



Secretary of State

Jason M. Gant

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June 20, 2013

Chief, Voting Section
Civil Rights Division
Room 7254 – NWB
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

RE: Submission under Section 5, Voting Rights Act, State of South Dakota

Dear Voting Section Chief:

I am submitting to you the election related South Dakota law changes that took place during the 88th South Dakota Legislature and signed by the Governor during the 2013 Legislative Session from January 8, 2013 through March 25, 2013.

1. SDCL 12-4-36, 12-5-1, 12-6-8, 12-26-15

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the act to revise provisions concerning elections and petitions, which was approved by the 88th South Dakota Legislature and signed by Governor Daugaard on March 25, 2013. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of House Bill 1018 passed by the 88th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

House Bill 1018 amends the current statutes, South Dakota Codified Law (SDCL) 12-4-36, 12-5-1, 12-6-8 and 12-26-15, to revise certain provisions concerning elections and petitions.

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c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office. The person making this submission is Jason M. Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of House Bill 1018 was the 88th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 88th South Dakota Legislature. The 88th South Dakota House of Representatives was lawfully called into order on the 8th Legislative Day and voted in favor of the measure on January 18, 2013 and the 88th South Dakota Senate was lawfully called into order on the 33rd Legislative Day and voted in favor of the measure on March 4, 2013. House Bill 1018 was signed by the Senate President on March 6, 2013 and by the Speaker of the House on March 5, 2013. Governor Daugaard signed House Bill 1018 on March 25, 2013.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 88th South Dakota Legislature and House Bill 1018 was signed by Governor Daugaard on March 25, 2013. The changes will take effect July 1, 2013.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

House Bill 1018 consisted of four sections. First, this bill helped clarify the law to allow both an active and an inactive voter to sign a petition. Current South Dakota

Law states that only an active voter could sign a petition. Secondly, allowed a mechanism for the national and state chairperson of a political party to dissolve if they so choose by submitting a request in writing to the Secretary of State's office. This bill also clarified language to not allow a candidate to notarize their own petition. Lastly, this bill made it a Class 2 misdemeanor if any person bribed someone else to sign their petition.

i. 28 C.F.R. § 51.27 (n): Affect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

2. SDCL 12-6-51.1

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the act to revise certain provisions for a secondary election if the candidates for the United States Senate, United States House of Representatives, or Governor do not receive a sufficient percentage of the votes cast during a primary election, which was approved by the 88th South Dakota Legislature and signed by Governor Daugaard on March 25, 2013. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of House Bill 1170 passed by the 88th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

House Bill 1170 amends the current statute, SDCL 12-6-51.1, to revise certain provisions for a secondary election if the candidates for the United States Senate, United States House of Representatives or Governor do not receive a sufficient percentage of the votes cast during a primary election.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason M. Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of House Bill 1170 was the 88th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 88th South Dakota Legislature. The 88th South Dakota House of Representatives was lawfully called into order on the 15th Legislative Day and voted in favor of the measure on January 30, 2013 and the 88th South Dakota Senate was lawfully called into order on the 32nd Legislative Day and voted in favor of the measure on February 28, 2013. House Bill 1170 was signed by the Speaker of the House on March 4, 2013 and by the Senate President on March 5, 2013. Governor Daugaard signed House Bill 1170 on March 25, 2013.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 88th South Dakota Legislature and House Bill 1170 was signed by Governor Daugaard on March 25, 2013. The changes will take effect on July 1, 2013.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

This bill moved the date of a secondary election, if needed, to ten weeks after the Primary Election instead of three. This change helps to ensure compliance with the Military and Voter Empowerment Act to ensure overseas citizens and military personnel have sufficient time to vote. The secondary election would only take place if no candidate for United States Senate, United States House of Representatives, or Governor included three or more candidates each receiving less than 35% of the votes cast of the candidate's political party.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

3. SDCL 12-27

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the act to prohibit certain persons who fail to pay certain campaign finance related penalties from running for office, which was approved by the 88th South Dakota Legislature and signed by Governor Daugaard on March 25, 2013. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of House Bill 1209 passed by the 88th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

House Bill 1209 amends the current statute chapter by adding thereto a new section, SDCL 12-27, to prohibit certain persons who fail to pay certain campaign finance related penalties from running for office.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason M. Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of House Bill 1209 was the 88th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 88th South Dakota Legislature. The 88th South Dakota House of Representatives was lawfully called into order on the 23rd Legislative Day and voted in favor of the measure on February 14, 2013 and the 88th South Dakota Senate was lawfully called into order on the 32nd Legislative Day and voted in favor of the measure on February 28, 2013. House Bill 1209 was signed by the Speaker of the House on March 4, 2013 and signed by the Senate President on March 5, 2013. Governor Dugaard signed House Bill 1209 on March 25, 2013.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 88th South Dakota Legislature and House Bill 1209 was signed by Governor Dugaard on March 12, 2013. The changes will take effect on July 1, 2012.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

A candidate may not be certified for the ballot if they have not paid all campaign finance administrative penalties, if any incurred, and have not filed all campaign finance statements required.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

4. SDCL 12-16-1, 12-19, 12-19-2.1

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the act to revise certain provisions concerning absentee voting, which was approved by the 88th South Dakota Legislature and signed by Governor Daugaard on March 8, 2013. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of Senate Bill 130 passed by the 88th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

