

CITY OF BROOKINGS, SOUTH DAKOTA
CAMPAIGN FINANCE REPORTING GUIDELINES

City Ordinance 23-06 and Ordinance 16-022 requires candidates for office and/or committees to file statements of receipts and expenditures pursuant to South Dakota Codified Law.

Section 1: WHO MUST FILE.

- A. Candidates for Mayor.
- B. Candidates for Council Member.
- C. Political or citizens' committees supporting or approving candidates.

Section 2: TYPES OF REPORT(S).

- A. Pre-Election Report.
- B. Post-Election Report.

Section 3: REPORTING EXEMPTION.

If any candidate has no opposition, neither the candidate nor the candidate's committee is required to file a post-election statement. However, a pre-election statement is required.

Section 4: WHERE TO FILE.

Any candidate and/or committee supporting a candidate for any municipal office at any annual or special election shall file with the City Clerk's Office, Brookings City & County Government Center, 520 Third Street, Suite 230, Brookings, SD 57006.

Section 5: WHEN TO FILE.

- A. Pre-Election Report: No later than 7 days prior to the Election
- B. Post-Election Report: Within 45 days after the Election

Section 6: WHAT TO FILE.

The following reports must be filed with the Brookings City Clerk at the address listed above.

Schedule A: Cover Sheet

To be used in completing information on the candidate or committee including name, address, office sought, name of person making report, type of reports filed, and reporting period of the reports. Complete fully and submit with original signatures. The verification should be signed by the person who is responsible for the information contained in the report.

Schedule B: Direct Contributions

- To be used to list all un-itemized contributions of \$100 or less.
- To be used to list all contributions received in an aggregate amount of more than \$100 shall be itemized and include name and residence address.
- To be used to list all itemized contributions of any amount from committees supporting a candidate or candidates for the office of Mayor or City Council member.

Section C: In-Kind Contributions

To be used to list the nature of the non-cash contribution, the contributor's name and residence address, and estimated value of the contribution.

Schedule D: Fund Raising Event Proceeds

To be used to list the type of event held and the amount of the net proceeds. List the net proceeds of each fund-raiser in this section.

Schedule E: Other Income

To be used to report any refunds, interest earned, or other income which is not a direct contribution.

Schedule F: Expenditures

To be used to list the name, address, type of service, and amount of expenditure.

Schedule G: Debts and Obligations

To be used to list who the debt and/or obligation is owed to, the purpose, and the amount of the obligation.

Schedule H. Summary Sheet/Final Report

This is the summary sheet to be used for the Pre-Election Report and Post-Election Report itemizing the amount of money on hand at the end of the reporting period.

Section 7: LIMITATIONS ON CONTRIBUTIONS

A. Contributions from Organizations:

No organization may make a contribution to any candidate, political action committee or political party (SDCL 12-27-18). You may call the Brookings City Attorney (697-9058) or the Secretary of State's office (773-4845) to determine if a potential donor is an organization.

The term "organization" is defined broadly in the campaign finance statutes. Essentially, it means a corporate entity, partnership, association, club, labor union, or any entity organized in a corporate form under federal law or the laws of this state, or any group of persons acting in concert, which is not defined as a political committee or political party.

Organizations, as defined in the law, may not make contributions to any candidate campaign committee, political action committee, or political party or make any independent expenditure expressly advocating the election or defeat of a candidate.

An organization may make unlimited contributions to any ballot question committee organized solely for the purpose of influencing an election on a ballot question and unlimited independent expenditures for the placement of a ballot question on the ballot or the adoption or defeat of a ballot question.

An organization may also create and administer a political action committee.

B. Individual Contributions:

No individual may contribute more than \$1,000 to or on behalf of any political party in any calendar year. (SDCL 12-27-8)

C. Contributions by Candidate or a Candidate's Family Member:

There is no limit on the amount any candidate or candidate's immediate family may contribute to that candidate campaign committee (SDCL 12-27-8). Third degree of

kinship includes parent, child, grandparent, brother, sister, grandchild, aunt, uncle, nephew, niece, great grandparent and great grandchild. (SDCL 12-27-1)

D. Contributions from Candidate Campaign Committee, Political Action Committees (PAC), or Political Parties:

If the contributor is a person, no candidate for legislative or county office or the candidate's campaign committee may accept any contribution, which in the aggregate, exceeds one thousand dollars 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. (SDCL 12-27-8)

