

AN ACT

ENTITLED, An Act to repeal and revise certain provisions related to campaign finance and to declare an emergency.

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

Section 1. That § 12-28-1 be repealed.

Section 2. That §§ 12-28-2 to 12-28-37, inclusive, be repealed.

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

12-27-1. 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. A person is 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; or 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 any use of services or property without full payment or that is provided by any person, political committee, or political party whose primary business is to provide services or property, made 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.

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. A contribution does not include administration or solicitation of a contribution for a political action committee established by an organization or its 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 that:
- (a) In context has no other reasonable meaning than to encourage the election or defeat of one or more clearly identified candidates, or public office holders, or the placement of a ballot question on the ballot or the adoption or defeat of any ballot question using explicit words of advocacy or defeat such as: 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 or 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, or 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 or 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; 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 or solicitation or 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 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 the volunteer'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) "Organization," any corporation, limited liability company, nonprofit corporation, limited liability partnership, limited partnership, partnership, cooperative, trust except for a trust account representing or containing only a contributor's personal funds, a business trust, association, club, labor union, or collective bargaining organization; any local, state, or

national organization to which a labor organization pays membership or per capita fees, based upon its affiliation or membership; any trade or professional association that receives its funds from membership dues or service fees, whether organized inside or outside the state; any other entity organized in a corporate form under federal law or the laws of this state; or any group of persons acting in concert that is not defined as a political committee or political party in this chapter;

- (16) "Person," a natural person;
- (17) "Political action committee," any 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 who 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;
- (18) "Political committee," any candidate campaign committee, political action committee, or ballot question committee;
- (19) "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 a 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;
- (20) "Public office," any statewide office, legislative office, or county office;

- (21) "Statewide office," the office of Governor, lieutenant governor, secretary of state, attorney general, state auditor, state treasurer, commissioner of school and public lands, and public utilities commissioner;
- (22) "Treasury funds," funds of an organization not raised or collected for the purpose of influencing a ballot question;
- (23) "Volunteer," any person who provides services free of charge.

Section 4. That § 12-27-7 be amended to read:

12-27-7. If a contributor is a person, no candidate for statewide office or the candidate's campaign committee may accept any contribution that 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.

Section 5. That § 12-27-8 be amended to read:

12-27-8. If the contributor is a person, no candidate for legislative or county office or the candidate's campaign committee may accept any contribution that 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.

Section 6. That § 12-27-9 be amended to read:

12-27-9. If the contributor is a person or an organization, no political action committee may accept any contribution that 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.

Section 7. That § 12-27-10 be amended to read:

12-27-10. If the contributor is a person, no political party may accept any contribution that 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.

Section 8. That § 12-27-10.1 be repealed.

Section 9. That § 12-27-10.2 be repealed.

Section 10. That § 12-27-10.3 be repealed.

Section 11. That § 12-27-11 be amended to read:

12-27-11. 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.

Section 12. That § 12-27-12 be amended to read:

12-27-12. 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.

Section 13. That § 12-27-13 be amended to read:

12-27-13. 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.

Section 14. That § 12-27-15 be amended to read:

12-27-15. Any printed material or communication made, purchased, paid for, or authorized by a candidate, political committee, or political party that 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.

Section 15. That § 12-27-16 be amended to read:

12-27-16. The following apply to independent expenditures by persons and organizations related to communications advocating for or against candidates, public office holders, ballot questions, or political parties:

- (1) Any person or organization making a payment or promise of payment totaling one hundred dollars or more, including an in-kind contribution, for a communication that 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 an independent expenditure is undertaken by an organization not including a

candidate, public office holder, political party, or political committee, the following notation must be included: "Top Five Contributors," including a listing of the names of the five persons making the largest contributions in aggregate to the organization during the twelve months preceding that communication.

A violation of this subdivision is a Class 1 misdemeanor;

- (2) Any person or organization making 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) For an organization, supplemental statements, as defined in subdivision(3), for any of its

partners, owners, trustees, beneficiaries, participants, members, or shareholders identified pursuant to subdivision(4) that 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); and

- (6) For purposes of this section, the term, communication, does not include:
- (a) Any news article, editorial endorsement, opinion or commentary writing, 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 endorsement or opinion 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 16. That chapter 12-27 be amended by adding a NEW SECTION to read:

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;
- (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 17. That chapter 12-27 be amended by adding a NEW SECTION to read:

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," including 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 18. That § 12-27-20 be amended to read:

12-27-20. The state, an agency of the state, and the governing body of any 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 any political subdivision who is speaking in the officer's or employee's 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.

Section 19. That § 12-27-21 be amended to read:

12-27-21. 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.

Section 20. That § 12-27-22 be amended to read:

12-27-22. 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) Any 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, that shall be received by the secretary of state by 5:00 p.m. on the second Friday of August following the 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. central time 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. central time 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. central time 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. central time 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.