Senate Bill 130 amends the current statutes, SDCL 12-16-1, 12-19-2.1 and amends the current statute chapter by adding thereto a new section, SDCL 12-19, to revise certain provisions concerning absentee voting.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason M. Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500 East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of Senate Bill 130 was the 88th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 88th South Dakota Legislature. The 88th South Dakota Senate was lawfully called into order on the 26th Legislative Day and voted in favor of the measure on February 20, 2013 and the 88th South Dakota House of Representatives was lawfully called into order on the 31st Legislative Day and voted in favor of the measure on February 27, 2013. Senate Bill 130 was signed by the Senate President on February 28, 2013 and by the Speaker of the House on March 4, 2013. Governor Dugaard signed Senate Bill 130 on March 8, 2013.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 88th South Dakota Legislature and Senate Bill 130 was signed by Governor Dugaard on March 8, 2013. The changes will take effect on July 1, 2013.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

This bill changed the deadline for when you can request an absentee ballot from 3:00 p.m. on Election Day to 5:00 p.m. the day before the election. This change reduces the potential for voter fraud by not allowing someone to absentee vote in-person at the county courthouse and then going to their respective polling location and voting on

Election Day. In the event of confinement because of sickness or disability, the deadline to request an absentee ballot remains 3:00 p.m. on Election Day.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

5. SDCL 12-27-3, 12-27-6, 12-27-16, 12-27-17, 12-27

In accordance with Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973 *et seq.*, the South Dakota Secretary of State's Office hereby submits for preclearance the act to revise certain provisions concerning campaign finance, which was approved by the 88th South Dakota Legislature and signed by Governor Daugaard on March 25, 2013. This submission contains the information required by 28 C.F.R. § 51.27.

a. 28 C.F.R. § 51.27 (a) – (b): Approval of Changes

A copy of Senate Bill 200 passed by the 88th South Dakota Legislature and approving the changes is attached to this submission.

b. 28 C.F.R. § 51.27 (c): Changes Affecting Voting

Senate Bill 200 amends the current statutes, SDCL 12-27-3, 12-27-6, 12-27-16, and 12-27-17 and amends the current statute chapter by adding thereto a new section, SDCL 12-27, to revise certain provisions concerning campaign finance.

c. 28 C.F.R. § 51.27 (d) – (e): Submitting Authority

The submitting authority is the South Dakota Secretary of State's Office.

The person making this submission is Jason M. Gant, Secretary of State for the State of South Dakota. The Secretary of State can be reached at the State Capitol, located at 500

East Capitol Avenue, Suite 204, Pierre, SD 57501. Secretary Gant's telephone number is (605)773-3537.

d. 28 C.F.R. § 51.27 (g): Authority Responsible for Making the Changes and the Mode of the Changes

The authority responsible for the passage of Senate Bill 200 was the 88th South Dakota Legislature. The changes that form the basis of this submission were accomplished by a vote of the 88th South Dakota Legislature. The 88th South Dakota Senate was lawfully called into order on the 18th Legislative Day and voted in favor of the measure on February 5, 2013 and the 88th South Dakota House of Representatives was lawfully called into order on the 34th Legislative Day and voted in favor of the measure on March 5, 2013. Senate Bill 200 was signed by the Senate President on February 23, 2012 and by the Speaker of the House on February 24, 2012. Governor Dugaard signed Senate Bill 137 on March 2, 2012.

e. 28 C.F.R. § 51.27 (h): Statutory Authority for the Changes

Article III of the South Dakota Constitution allows the Legislative Department the power to propose measures and enact those measures into law by a majority vote of all the members elected to each house of Legislature. According to Article IV of the South Dakota Constitution, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation.

f. 28 C.F.R. § 51.27 (i) – (k): Effective Date of the Changes

The changes were adopted by the 88th South Dakota Legislature and Senate Bill 200 was signed by Governor Dugaard on March 2, 2012. The changes will take effect on July 1, 2012.

g. 28 C.F.R. § 51.27 (l): Scope of the Changes

The changes affect the entire jurisdiction of the State of South Dakota and all 66 counties, including Shannon and Todd Counties that fall under Section 5 of the Voting Rights Act jurisdiction.

h. 28 C.F.R. § 51.27 (m): Reasons for the Change

This campaign finance bill changed the amount and the time period in which a Communication Statement must be filed. The new law will be if any person or organization that expressly advocates or does not expressly advocates, they must file a statement if \$100 or more is spent, regardless of the time period.

i. 28 C.F.R. § 51.27 (n): Effect on Racial or Language Minority Groups

The Secretary of State's Office feels that there will not be an effect on racial or language minority groups.

j. 28 C.F.R. § 51.27 (o): Pending Litigation

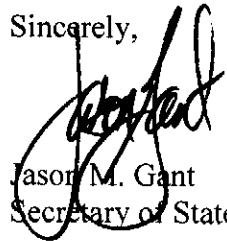
The State of South Dakota is not aware of any pending or future litigation concerning the changes or related voting practices.

k. 28 C.F.R. § 51.27 (p): Prior Practice Preclearance

The Secretary of State's Office is not aware of any prior preclearance of these changes.

Thank you for your consideration of this preclearance submission. If you have any questions or need any additional information, please contact Brandon Johnson, Senior Elections Coordinator at (605)773-5003.

Sincerely,



Jason M. Gant
Secretary of State

Enclosures: House Bill 1018 of the 88th South Dakota Legislature
Approved change in statutes to 12-4-36, 12-5-1, 12-6-8, 12-26-15
Signature page approving changes to SDCL
House Bill 1170 of the 88th South Dakota Legislature
Approved change in statute to SDCL 12-6-51.1
Signature page approving changes to SDCL
House Bill 1209 of the 88th South Dakota Legislature
Approved change in statute to SDCL 12-27
Signature page approving changes to SDCL
Senate Bill 130 of the 88th South Dakota Legislature
Approved change in statute to SDCL 12-16-1, 12-19, 12-19-2.1
Signature page approving changes to SDCL
Senate Bill 200 of the 88th South Dakota Legislature
Approved change in statute to SDCL 12-27-3, 12-27-6, 12-27-16, 12-27-17, 12-27
Signature page approving changes to SDCL

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0141

HOUSE BILL NO. 1018

Introduced by: The Committee on Local Government at the request of the State Board of
Elections

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning elections and
2 petitions.