E. Auctions and Raffles

Candidates and political committees occasionally conduct fundraising auctions or raffles pursuant to SDCL 22-25-25. These fundraisers present a unique challenge in complying with campaign finance law. Some key points to keep in mind:

- Corporations and associations may not contribute items to be auctioned or raffled.
- The value of items donated for an auction or raffle would count toward a contributor's limit.
- The price paid for the purchase of an auctioned item may count toward a contributor's limit. If the price paid exceeds the fair market value of the item, the amount that exceeds the fair market value would be considered a contribution.
- If you have questions on the legality of auctions and raffles as they relate to contribution limits, please consult your legal counsel.

Section 8: ADVERTISING DISCLAIMERS

Any printed material or communication made by a political committee or political party that expressly advocates must prominently display or clearly speak the statement: "Paid for by (Name of candidate, political committee, or political party)." This requirement does not apply to buttons, balloons, pins, pens, matchbooks, clothing, or similar small items upon which the inclusion of the statement would be impracticable.

Any person or organization which makes an independent expenditure that expressly advocates shall include a disclaimer which identifies the person or organization making the expenditure, the address or website of that person or organization, and a statement "that the communication is independently funded and not made in consultation with any candidate, party, or political committee."

Any person or organization which makes an independent expenditure that identifies a candidate or public officeholder but does not expressly advocate shall include a disclaimer which identifies the person or organization making the expenditure and the address or website of that person or organization. (SDCL 12-27-15, 16, 17 & 17.1)

Examples for print or television would include:

- Paid and authorized by the South Dakota Freedom Party, John Doe, Treasurer, Box 000, Brookings, SD 57006
- Authorized by Jean Doe, Box 000, Brookings, SD 57006; paid for by John Doe, Box 000, Brookings, SD 57006
- Paid and authorized by Jane Doe, Box 000, Brookings, SD 57006

Examples for radio would be:

- Paid and authorized by Joe Doe for Mayor Committee, Jane Doe, Treasurer
- Paid and authorized by Jack Doe
- Authorized by Jean Doe; Paid for by John Doe

Section 9: EXPLANATION OF TERMS USED

Aggregate Contribution -- The term "aggregate" is used several times in the Code to indicate when a candidate or committee has to report the name of an individual contributor. If a contributor gives a candidate \$50 on one date and \$75 on another, he has contributed an aggregate of \$125 and the contributor's name, address, and place of employment must be reported by the committee receiving the contribution. If the first contribution was included in an earlier report, only the amount of subsequent contributions needs to be itemized. The aggregate total should be reported in parentheses (\$125) following the itemized amount of \$75.

Section 10: POLITICAL ACTION COMMITTEES

Registration of a political committee is now required. Please contact the Secretary of State Office for further information. Every Political committee must be registered not later than fifteen days after the date upon which the committee made contributions, received contributions, or paid expenses in excess of five hundred dollars unless such activity falls within 30 days of any statewide election in which case the statement of organization shall be filed within 48 hours. Any candidate for public office shall organize a candidate campaign committee not later than 15 days after becoming a candidate and shall file a statement of organization.

The candidate or treasurer of a political committee shall file an updated statement of organization not later than 15 days after any change in the information contained on the most recently filed statement of organization.

A political committee that regularly files a campaign finance disclosure statement with the Federal Election Commission is not required to file a statement of organization or any other statement required by South Dakota's campaign finance regulations.

Section 11: POLICY ON EXAMINATION OF CAMPAIGN FINANCE RECORDS

All City of Brookings election related filings may be examined during regular office hours in the office of the City Clerk, Brookings City & County Government Center, 520 Third Street, Suite 230, Brookings, SD 57006.

No information on contents of reports will be given out over the telephone. It will be necessary for anyone wanting specific information to view the reports and extract the information desired.

All campaign finance filings can be viewed on the City of Brookings home website page at www.cityofbrookings.org.

**Section 12. PROHIBITED COMMERCIAL USE OF CAMPAIGN FINANCE
REPORT INFORMATION**

The City of Brookings specifically prohibits the commercial use of any information obtained from a campaign finance report. Information copied from any report or statement may not be used or sold for solicitation purposes. (SDCL 12-25-34 and 12-27-33)

Ordinance 16-022

An Ordinance Amending the Requirements for Campaign Financing Disclosures in the City of Brookings, South Dakota.

