

Republicans Have Strengthened Our SD Laws

Democrats continue to say they've been at the forefront of election and ethics reform, but here are the facts going back from 2012 through 2016 Legislative Sessions:

- At least 32 bills were introduced relating to campaign finance, accountability, lobbyist reform, reporting requirements, transparency, ballot measures, and elections.
- Of those, 4 were introduced with Democratic support,
- 7 of the bills had bi-partisan support,
- 9 came from the Board of Elections,
- 12 were introduced from the Republican party,
- 17 were signed into law.

Bills from 2017 for Anti Corruption, Campaign Finance, Elections, Ethics, Accountability, and Lobbyist Reform:

- At least 17 bills were introduced relating to anti corruption, campaign finance, elections, ethics, accountability, and lobbyist reform
- Of those, 1 was introduced with a Democrat Legislator as prime
- 13 were introduced with a Republican Legislator as prime
- 2 came from the Secretary of State Office
- 1 came from the Attorney General
- 11 were signed into law.

2017 Bills: (* passed)

- **Anti Corruption/Campaign Finance/Elections:**
 - ***HB 1069**, Rep. Larry Rhoden (R): *Repeal and revise certain provisions related to campaign finance and to declare an emergency*: House passed 54-13; Senate passed 27-8: Repealing the unconstitutional IM-22.
 - A South Dakota judge ruled December 8, 2016 that IM 22 is entirely unconstitutional. The judge gave four central grounds for his ruling:
 1. The ethics commission would be a fourth branch of state government that is not accountable to any existing department in state government.
 2. The democracy credit program is funded by an unconstitutional annual appropriation of tax dollars since only the legislature may constitutionally make appropriations (citizens may not appropriate by ballot measure.)
 3. The limit on lobbyist gifts in IM 22 makes many legislators criminals since they work for companies that employ lobbyists, which violates the US Constitution's contracts clause.
 4. The remaining sections of IM 22 have other constitutional problems, but they are also too intertwined with the 40 + unconstitutional sections, so all of IM 22 is unconstitutional.
 - South Dakotans cannot enact unconstitutional laws, even by ballot measure.
 1. IM 22, which was written by Massachusetts lawyers and funded with money from outside of SD, tried to enact statues which are preempted by the SD and United States Constitutions.
 2. Other laws passed in SD have been stricken in the past, such as the 2006 marriage amendment to our state constitution, which our US Supreme Court struck down in November, 2015.