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

4 Section 1. That § 12-4-36 be amended to read as follows:

5 12-4-36. There is a rebuttable presumption that the signer of a petition filed pursuant to
6 chapter 2-1, 6-16, 7-18A, 9-13, 9-20, 12-6, 12-7, or 13-7 is not a qualified elector if the signer's
7 name fails to appear on the active or inactive voter registration list of the county stated on the
8 petition as the signer's county of registration on the date the petition was signed. This rebuttable
9 presumption may only be overcome by clear and convincing evidence presented by the petition
10 sponsor, circulator, or candidate.

11 Section 2. That § 12-5-1 be amended to read as follows:

12 12-5-1. A new political party may be organized and participate in the primary election by
13 filing with the secretary of state not later than the last Tuesday of March at five p.m. prior to the
14 date of the primary election, a written declaration signed by at least two and one-half percent
15 of the voters of the state as shown by the total vote cast for Governor at the last preceding



1 gubernatorial election, which declaration shall contain:

2 (1) The name of the proposed party; and

3 (2) A brief statement of the principles thereof;

4 whereupon the party shall, under the party name chosen, have all the rights of a political party
5 whose ticket was on the ballot at the preceding general election. No signature on a declaration
6 is valid if the declaration was signed more than one year prior to filing of the declaration.

7 A political party loses the right to participate in the primary election for failure to meet the
8 definition of political party as defined in § 12-1-3.

9 The national and state chairperson of a recognized political party may request in writing,
10 subscribed and sworn to by each chairperson before any officer qualified to administer oaths and
11 take acknowledgments, to no longer be recognized as a political party. The political party shall
12 also comply with the requirements for dissolution pursuant to chapter 12-27.

13 Section 3. That § 12-6-8 be amended to read as follows:

14 12-6-8. No person ~~shall~~ may sign the nominating petition of a candidate before January first
15 in the year in which the election is to be held, nor for whom ~~he~~ the person is not entitled to vote,
16 nor for a political candidate of a party of which ~~he~~ the person is not a member, nor of more than
17 the number of candidates required to be nominated for the same office. There shall be added by
18 either the signer or the circulator, the signer's place of residence, and the date of signing. The
19 signer's post office box number may be given in lieu of a street address if the signer lives within
20 a municipality of the second or third class. A formal declaration of the candidate shall be signed
21 by ~~him~~ the circulator prior to the circulation of petitions. The signed declaration of the
22 candidate, or a facsimile thereof, may accompany and be a part of the petition. The original
23 signed declaration shall accompany the group of petitions upon filing. ~~Such~~ The petition shall
24 be verified under oath by the persons circulating the ~~same~~ petition. The verification by the

1 person circulating the petition may not be notarized by the candidate whom the petition is
2 nominating. The provisions of this section ~~shall~~ may not prohibit a person registered with party
3 affiliation from signing either a petition nominating an independent or a nonpolitical candidate
4 for office if ~~he~~ the person has not previously signed a petition for that office to be filled.

5 Section 4. That § 12-26-15 be amended to read as follows:

6 12-26-15. It is a Class 2 misdemeanor for any person, directly or indirectly, by ~~himself~~ the
7 person or through any other person:

8 (1) To pay, lend, contribute, or offer or promise to pay, lend, or contribute, any money
9 or other valuable consideration, to or for any voter or to or for any other person, to
10 induce ~~such~~ the voter to vote or refrain from voting at any election or to induce any
11 voter to vote or refrain from voting at ~~such~~ any election for any particular person or
12 to induce ~~such~~ the voter to go to the polls or remain away from the polls at ~~such~~ any
13 election, or on account of ~~such~~ the voter having voted, refrained from voting or
14 having voted or refrained from voting for any particular person, or having gone to the
15 polls or remained away from the polls at ~~such~~ any election;

16 (2) To give, offer, or promise any office, place, or employment, or to promise to procure
17 or endeavor to procure any office, place, or employment to or for any voter, or to or
18 for any other person in order to induce ~~such~~ the voter to vote or refrain from voting
19 at ~~such~~ any election for any particular person;

20 (3) To make any gift, loan, or promise, offer, procurement, or agreement as aforesaid to,
21 for, or with any person in order to induce ~~such~~ the person to procure or endeavor to
22 procure the election of any person, or the vote of any voter at any election;

23 (4) To procure or engage, promise, or endeavor to procure, in consequence of any ~~such~~
24 gift, loan, offer, promise, procurement, or agreement, the election of any person or

1 the vote of any voter at ~~such~~ any election;

2 (5) To advance or pay, or cause to be paid, any money or other valuable thing to or for
3 the use of any other person, with the intent that the same or any part thereof shall be
4 used in bribery at any election, or to knowingly pay or cause to be paid any money
5 or other valuable thing to any person in discharge or repayment of any money wholly
6 or in part expended in bribery at any election;

7 (6) To pay, lend, contribute, or offer or promise to pay, lend, or contribute, any money
8 or other valuable consideration, to or for any voter or to or for any other person, to
9 sign any nominating, referendum, initiated measure, or initiated constitutional
10 amendment petition;

11 (7) To give, offer, or promise any office, place, or employment, or to promise to procure
12 or endeavor to procure any office, place, or employment to or for any voter, or to or
13 for any other person in order to sign any nominating, referendum, initiated measure,
14 or initiated constitutional amendment petition; or

15 (8) To make any gift, loan, or promise, offer, procurement, or agreement as aforesaid to,
16 for, or with any person in order to sign any nominating, referendum, initiated
17 measure, or initiated constitutional amendment petition.

