

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

690Q0727

## SENATE BILL NO. 180

Introduced by: Senators Vehle, Brown, Hansen (Tom), Jerstad, and Maher and  
Representatives Boomgarden, Carson, Cronin, Feinstein, Hamiel, Kirkeby,  
Krebs, and Street

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning statements  
2 submitted by organizations making contributions to ballot questions committees.

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

4 Section 1. That § 12-27-19 be amended to read as follows:

5 12-27-19. Any organization that makes a contribution to a ballot question committee  
6 pursuant to § 12-27-18 shall:

7 (1) Be filed as a domestic or foreign entity in good standing with the Office of the  
8 Secretary of State of this state, or

9 (2) If the organization is not filed as a domestic or foreign entity in good standing with  
10 the Office of the Secretary of State of this state, the organization shall include with  
11 any contribution to a ballot question committee a statement providing the following  
12 information:

13 (a) The name of the organization;

14 (b) The name of the state or country under whose law the organization is



1 incorporated or organized; and

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

3 (3) However, if subdivisions 1 and 2 do not apply to the organization, then the  
4 organization shall include with any contribution to a ballot question committee a  
5 statement providing the following information:

6 (a) The name of the organization;

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

8 (c) The names and street addresses of any owners, directors, or officers of the  
9 organization including the name and street address of the person authorizing  
10 the contribution.

11 Further, if any contribution from an organization to a ballot question committee exceeds ten  
12 thousand dollars in the aggregate, ~~and~~ the president and treasurer of the organization shall  
13 include with the contribution a statement, under oath declaring and affirming under the penalty  
14 of perjury, that the money for the contribution was not raised or collected by the organization  
15 for the purpose of influencing the ballot question. If the organization that is contributing more  
16 than ten thousand dollars is comprised of twenty or fewer members or shareholders, the  
17 contribution shall also include a statement with the name and address of each shareholder or  
18 member who owns ten percent or more of the organization. The ballot question committee shall  
19 disclose all information provided in the statement in the applicable campaign financial  
20 disclosure statement or supplemental statement.

21 If any of the information required by this section is not delivered to the treasurer of the ballot  
22 question committee, the treasurer shall return the contribution. ~~A~~ Unless a violation of this  
23 section rises to the level of perjury, a violation of this section is a Class 1 misdemeanor.