3. Even if IM 22 was the "will of the people" it violates the state and federal constitutions and had too many flaws to stand.
- When all legislators, Republican and Democrat, took their Oath of Office on the first day of session, we made an oath to uphold and defend the South Dakota and US Constitutions. Anyone who supports an unconstitutional bill is not upholding their Oath of Office. Voters and taxpayers depend on their elected officials to be good stewards of the law and protect the sacred founding documents of our state and nation.
- **Campaign Finance/Elections/Ethics:**
 - ***SB 54** The Committee on Legislative Procedure/Sec of State: **Revise certain provisions regarding campaign finance requirements:** This bill established a 15-day due date following any contributions, received contributions, or paid expenses in excess of \$1,000 and also includes specific requirements for those statements. It caps donations to statewide candidates at \$4,000, donations to legislators/county officers at \$1,000, contributions to political parties at \$10,000, and contributions to PACs at \$10,000. Also, no one can accept the contribution unless the address of the donor is included. Senate passed 19-16, House passed 55-12 as amended:
 - **HB1074** Rep. Spencer Gosch (R): **Provide for limits on certain out-of-state contributions to ballot question committees.** This bill puts a limit of \$100,000 of out of state contributions per ballot initiative. This does not make the initiated measure process harder for South Dakotans, but simply puts a cap on funds that ballot question committees can receive from out-of-state organizations. House passed 50-18, Senate State Affairs Committee Tabled Bill 6-1:
 - **SB 163** Senator Russell (R): **Revises certain provisions regarding disclosure of contributors for independent campaign expenditures:** Senate vote failed 16-16 with 3 excused:
 - **HB 1200** Rep. Mickelson (R): **Revise certain provisions regarding contributions to ballot question committees.** House passed 42-25, Senate Judiciary deferred to the 41st legislative day.
 - **Accountability Bills/Ethics**
 - ***SB 27**, The Committee on Judiciary at request of Attorney General: **Prohibits certain direct conflicts of interest by public officials and provides a penalty therefor.** Senate passed 30-5 as amended, House passed 58-9.
 - ***SB 151**, Senator Curd (R): **Provides certain provisions regarding investigation of misconduct of certain public officials.** Senate passed 19-16, House passed 64-3 as amended
 - ***HB 1052**, Rep. Don Hagggar (R): **Provides certain protections for public employees.** HB 1052 is the "Whistle Blower Legislation" to provide certain protections for public employees. It also protects them from employer retaliation if they choose to report violations. House passed 62-5 as amended; Senate passed 34-0 as amended.
 - ***HB 1076**, Rep. Karen Soli's (D) **Creates a State Government Accountability Board.** The State Government Accountability Board will be made up of 4 retired judges with no more than 2 from each party and has the authority to turn issues of concern over to the Division of Criminal Investigation. House passed 60-3 as amended; Senate passed 29-6 as amended.
 - ***SB 171**, Sen. Brock Greenfield (R), **Establish the Government Accountability Task Force to study government, campaign finance, lobbyist restrictions, and ethics and declare an emergency.** Senate passed 34-0 as amended; House passed 61-5 as amended.
 - **SB 53**, The Committee on Legislative Procedure at the request of the Office of the Secretary of State. **Creation a campaign finance ethics commission and to establish certain powers and procedures for the commission.** Senate State Affairs Tabled 7-1.

- **Lobbyist Reform Bills/Conflict of Interest/Campaign Finance**
 - ***HB 1073**, Speaker Mark Mickelson’s (R) **Revise and repeal certain provisions regarding gifts from registered lobbyists to public officials.** House passed 66-0 as amended, Senate passed 25-10 as amended.
 - ***SB 131**, Senator Blake Curd’s (R) **Revise certain provisions concerning the period of time certain persons are prohibited from lobbying after leaving office.** SB 131, states after leaving office you are not allowed to be a lobbyist for 2 years. Senate passed 34-1 as amended; House passed 51-17 as amended.
 - **HB 1198**, Representative Haugaard (R), **Revise the period of time certain persons are prohibited from lobbying.** House Judiciary deferred to 41st day

- **Transparency/Conflict of Interest/Ethics:**
 - ***HB 1165**, Rep. Greg Jamison (R): **Provides for annually updated financial interest statements for any person elected to statewide or local office.** House passed 65-0; Senate passed 35-0 as amended.
 - ***HB 1214**, Rep. Mickelson (R): **Regulate conflicts of interest for authority, board, or commission members. (2016)** House passed 67-0, Senate passed 35-0 as amended.
 - ***HB 1170**, Rep. Mickelson (R): **Revise certain provisions regarding conflicts of interest for authority, board, or commission members.** House passed 68-0; Senate passed 33-1 as amended.

- **Initiated Measures/ Ballot Questions/Constitutional Amendments:**
 - **SJR2**, Senator Bolin (R): **Proposing and submitting to the electors at the next general election amendments to Article XXIII, of the Constitution of the State of South Dakota, relating to amendments to the Constitution.** Currently, a majority vote by members of the Legislature and a majority of votes cast in a general election can amend the constitution. Change would require 2/3 vote of the Legislature and 60% of votes cast in the general election to amend the Constitution. Senate passed 21-13 on reconsider, House State Affairs tabled 13-0.

- Bob Mercer really summed it up best with this statement on February 23, 2017, “The Legislature took so many steps Wednesday regarding campaign contributions, ballot measures, government accountability and ethics for public officials, that a single headline couldn’t cover all of them.”