AN ACT

ENTITLED, An Act to revise certain provisions concerning elections and petitions.

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

Section 1. That § 12-4-36 be amended to read as follows:

12-4-36. There is a rebuttable presumption that the signer of a petition filed pursuant to chapter 2-1, 6-16, 7-18A, 9-13, 9-20, 12-6, 12-7, or 13-7 is not a qualified elector if the signer's name fails to appear on the active or inactive voter registration list of the county stated on the petition as the signer's county of registration on the date the petition was signed. This rebuttable presumption may only be overcome by clear and convincing evidence presented by the petition sponsor, circulator, or candidate.

Section 2. That § 12-5-1 be amended to read as follows:

12-5-1. A new political party may be organized and participate in the primary election by filing with the secretary of state not later than the last Tuesday of March at five p.m. prior to the date of the primary election, a written declaration signed by at least two and one-half percent of the voters of the state as shown by the total vote cast for Governor at the last preceding gubernatorial election, which declaration shall contain:

- (1) The name of the proposed party; and
- (2) A brief statement of the principles thereof;

whereupon the party shall, under the party name chosen, have all the rights of a political party whose ticket was on the ballot at the preceding general election. No signature on a declaration is valid if the declaration was signed more than one year prior to filing of the declaration.

A political party loses the right to participate in the primary election for failure to meet the definition of political party as defined in § 12-1-3.

The national and state chairperson of a recognized political party may request in writing,



subscribed and sworn to by each chairperson before any officer qualified to administer oaths and take acknowledgments, to no longer be recognized as a political party. The political party shall also comply with the requirements for dissolution pursuant to chapter 12-27.

Section 3. That § 12-6-8 be amended to read as follows:

12-6-8. No person may sign the nominating petition of a candidate before January first in the year in which the election is to be held, nor for whom the person is not entitled to vote, nor for a political candidate of a party of which the person is not a member, nor of more than the number of candidates required to be nominated for the same office. There shall be added by either the signer or the circulator, the signer's place of residence, and the date of signing. The signer's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class. A formal declaration of the candidate shall be signed by the circulator prior to the circulation of petitions. The signed declaration of the candidate, or a facsimile thereof, may accompany and be a part of the petition. The original signed declaration shall accompany the group of petitions upon filing. The petition shall be verified under oath by the persons circulating the petition. The verification by the person circulating the petition may not be notarized by the candidate whom the petition is nominating. The provisions of this section may not prohibit a person registered with party affiliation from signing either a petition nominating an independent or a nonpolitical candidate for office if the person has not previously signed a petition for that office to be filled.

Section 4. That § 12-26-15 be amended to read as follows:

12-26-15. It is a Class 2 misdemeanor for any person, directly or indirectly, by the person or through any other person:

- (1) To pay, lend, contribute, or offer or promise to pay, lend, or contribute, any money or other valuable consideration, to or for any voter or to or for any other person, to induce the voter to vote or refrain from voting at any election or to induce any voter to vote or

refrain from voting at any election for any particular person or to induce the voter to go to the polls or remain away from the polls at any election, or on account of the voter having voted, refrained from voting or having voted or refrained from voting for any particular person, or having gone to the polls or remained away from the polls at any election;

- (2) To give, offer, or promise any office, place, or employment, or to promise to procure or endeavor to procure any office, place, or employment to or for any voter, or to or for any other person in order to induce the voter to vote or refrain from voting at any election for any particular person;
- (3) To make any gift, loan, or promise, offer, procurement, or agreement as aforesaid to, for, or with any person in order to induce the person to procure or endeavor to procure the election of any person, or the vote of any voter at any election;
- (4) To procure or engage, promise, or endeavor to procure, in consequence of any gift, loan, offer, promise, procurement, or agreement, the election of any person or the vote of any voter at any election;
- (5) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same or any part thereof shall be used in bribery at any election, or to knowingly pay or cause to be paid any money or other valuable thing to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;
- (6) To pay, lend, contribute, or offer or promise to pay, lend, or contribute, any money or other valuable consideration, to or for any voter or to or for any other person, to sign any nominating, referendum, initiated measure, or initiated constitutional amendment petition;
- (7) To give, offer, or promise any office, place, or employment, or to promise to procure or

endeavor to procure any office, place, or employment to or for any voter, or to or for any other person in order to sign any nominating, referendum, initiated measure, or initiated constitutional amendment petition; or

- (8) To make any gift, loan, or promise, offer, procurement, or agreement as aforesaid to, for, or with any person in order to sign any nominating, referendum, initiated measure, or initiated constitutional amendment petition.

18

An Act to revise certain provisions concerning elections and petitions.

I certify that the attached Act originated in the

HOUSE as Bill No. 1018

Arlene Krivsten
Chief Clerk

Brian Moch
Speaker of the House

Attest:

Arlene Krivsten
Chief Clerk

[Signature]
President of the Senate

Attest:

Jannette Schipper
Secretary of the Senate

House Bill No. 1018
File No. _____
Chapter No. 63

Received at this Executive Office this 7 day of March,

20 13 at 8:20 A M.

By Judy Swartz
for the Governor

The attached Act is hereby approved this 14th day of March, A.D., 2013

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA,
SS.
Office of the Secretary of State

Filed March 14, 2013
at 9:50 o'clock A M.