Section 21. That § 12-27-24 be amended to read:

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

- (1) The political committee or political party name, street address, postal address, city, state, zip code, daytime and evening telephone number, and e-mail address;
- (2) The type of campaign statement (pre-primary, pre-general, post-primary nonwinner, year-end, amendment, supplement, or termination);
- (3) For any ballot question committee, the ballot question number and whether the committee advocates for or against the ballot question;
- (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, or any 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 any expenditure incurred but not yet paid. Any 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 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 making 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 the state shall also include the name and website address of the filing office where campaign finance disclosure statements are regularly filed for the committee. If any information required by the section is unknown to the political committee or political party, the political committee or political party may not deposit the contribution;
- (15) Any in-kind contribution shall contain the same information as for monetary contributions, and shall also include a description of the in-kind contribution;
- (16) Upon the request of the treasurer, any person making an in-kind contribution shall provide all necessary information to the treasurer, including the value of the in-kind contribution;
- (17) Any monetary or in-kind contribution made by a political committee or political party to any political committee, political party, or nonprofit charitable organization shall be itemized;
- (18) A categorical description and amount of any refunds, rebates, interest, sale of property, or other receipts not previously identified during the reporting period;
- (19) A categorical description and amount of any 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 any loans owed by the political committee or political party;
- (21) The balance of any 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 any loan made during the reporting period; the name, street address, city, and state of the recipient of the loan;
- (24) The balance of any loan owed to the political committee or political party, itemized by name, street address, city, and state;
- (25) Any expenditure made during the reporting period shall be categorized as disbursements to consultants, advertising agencies, credit card companies, or similar firms, itemized by expense categories. Any contribution made by the political committee or political party that is not in exchange for any item of value or service shall be itemized;
- (26) Any expenditure incurred but not yet paid during the reporting period and to whom the expenditure is owed;
- (27) The amount of any independent expenditure made during the reporting period, the name of the candidate, public office holder, or ballot question related to the independent expenditure and a description of the independent expenditure;
- (28) The information contained in any statement provided pursuant to § 12-27-19; and
- (29) A certification that the contents of the statement are true and correct signed by the treasurer of the political committee or political party.

Section 22. That § 12-27-24.1 be repealed.

Section 23. That § 12-27-29.1 be amended to read:

12-27-29.1. 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. If any 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 into the state general fund.

Section 24. That § 12-27-35 be amended to read:

12-27-35. The attorney general shall investigate and prosecute any violation of the provisions of this chapter relating to a legislative office, statewide office, or statewide ballot question. 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.

Section 25. That § 12-27-36 be amended to read:

12-27-36. 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. Any person having charge, control, or possession of political committee or political party records who neglects or refuses the attorney general reasonable access to any records required to be maintained by this chapter that are necessary to enforce the provisions of this chapter is guilty of a Class 1 misdemeanor.

Section 26. That § 12-27-37 be amended to read:

12-27-37. 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.

Section 27. That § 12-27-41 be amended to read:

12-27-41. 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.

Section 28. That § 12-27-41.1 be repealed.

Section 29. That § 12-27-42.1 be repealed.

Section 30. That § 12-27-46 be repealed.

Section 31. That § 2-12-1 be amended to read:

2-12-1. Any person who employs any other person to act as a lobbyist to seek the introduction of legislation or to promote, oppose, or influence in any manner the passage by the Legislature of any legislation affecting the special interests of any agency, individual, association, or business, as distinct from those of the whole people of the state, or to act in any manner as a lobbyist in connection with any such legislation, shall register the name of the person so employed or agreed to be employed, with the secretary of state, to be included in a directory of registered lobbyists as hereinafter provided. The lobbyist shall also register with the secretary of state. Upon the termination of such employment prior to the adjournment sine die of a legislative session, such fact shall be entered opposite the name of any person so employed, either by the employer or employee.

Section 32. That § 2-12-8.2 be amended to read:

2-12-8.2. No elected officer may act or register as a lobbyist, other than a public employee lobbyist, during a period of one year after the officer's termination of service in the state government. A violation of this section is a Class 1 misdemeanor.

Section 33. That § 2-12-9 be amended to read:

2-12-9. Any person who threatens, harms, offers to make bribes of money or other inducements,

offers or gives gifts or other types of consideration to any person for the purpose of obtaining sponsorship or introduction of legislation, influencing the form of legislation, attempting to influence any member of the Legislature to vote for or against any measure pending therein, or for or against any candidate for any office to be elected or appointed by the Legislature, attempting to influence any officer of either house of the Legislature in naming of members and officers of committees, or in the performance of any of his duties, or attempting to influence or control the action of any member in relation to any matter coming before the Legislature, or any of its committees is guilty of a Class 1 misdemeanor.

Section 34. That § 2-12-11 be amended to read:

2-12-11. On or before July first of each year, each registered lobbyist and each employer of a registered lobbyist whose name appears in the directory in that year shall submit to the secretary of state a complete and detailed report of all costs incurred for the purpose of influencing legislation. The report shall be submitted in writing or electronically in a format prescribed by the secretary of state. However, the personal expenses of the lobbyist spent upon the lobbyist's own meals, travel, lodging, phone calls or other necessary personal needs while in attendance at the legislative session need not be reported. The completed reports shall be open to public inspection. The terms, costs, and expenses, as used in this section do not mean the compensation paid by the employer to the lobbyist.

Any lobbyist expense report filed pursuant to this section is exempt from the ten dollar filing fee prescribed in subdivision 1-8-10(2).

Any person who is authorized to act as a lobbyist on behalf of an employer pursuant to § 2-12-4, but does not conduct any lobbying activities pursuant to § 2-12-1 nor act in any manner as a lobbyist in connection with representing that employer, is not required to file any report required under this chapter.

The secretary of state may impose an administrative penalty for the failure to timely file any

report required by this section. The secretary of state may impose a penalty not to exceed one hundred dollars on a registered lobbyist or employer of a registered lobbyist for any report that is not timely filed in accordance with this section. Any administrative penalty collected pursuant to this section shall be deposited into the general fund.

Section 35. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to repeal and revise certain provisions related to campaign finance and to declare an emergency.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1069

Chief Clerk
=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1069
File No. _____
Chapter No. _____

=====

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State