty for failure to timely file statement, amendment, or correction. In addition to any other penalty or relief provided under this chapter, the secretary of state, after notice and opportunity for hearing pursuant to chapter 1-26, may impose an administrative penalty for the failure to timely file any statement, amendment, or correction required to be filed by this chapter. The administrative penalty is fifty dollars per day for each violation not to exceed three thousand dollars. However, if the violation is made by a county political party or auxiliary, the administrative penalty is ten dollars per day for each violation not to exceed six hundred dollars. Any administrative penalty collected pursuant to this section shall be deposited in the state general fund.
Source: SL 2008, ch 67, § 10; SL 2009, ch 67, § 2.

12-27-29.2. Administrative order assessing penalty--Hearing--Appeal--Termination of committee. Any administrative penalty imposed pursuant to § 12-27-29.1 shall be assessed against the violator by an administrative order of the secretary of state. The order shall state the date and facts of each violation addressed under the penalty assessed and the citations to the provisions of each law alleged to be violated. The order shall contain a statement that the violator may request a contested case hearing on the violation and penalty pursuant to chapter 1-26, by filing a written request with the secretary of state no later than twenty days after the receipt of the order. The secretary of state shall serve the order and assessment by certified mail. If not contested within twenty days of receipt of the order, an administrative order assessing an administrative penalty constitutes a judgment and may be executed by delivery of a true and correct copy certified by the secretary of state in the manner provided for the execution of money judgments provided in chapter 15-18.

If a hearing is requested, the matter shall be scheduled for a hearing before the secretary of state within thirty days from the receipt of the request. The secretary of state shall provide notice of the hearing consistent with the provisions of § 1-26-17. A final determination by the secretary of state may be appealed to the circuit court or Supreme Court as

provided in chapter 1-26.

If the time to take an appeal has lapsed after the final determination by the secretary of state, the administrative order assessing an administrative penalty constitutes a judgment and may be executed by delivery of a true and correct copy certified by the secretary of state in the manner provided for the execution of judgments in chapter 15-18.

If a committee incurs the maximum penalty fee, does not submit the delinquent report, and a judgment is executed, the secretary of state may terminate that committee. If a committee is terminated, the secretary of state shall mail a termination letter to the last address on record for the treasurer.
Source: SL 2008, ch 67, § 11; SL 2016, ch 78, § 5.

12-27-29.3. Prohibition of certification as candidate for failure to pay penalties or file required documents. No person who is listed on a statement of organization for a political committee or political party pursuant to §§ 12-27-3 and 12-27-6 may be certified as a candidate for office unless the treasurer of the political committee or political party for which the person is listed has:

(1) Paid all administrative penalties assessed pursuant to § 12-27-29.1 and any other monetary penalty imposed pursuant to this chapter against the person or the treasurer; and

(2) Filed all statements, documents, and information required under this title.

Source: SL 2013, ch 68, § 1.

12-27-30. Civil penalty for failure to timely file statement, amendment, or correction with county, township, municipality, school district, or special purpose district. Notwithstanding the provisions of § 12-25-33, the failure to timely file any statement, amendment, or correction with any county, township, municipality, school district, or special purpose district covered by this chapter pursuant to § 12-27-39 or covered by local ordinance or resolution subjects the treasurer responsible for filing to a civil penalty of fifty dollars per day for each day that the statement remains delinquent. The civil penalty shall be in addition to any criminal sanctions and shall be paid to the county, township, municipality, school district, or special purpose district and deposited in its general fund.
Source: SL 2007, ch 80, § 30; SL 2008, ch 67, § 13.

12-27-31. Forms to be adopted by secretary of state--Oath or affirmation. The secretary of state shall adopt forms for statements of organization and campaign finance disclosure statements. Each person filing a statement of organization or campaign finance disclosure statement shall subscribe to an oath or affirmation verifying that the contents of the statement are true and correct to the best of the knowledge and belief of the signer.
Source: SL 2007, ch 80, § 31.

12-27-32. Preservation and destruction of statements in public records. The secretary of state shall endorse the date of the filing on each statement filed pursuant to this chapter, and shall preserve the statement among the public records of the office. However, the statement may be destroyed if the Records Destruction Board, acting pursuant to § 1-27-19, declares the records to have no further administrative, legal, fiscal, research, or historical value.
Source: SL 2007, ch 80, § 32.

12-27-33. Sale and certain uses of information in statements prohibited--Misdemeanor. No information copied, or otherwise obtained, from any statement, or copy, reproduction, or publication thereof, filed with the secretary of state, county auditor, or other person in charge of conducting the election under this chapter may be sold or utilized by any

person for any commercial purpose or for the purpose of soliciting contributions. Any violation of this section is a Class 2 misdemeanor.
Source: SL 2007, ch 80, § 33.

12-27-34. Intentionally false or misleading statements prohibited--Felony. Any person who intentionally makes any false, fraudulent, or misleading statement or entry in any statement of organization, campaign finance disclosure statement, other statement, or amendment filed pursuant to this chapter is guilty of a Class 5 felony.
Source: SL 2007, ch 80, § 34.