Secretary of State
By Patricia Miller
Asst. Secretary of State

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

285U0630

HOUSE STATE AFFAIRS

ENGROSSED NO. **HB 1170** - 01/28/2013

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

Introduced by: Representative Campbell and Senator Kirkeby

1 FOR AN ACT ENTITLED, An Act to revise certain provisions for a secondary election if the
2 candidates for the United States Senate, United States House of Representatives, or
3 Governor do not receive a sufficient percentage of the votes cast during a primary election.

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

5 Section 1. That § 12-6-51.1 be amended to read as follows:

6 12-6-51.1. If no candidate for United States Senate, United States House of Representatives,
7 or Governor in a race involving three or more candidates receives thirty-five percent of the votes
8 of the candidate's party, a secondary election shall be held ~~three~~ ten weeks from the date of the
9 first primary election. At the secondary election the only persons voted for shall be the two
10 candidates receiving the highest number of votes at the first election. However, if there is a tie
11 for second place in the first primary election and there is no tie for first place, all tying second
12 place candidates shall be placed along with the first place candidate on the ballot for the
13 secondary election. The secondary election shall be held at the same polling places, be
14 conducted, returned, and canvassed and the results declared in the same manner as the first



1 election. However, if the secondary election does not have a federal race, the electronic ballot
2 marking system is not required and hand-counted ballots may be used. The person receiving the
3 highest number of votes at the secondary election is nominated as the candidate for the party.

AN ACT

ENTITLED, An Act to revise certain provisions for a secondary election if the candidates for the United States Senate, United States House of Representatives, or Governor do not receive a sufficient percentage of the votes cast during a primary election.

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

Section 1. That § 12-6-51.1 be amended to read as follows:

12-6-51.1. If no candidate for United States Senate, United States House of Representatives, or Governor in a race involving three or more candidates receives thirty-five percent of the votes of the candidate's party, a secondary election shall be held ten weeks from the date of the first primary election. At the secondary election the only persons voted for shall be the two candidates receiving the highest number of votes at the first election. However, if there is a tie for second place in the first primary election and there is no tie for first place, all tying second place candidates shall be placed along with the first place candidate on the ballot for the secondary election. The secondary election shall be held at the same polling places, be conducted, returned, and canvassed and the results declared in the same manner as the first election. However, if the secondary election does not have a federal race, the electronic ballot marking system is not required and hand-counted ballots may be used. The person receiving the highest number of votes at the secondary election is nominated as the candidate for the party.

An Act to revise certain provisions for a secondary election if the candidates for the United States Senate, United States House of Representatives, or Governor do not receive a sufficient percentage of the votes cast during a primary election.

I certify that the attached Act originated in the

HOUSE as Bill No. 1170

Arlene Krivlen
Chief Clerk

Brian Busch
Speaker of the House

Attest:

Arlene Krivlen
Chief Clerk

[Signature]
President of the Senate

Attest:

Jeannette Schipper
Secretary of the Senate

House Bill No. 1170
File No. _____
Chapter No. 64

Received at this Executive Office this 6 day of March, 2013 at 10:18 A M.

By Jody Swartz
for the Governor

The attached Act is hereby approved this 12th day of March, A.D., 2013

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed 3-12, 2013
at 10:38 o'clock A M.

[Signature]
Secretary of State

By _____
Asst. Secretary of State

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

741U0695

HOUSE STATE AFFAIRS

ENGROSSED NO. **HB 1209** - 02/12/2013

Introduced by: Representatives Conzet, Cronin, Gosch, Lust, Magstadt, Mickelson, Miller, Sly, Werner, Wick, and Wink and Senators Krebs, Brown, and Vehle

1 FOR AN ACT ENTITLED, An Act to prohibit certain persons who fail to pay certain campaign
2 finance related penalties from running for office.

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

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

6 No person who is listed on a statement of organization for a political committee or political
7 party pursuant to §§ 12-27-3 and 12-27-6 may be certified as a candidate for office unless the
8 treasurer of the political committee or political party for which the person is listed has:

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

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



AN ACT

ENTITLED, An Act to prohibit certain persons who fail to pay certain campaign finance related penalties from running for office.

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

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

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.

An Act to prohibit certain persons who fail to pay certain campaign finance related penalties from running for office.

I certify that the attached Act originated in the

HOUSE as Bill No. 1209

Arlene Krvislen
Chief Clerk

Brian Moch
Speaker of the House

Attest:

Arlene Krvislen
Chief Clerk

[Signature]
President of the Senate

Attest:

Jannette Schipper
Secretary of the Senate

House Bill No. 1209
File No. _____
Chapter No. 68

Received at this Executive Office this 6 day of March, 2013 at 10:10 A.M.

By Judy Swartz
for the Governor

The attached Act is hereby approved this 12th day of March, A.D., 2013

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed 3-12, 2013
at 10:38 o'clock A M.

[Signature]
Secretary of State

By _____
Asst. Secretary of State

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

636U0566

SENATE LOCAL GOVERNMENT ENGROSSED NO. **SB 130** - 02/15/2013

Introduced by: Senators Kirkeby, Maher, Monroe, and Peters and Representatives Verchio,
Rounds, Rozum, and Wick

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning absentee voting.