Be It Ordained by the City of Brookings, that the Code of Ordinances of the City of Brookings be amended to read as follows:

I.

Sec. 2-35. - Campaign financing disclosure requirements for mayor and council member candidates and municipal ballot questions.

(i) Filing Requirements; Time for Filing. Any candidate or candidate's committee for the positions of mayor or council member or municipal ballot question committee shall file seven days before any election a detailed statement, complete through the tenth day before the election, of all valuable consideration received, obligated, or paid by the candidate or committee or by persons authorized by the candidate or committee or by a municipal ballot question committee. The requirements of this ordinance shall also apply to any person raising, collecting or disbursing money for the adoption or defeat of any municipal ballot question submitted to the voters at any election unless the person is engaging in these activities on behalf of a municipal ballot question committee.

(ii) Contents of Disclosure Statement. The statement shall itemize all contributions and expenditures, and for contributions in an aggregate amount of more than \$100.00 in that calendar year or the equivalent of in-kind contributions, or a combination of cash and in-kind contributions exceeding \$100.00 in a calendar year, the report shall include the name and residence address of any person who contributed an aggregate amount of more than \$100.00 or the equivalent thereof in that calendar year. If any candidate has no opposition, neither the candidate nor the candidate's committee is required to file a post-election statement.

(iii) Post-election Filing Requirements. A candidate or candidate's committee and municipal ballot question committee shall each file a post-election statement within 45 days following the election, which shall include the disposition of all funds and payment of all obligations. If any candidate has no opposition, neither the candidate nor the candidate's committee is required to file a post-election statement.

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

(v) Forms. Forms to report the information required by this ordinance are available at the Brookings City & County Government Center.

II.

Any or all ordinances in conflict herewith are hereby repealed.

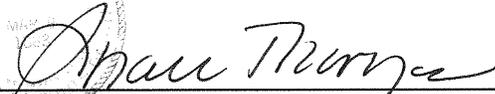
First Reading: October 11, 2016
Second Reading: November 8, 2016
Published: November 11, 2016

CITY OF BROOKINGS, SD



Tim Reed, Mayor

ATTEST:

Shari Thornes, City Clerk

ORDINANCE NO. 23-06

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR CAMPAIGN FINANCING DISCLOSURES FOR CANDIDATES FOR MAYOR AND COUNCIL MEMBER POSITIONS IN THE CITY OF BROOKINGS, SOUTH DAKOTA.

BE IT ORDAINED BY THE CITY OF BROOKINGS, THAT THE CODE OF ORDINANCES OF THE CITY OF BROOKINGS BE AMENDED TO READ AS FOLLOWS:

I.

Campaign Financing Disclosure Requirements for Mayor and Council Member Candidates.

(a) Any candidate or candidate's committee for the positions of Mayor or Council Member shall file seven days before any election a detailed statement, complete through the tenth day before the election, of all valuable considerations received, obligated, or paid by the candidate or committee or by persons authorized by the candidate or committee. The statement shall itemize all contributions and expenditures, and for contributions in an aggregate amount of more than One Hundred Dollars (\$100.00) in that calendar year or the equivalent of in-kind contributions, or a combination of cash and in-kind contributions exceeding One Hundred Dollars (\$100.00) in a calendar year, the report shall include the name and residence address of any person who contributed an aggregate amount of more than One Hundred Dollars (\$100.00) or the equivalent thereof in that calendar year. If any candidate has no opposition, neither the candidate nor the candidate's committee is required to file a post-election statement.

(b) A candidate or candidate's committee shall file a post-election statement within forty-five days following the election, which shall include the disposition of all funds and payment of all obligations. If any candidate has no opposition, neither the candidate nor the candidate's committee is required to file a post-election statement.

(c) Forms to report the information required by this ordinance shall be available at City Hall.

II.

Any or all ordinances in conflict herewith are hereby repealed.

First Reading	June 13, 2006
Second Reading	June 27, 2006
Published	June 30, 2006



Shari Thornes
Shari Thornes, Brookings City Clerk

CITY OF BROOKINGS
Scott D. Munsterman
Scott D. Munsterman, Mayor