12-27-35. Investigation and prosecution of violations by attorney general--Civil actions. The attorney general shall investigate violations of the provisions of this chapter relating to a legislative office, statewide office, or statewide ballot question and prosecute any violation thereof. In lieu of bringing a criminal action, the attorney general may elect to file a civil action. In a civil action, in addition to other relief, the court may impose a civil penalty in an amount not to exceed ten thousand dollars for each violation. Any civil penalty recovered shall be paid to the state general fund. A civil action brought by the attorney general shall be commenced in Hughes County, in the county where the person resides, or in the county where the organization, political party, or political committee has its principal office.
Source: SL 2007, ch 80, § 35; SL 2008, ch 67, § 14.

12-27-36. Access to records by attorney general--Violation as misdemeanor. The attorney general may, for the purpose of enforcing the provisions of this chapter, inspect or examine any political committee or political party records required to be maintained by this chapter. It is a Class 1 misdemeanor for any person having charge, control, or possession of political committee or political party records to neglect or refuse the attorney general reasonable access to any records required to be maintained by this chapter which are necessary to enforce the provisions of this chapter.
Source: SL 2007, ch 80, § 36.

12-27-37. Confidentiality of records. The attorney general shall keep each record inspected or examined confidential except when the records are used to enforce provisions of this chapter associated with a criminal or civil action.
Source: SL 2007, ch 80, § 37.

12-27-38. Candidate may not be certified or to forfeit office for felony violation. If any candidate is proved in a contest of an election or is proved to have violated any provision of this chapter punishable by a felony, the candidate may not be certified for election or the candidate shall forfeit his or her office. The office shall be declared vacant and shall be filled in the manner provided by law for filling vacancies occasioned by death or resignation.
Source: SL 2007, ch 80, § 38.

12-27-39. Application of campaign finance requirements. The provisions of this chapter apply to each statewide office, legislative office, statewide ballot question, county offices and ballot questions in counties with population greater than five thousand according to the most recent Federal census, ballot questions in first class municipalities, and school district offices and ballot questions in school districts with more than two thousand average daily membership. Any municipal or school district election covered by this chapter shall conform to the contribution limits applicable to legislative offices. This chapter does not apply to the unified judicial system, nor does this chapter apply to any township or special purpose district offices or ballot questions or elections for municipal offices. However, the governing body of any county, township, municipality, school district, or special purpose district not otherwise covered by this chapter may adopt an ordinance or resolution to make the provisions of this chapter, with or without amendments, applicable to county, township, municipal, school district, or special purpose district elections.
Source: SL 2007, ch 80, § 39; SL 2012, ch 86, § 1; SL 2016, ch 79, § 1.

12-27-40. Investigation and prosecution of violations by state's attorney--Civil actions. The state's attorney shall investigate any violation of the provisions of this chapter relating to elections for county and school district office or county, municipal, or school district ballot questions, and prosecute any violation thereof. In lieu of bringing a criminal action, the state's attorney may elect to file a civil action for any violation of this chapter. In a civil action, in addition to other relief, the court may impose a civil penalty in an amount not to exceed one thousand dollars for each violation. Any civil penalty recovered shall be paid to the county general fund if the violation arose out of a county office or ballot question, municipal general fund if the violation arose out of a municipal ballot question, or the school district general fund if the violation arose out of a school district office or ballot question. A civil enforcement action for a violation of the chapter concerning a municipal ballot question may, with the consent of the state's attorney, be brought by the municipality's attorney. A civil enforcement action for a violation of the chapter concerning a school district office or ballot question may, with the consent of the state's attorney, be brought by the school district's attorney. A civil action brought under this section shall be commenced in the county where filings under the chapter are required, in the county where the person resides, or in the county where the organization, political party, or political committee has its principal office.
Source: SL 2007, ch 80, § 40; SL 2008, ch 67, § 15; SL 2012, ch 86, § 2.

12-27-41. Filing by electronic transmission. Any statement required to be filed under this chapter may be filed by electronic transmission in accordance with the methods approved by the secretary of state. To be timely filed, any statement received by electronic transmission shall be legible and readable when received by the means it was delivered.
Source: SL 2007, ch 80, § 41; SL 2012, ch 18, § 12.

12-27-42. Place of filing. Any statement, form, or filing required by this chapter shall be filed with the secretary of state in the case of a statewide office or legislative office election. Any statement, form, or filing required by this chapter shall be filed with the county auditor in the case of a county office election, with the municipal finance officer or clerk in the case of a municipal ballot question election, with the school business manager in the case of a school district office election, or with the person in charge of the election in the case of other political subdivisions or special purpose districts.
Source: SL 2007, ch 80, § 42; SL 2012, ch 86, § 3; SL 2016, ch 78, § 6.

12-27-43. Action for civil penalty for certain violations. The attorney general may bring an action for a civil penalty against any person, political committee, political party, or organization that violates § 12-27-16 or 12-27-17, in addition to any other penalties provided by law. The civil penalty may not exceed two thousand dollars for each violation.
Source: SL 2007, ch 80, § 44.

12-27-44. Repealed by SL 2009, ch 68, § 1.

12-27-45. Additional standards adopted by political subdivision. Nothing is this chapter prevents any political subdivision from adopting additional standards or requirements relating to campaign finance for elections held under the political subdivision's own jurisdiction that are more stringent than the provisions of this title.
Source: SL 2012, ch 86, § 4.