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

3 Section 1. That § 12-16-1 be amended to read as follows:

4 12-16-1. The county auditor shall provide printed ballots for each election in which the
5 voters of the entire county participate. Except as provided in § 12-6-9, printed ballots for a
6 primary election shall contain the name of each candidate who has filed for nomination and is
7 approved. The printed ballots for the election of officers shall contain the name of each
8 candidate whose nomination has been certified or filed with the county auditor in the manner
9 provided by law unless the candidate is deemed elected by having no opposition. The names of
10 the candidates shall appear on the ballot exactly as listed in the declaration of candidacy of the
11 candidates' nominating petitions. Sample ballots shall be printed on paper of a different color
12 from the official ballot but in the same form. The sample ballots and official ballots shall be
13 printed and in the possession of the county auditor not later than forty-eight days prior to a
14 primary or general election. ~~Absentee voting shall begin no earlier and no later than forty-six~~



1 ~~days prior to the election.~~ The county auditor shall also prepare the necessary ballots if any
2 question is required to be submitted to the voters of the county. Ballots for general elections
3 shall be of the style and form prescribed in §§ 12-16-2 to 12-16-11, inclusive.

4 Section 2. That chapter 12-19 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Absentee voting shall begin neither earlier nor later than forty-six days prior to the election
7 including any voter identified as being covered by the Uniformed and Overseas Citizens
8 Absentee Voting Act (42 U.S.C. 1973ff-1).

9 Section 3. That § 12-19-2.1 be amended to read as follows:

10 12-19-2.1. At anytime prior to an election, a voter may apply in person at the office of and
11 to the person in charge of the election for an absentee ballot during regular office hours up to
12 ~~3:00~~ 5:00 p.m. on the day ~~of~~ before the election. If the voter applies in person, the voter shall
13 complete a combined absentee ballot application/return envelope and show the person in charge
14 of the election the voter's identification card as required in § 12-18-6.1 or complete the affidavit
15 as provided in § 12-18-6.2.

16 In the event of confinement because of sickness or disability, a qualified voter may apply
17 pursuant to the provisions of § 12-19-2 in writing and obtain an absentee ballot by authorized
18 messenger so designated over the signature of the voter. The person in charge of the election
19 may deliver to the authorized messenger a ballot to be delivered to the qualified voter. Any
20 application for a ballot by authorized messenger must be received by the person in charge of the
21 election before 3:00 p.m. the day of the election. If the application designating an authorized
22 messenger also indicates a request for an absentee ballot for any future election, such absentee
23 ballot shall be mailed to the address provided on the application. If no address is provided, the
24 ballot shall be mailed to the person's voter registration address.

AN ACT

ENTITLED, An Act to revise certain provisions concerning absentee voting.

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

Section 1. That § 12-16-1 be amended to read as follows:

12-16-1. The county auditor shall provide printed ballots for each election in which the voters of the entire county participate. Except as provided in § 12-6-9, printed ballots for a primary election shall contain the name of each candidate who has filed for nomination and is approved. The printed ballots for the election of officers shall contain the name of each candidate whose nomination has been certified or filed with the county auditor in the manner provided by law unless the candidate is deemed elected by having no opposition. The names of the candidates shall appear on the ballot exactly as listed in the declaration of candidacy of the candidates' nominating petitions. Sample ballots shall be printed on paper of a different color from the official ballot but in the same form. The sample ballots and official ballots shall be printed and in the possession of the county auditor not later than forty-eight days prior to a primary or general election. The county auditor shall also prepare the necessary ballots if any question is required to be submitted to the voters of the county. Ballots for general elections shall be of the style and form prescribed in §§ 12-16-2 to 12-16-11, inclusive.

Section 2. That chapter 12-19 be amended by adding thereto a NEW SECTION to read as follows:

Absentee voting shall begin neither earlier nor later than forty-six days prior to the election including any voter identified as being covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1).

Section 3. That § 12-19-2.1 be amended to read as follows:

12-19-2.1. At anytime prior to an election, a voter may apply in person at the office of and to the person in charge of the election for an absentee ballot during regular office hours up to 5:00 p.m. on

the day before the election. If the voter applies in person, the voter shall complete a combined absentee ballot application/return envelope and show the person in charge of the election the voter's identification card as required in § 12-18-6.1 or complete the affidavit as provided in § 12-18-6.2.

In the event of confinement because of sickness or disability, a qualified voter may apply pursuant to the provisions of § 12-19-2 in writing and obtain an absentee ballot by authorized messenger so designated over the signature of the voter. The person in charge of the election may deliver to the authorized messenger a ballot to be delivered to the qualified voter. Any application for a ballot by authorized messenger must be received by the person in charge of the election before 3:00 p.m. the day of the election. If the application designating an authorized messenger also indicates a request for an absentee ballot for any future election, such absentee ballot shall be mailed to the address provided on the application. If no address is provided, the ballot shall be mailed to the person's voter registration address.

An Act to revise certain provisions concerning absentee voting.

I certify that the attached Act originated in the

SENATE as Bill No. 130

Jeanette Schipper
Secretary of the Senate

[Signature]
President of the Senate

Attest:

Jeanette Schipper
Secretary of the Senate

[Signature]
Speaker of the House

Attest:

Arlene Krivsten
Chief Clerk

Senate Bill No. 130
File No. _____
Chapter No. 66

Received at this Executive Office this 5 day of March,

20 13 at 11:30 A M.

By Judy Swartz
for the Governor

The attached Act is hereby approved this 8th day of March, A.D., 20 13

[Signature]
Governor

STATE OF SOUTH DAKOTA,
Office of the Secretary of State

Filed 3-8, 20 13
at 11:49 o'clock A M.

