

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

690Q0727

SENATE ENGROSSED NO. **SB 180** - 2/11/2009

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

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 organization is comprised of twenty or fewer~~
13 ~~members or shareholders, the contribution shall include a statement with the name and address~~
14 ~~of each shareholder or member who owns ten percent or more of the organization. The ballot~~
15 ~~question committee shall disclose all information provided in the statement in the applicable~~
16 ~~campaign financial disclosure statement or supplemental statement.~~

17 ~~_____ If any of the information required by this section is not delivered to the treasurer of the ballot~~
18 ~~question committee, the treasurer shall return the contribution. A violation of this section is a~~
19 ~~Class 1 misdemeanor. Before making a contribution to a ballot question committee pursuant to~~
20 ~~§ 12-27-18, an organization shall provide to the ballot question committee the following:~~

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

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

- 1 (a) The name of the organization;
- 2 (b) The name of the state or nation under whose law the organization is
- 3 incorporated or organized; and
- 4 (c) The street address of the organization's principal office; or
- 5 (3) If neither of the above apply, a statement providing:
- 6 (a) The name of the organization;
- 7 (b) The street address of the organization's principal office;
- 8 (c) The name and street address of the person authorizing the contribution; and
- 9 (d) The name and street address of every owner, director, and officer of the
- 10 organization.

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

- 15 (1) The name and street address of every person who owns ten percent or more of the
- 16 organization, has provided ten percent or more of the organization's gross receipts,
- 17 including capital contributions, in the current or preceding year, or has provided ten
- 18 percent or more of the funds being contributed to the ballot question committee; and
- 19 (2) That no part of the contribution was raised or collected by the organization for the
- 20 purpose of influencing the ballot question.

21 A ballot question committee shall disclose in its applicable campaign financial disclosure
22 statement or supplement statement all information received from an organization pursuant to
23 this section. No ballot question committee may accept any contribution from an organization
24 not preceded or accompanied by the statements required by this section. Except as provided by

1 § 22-29-1, violation of this section is a Class 1 misdemeanor.