[Signature]
Secretary of State

By _____
Asst. Secretary of State

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

951U0636

HOUSE ENGROSSED NO. **SB 200** - 03/05/2013

Introduced by: Senators Kirkeby, Holien, Krebs, Lucas, Maher, Monroe, Rampelberg, Rave, Rhoden, Sohlt, Tidemann, Tieszen, and White and Representatives Hoffman, Carson, Conzet, Cronin, Dryden, Feickert, Gibson, Gosch, Hunhoff (Bernie), Munsterman, Olson (Betty), Peterson, Romkema, Rounds, Rozum, Sly, Solum, Verchio, and Wink

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning campaign finance.

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

3 Section 1. That § 12-27-16 be amended to read as follows:

4 12-27-16. The following apply to independent expenditures by individuals and organizations
5 related to communications advocating for or against candidates, public office holders, ballot
6 questions, or political parties, ~~and expenditures by individuals and organizations within sixty~~
7 ~~days of an election that clearly identify a candidate or public office holder but do not expressly~~
8 ~~advocate the election of the candidate or public office holder:~~

9 (1) Any person or organization that makes ~~an independent expenditure~~ a payment or
10 promise of payment totaling one hundred dollars or more, including an in-kind
11 contribution, for a communication which expressly advocates for or against a
12 candidate, public office holder, ballot question, or political party, ~~regardless of the~~
13 ~~amount of the expenditure,~~ shall append to or include in each communication a



1 disclaimer that clearly and forthrightly:

- 2 (a) Identifies the person or organization making the independent expenditure for
- 3 that communication;
- 4 (b) States the address or website address of the person or organization; and
- 5 (c) States that the communication is independently funded and not made in
- 6 consultation with any candidate, political party, or political committee; and
- 7 (d) If the independent expenditure is undertaken by an organization not including
- 8 a candidate, public office holder, political party, or political committee, then
- 9 the following notation must also be included: "Top Five Contributors"
- 10 followed by a listing of the names of the five persons making the largest
- 11 contributions to an organization during the twelve months preceding that
- 12 communication.

13 A violation of this subdivision is a Class 1 misdemeanor;

14 ~~(2) Any person or organization that makes an expenditure, including the payment of~~
 15 ~~money or exchange of other valuable consideration or promise, for a communication~~
 16 ~~that clearly identifies a candidate or public office holder, but does not expressly~~
 17 ~~advocate the election or defeat of the candidate or public office holder, and that is~~
 18 ~~disseminated, broadcast, or otherwise published within sixty days of an election shall~~
 19 ~~append to or include in the communication a disclaimer that clearly and forthrightly:~~

20 ~~(a) Identifies the person or organization making the expenditure for that~~
 21 ~~communication; and~~

22 ~~(b) States the address or website address of the person or organization.~~

23 ~~A violation of this subdivision is a Class 1 misdemeanor;~~

24 ~~(3) Any person or organization which is not a recognized business entity and which~~

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

5 ~~(4) Any person or recognized business entity that makes expenditures in excess of two~~
6 ~~thousand dollars during any calendar year for communications described in~~
7 ~~subdivision (1) or (2) shall file a statement with the secretary of state that is received~~
8 ~~within forty-eight hours of the time that the person's or organization's expenditures~~
9 ~~exceed two thousand dollars, and thereafter, within forty-eight hours of the time that~~
10 ~~any such subsequent communication is disseminated, broadcast, or otherwise~~
11 ~~published during the remainder of that calendar year;~~

12 ~~(5)~~(3) The statements required by this section shall include the name, street address, city,
13 and state of the person or organization and, for any expenditures made for
14 communications described in subdivision (1) ~~or (2)~~ during that calendar year but not
15 yet reported on a prior statement, the name of each candidate, public office holder,
16 ballot question, or political party mentioned or identified in each communication, the
17 amount spent on each communication, and a description of the content of each
18 communication.

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

22 ~~(6)~~(4) For an organization whose majority ownership is owned by, controlled by, held for
23 the benefit of, or comprised of twenty or fewer persons, partners, owners, trustees,
24 beneficiaries, participants, members, or shareholders, the statement shall identify by

1 name and address each person, partner, owner, trustee, beneficiary, participant,
 2 shareholder, or member who owns, controls, or comprises ten percent or more of the
 3 organization;

4 ~~(7)~~(5) An organization shall also provide supplemental statements, as defined in subdivision
 5 ~~(5)~~(3), for any of its partners, owners, trustees, beneficiaries, participants, members,
 6 or shareholders identified pursuant to subdivision ~~(6)~~(4) which are owned by,
 7 controlled by, held for the benefit of, or comprised of twenty or fewer persons,
 8 partners, owners, trustees, beneficiaries, participants, members, or shareholders, until
 9 no organization identified in the supplemental statements meets the ownership test
 10 set forth in subdivision ~~(6)~~(4);

11 ~~(8)~~(6) For the purposes of this section, the term, communication, does not include:

- 12 (a) Any news articles, editorial endorsements, opinion, or commentary writings,
 13 or letter to the editor printed in a newspaper, magazine, flyer, pamphlet, or
 14 other periodical not owned or controlled by a candidate, political committee,
 15 or political party;
- 16 (b) Any editorial endorsements or opinions aired by a broadcast facility not owned
 17 or controlled by a candidate, political committee, or political party;
- 18 (c) Any communication by a person made in the regular course and scope of the
 19 person's business or ministry or any communication made by a membership
 20 organization solely to members of the organization and the members' families;
 21 and
- 22 (d) Any communication that refers to any candidate only as part of the popular
 23 name of a bill or statute.

24 Section 2. That § 12-27-17 be amended to read as follows:

1 12-27-17. Any political committee, organization, person, or political party that makes a
2 payment or promise of payment totaling one ~~thousand~~ hundred dollars or more, including an in-
3 kind contribution, for a communication that clearly identifies a candidate or public office holder,
4 but does not expressly advocate the election or defeat of the candidate or public office holder,
5 and that is disseminated, broadcast, or otherwise published ~~within sixty days of an election,~~ shall
6 file a statement with the secretary of state disclosing the name, street address, city, and state of
7 such political committee, organization, person, or political party. The statement shall also
8 include the name of the candidate or public office holder mentioned in the communication, the
9 amount spent on the communication, and a description of the content of the communication.
10 The statement shall be received and filed within forty-eight hours of the time that the
11 communication is disseminated, broadcast, or otherwise published.

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

- 13 (1) Any news articles, editorial endorsements, opinion or commentary writings, or letter
14 to the editor printed in a newspaper, magazine, flyer, pamphlet, or other periodical
15 not owned or controlled by a candidate, political committee, or political party;
- 16 (2) Any editorial endorsements or opinions aired by a broadcast facility not owned or
17 controlled by a candidate, political committee, or political party;
- 18 (3) Any communication by a person made in the regular course and scope of the person's
19 business or ministry or any communication made by a membership organization
20 solely to members of the organization and the members' families; and
- 21 (4) Any communication that refers to any candidate only as part of the popular name of
22 a bill or statute; and
- 23 (5) Any communication used for the purpose of polling if the poll questions do not
24 expressly advocate for or against a candidate, public office holder, ballot question,

1 or political party.

2 Section 3. That chapter 12-27 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Any political committee, organization, person, or political party that makes a
5 communication as defined in § 12-27-17, which does not expressly advocate for or against a
6 candidate, public office holder, ballot question, or political party, shall append to or include in
7 each communication a disclaimer that:

- 8 (1) Identifies the political committee, organization, person, or political party making the
9 communication; and
10 (2) States the address or website address of the political committee, organization, person,
11 or political party.

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

20 A violation of this section is a Class 1 misdemeanor.

21 Section 4. That § 12-27-3 be amended to read as follows:

22 12-27-3. The treasurer for a political action committee shall file a statement of organization
23 with the secretary of state not later than fifteen days after the date upon which the committee
24 made contributions, received contributions, or paid expenses in excess of five hundred dollars.

1 However, if such activity falls within thirty days of any statewide election, the statement of
2 organization shall be filed within forty-eight hours. A candidate shall file a statement of
3 organization for a candidate campaign committee with the secretary of state not later than fifteen
4 days after becoming a candidate pursuant to this chapter. ~~Notwithstanding the provisions of~~
5 ~~§ 12-27-41, the statement of organization shall include the original signature of each person~~
6 ~~filing the statement.~~ The statement or organization may be filed electronically pursuant to § 12-
7 27-41. A political committee that regularly files a campaign finance disclosure statement with
8 another state or the Federal Election Commission or a report of contributions and expenditures
9 with the Internal Revenue Service is not required to file a statement of organization. A violation
10 of this section is a Class 2 misdemeanor.

11 Section 5. That § 12-27-6 be amended to read as follows:

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

- 13 (1) The name, street address, postal address, and daytime telephone number of the
14 committee;
- 15 (2) The name, street address, postal address, and daytime telephone number of the chair
16 and the treasurer of the committee;
- 17 (3) A statement of the type of political committee that has been or is being organized;
- 18 (4) In the case of a candidate campaign committee, the name, street address, and postal
19 address of the candidate;
- 20 (5) In the case of a political action committee or ballot question committee, a concise
21 statement of its purpose and goals, and the full name, street address, and postal
22 address of the organization with which the committee is connected or affiliated, or
23 if the committee is not connected or affiliated with any one organization, the trade,
24 profession, or primary interest of the committee;

1 (6) If the committee is organized as a corporation under federal or state laws for liability
2 purposes only as authorized by § 12-27-4, a statement affirming such organization;
3 and

4 (7) The name, street address, postal address, and telephone number of each financial
5 institution where an account or depository is maintained.

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

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

AN ACT

ENTITLED, An Act to revise certain provisions concerning campaign finance.

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

Section 1. That § 12-27-16 be amended to read as follows:

12-27-16. 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.

Section 2. That § 12-27-17 be amended to read as follows:

12-27-17. 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.

Section 3. That chapter 12-27 be amended by adding thereto a NEW SECTION to read as follows:

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.

Section 4. That § 12-27-3 be amended to read as follows:

12-27-3. 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 or 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.

Section 5. That § 12-27-6 be amended to read as follows:

12-27-6. 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 name, street address, and postal address of the candidate;
- (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;
- (6) If the committee is organized as a corporation under federal or state laws for liability purposes only as authorized by § 12-27-4, a statement affirming such organization; and
- (7) The name, street address, postal address, and telephone number of each financial institution where an account or depository is maintained.

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.

An Act to revise certain provisions concerning campaign finance.

I certify that the attached Act originated in the

SENATE as Bill No. 200

Jeannette Schipper
Secretary of the Senate

[Signature]
President of the Senate

Attest:

Jeannette Schipper
Secretary of the Senate

Brian Busch
Speaker of the House

Attest:

Alene Krivicki
Chief Clerk

Senate Bill No. 200
File No. _____
Chapter No. 67

Received at this Executive Office this 8 day of March, 2013 at 10:45 P.M.

By Judy Swartz
for the Governor

The attached Act is hereby approved this 20th day of March, A.D., 2013

Dennis Daugaard
Governor

STATE OF SOUTH DAKOTA,
Office of the Secretary of State

SS.

Filed 3-20, 2013
at 2:15 o'clock P.M.

Secretary of State

By Patricia K Miller
Asst. Secretary of State