

AGENDA

Monday, September 17, 2007



Public Service Committee

3:00 p.m. - at Carnegie Town Hall
235 West Tenth Street

Members Present: Kermit Staggers, De Knudson, and Bob Jamison.

Staff Present: City Clerk, Debra A. Owen and Assistant City Clerk, Tamara M. Jorgensen.

1. Call To Order

- Committee Chair Staggers called the meeting to order at 3:00 p.m.

2. Review and approval of Minutes dated 09/10/07.

- Motion made by Knudson seconded by Staggers to approve the 09/10/07 Minutes.

3. Open Discussion

- City Clerk Debra Owen distributed handouts (copies attached) regarding proposed changes to Election ordinances concerning Sec. 14-50.1. Definitions; and Sec. 14-51. Financial statement filing requirements. Discussion followed regarding mild changes to particular adjectives in the verbiage.



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- Owen added the following information/updates to this meeting requiring the filing process:
 - Pre-election: End of the year – the year prior to an election year (Ex. this December 31st for the 2008 city election)
 - Pre- election: End of the month for Jan, Feb, and March 2008
 - Pre- election: Last Friday before the election (this eliminates the supplemental reports)
 - Post- election: 60 calendar days after the election
 - Post- election: December 31st
- State laws were reviewed regarding PAC contributions and limits. At the prior meeting, both De Knudson and Bob Jamison were in favor of limitations on PAC's. De favored a \$5K or \$10K limit on PAC's for city races and Bob favored a \$1K limit on PAC's. The committee decided to move forward with the \$1K PAC limit recommendation to the rest of the City Council for review and discussion.
- Discussion was held regarding the need for the current City Council to review the Canons for the City of Sioux Falls and give them an opportunity to propose improvements. The suggestion was made to add a draft to the Canons stating that it is acceptable for elected individuals to obtain signatures for ballot items.
- The decision was made that penalties for late filing should mirror State Law (\$50/day).
- Discussion was held regarding the needed improvements in the existing election manual and the possibility of using specialized software to improve the finance reporting forms.

4. Adjournment at 3:40 p.m.

Tamara M. Jorgensen, Assistant City Clerk

Sec. 14-50. State law applicable to city elections.

The provisions of SDCL ch. 12-27, except as amended by ordinance shall be applicable to all city elections. City candidates or committees shall file the required statements with the city clerk.

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(Ord. No. 102-80, § 1, 10-27-80; Ord. No. 25-84, 2-13-84; Ord. No. 39-84, 3-5-84; Ord. No. 30-94, § 1, 4-4-94; Ord. No. 41-02, § 1, 5-13-02)

Sec. 14-50.1. Definitions.

(a) *Ballot Question* means any referendum, initiative proposed constitutional amendment, or other measure submitted to voters at any election.

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(b) *Ballot question committee* means a person or organization that raises, collects, or disburses contributions solicited 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.

(c) *Candidate campaign committee* means 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.

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(d) *Candidate* means any individual who seeks election to the office of mayor or member of the city council, whether or not successfully. An individual shall be deemed to seek election when he or she first:

- (1) Solicits or receives or disburses contributions in excess of \$500; or
- (2) Makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; or
- (3) Announces publicly or files for office; or
- (4) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or
- (5) Makes or authorizes expenditures or solicits or receives contributions to explore the possibility of seeking election to city office; or
- (6) Gives his or her consent to another person to take on behalf of the individual any of the actions in subsections (1), (2), (4), or (5) of this section.

(e) Contribution means 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 the use of services, or property without full payment made or provided by any person, political committee, or political party whose primary business is to provide such services or property for the purpose of influencing:

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(1) The nomination, election, or re-election of any person to public office; or

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(2) The placement of a ballot question on the ballot or the adoption or defeat of any ballot question submitted.

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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. The purchase price of the item may not exceed the fair market value and may not include an intent to contribute beyond the item's value. A contribution does not include administration and solicitation of a 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. 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.

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(c) Commercial advertising means selling the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public, whether through the use of newspapers, magazines, television or radio stations, billboard companies, direct mail advertising companies, printing companies, the internet or otherwise.

Deleted: Ballot question committee means any two or more people who cooperate for the purpose of raising, collecting, or disbursing money for the adoption or defeat of any question submitted to the voters at any election.¶ (c)

Deleted: Candidate's committee means any two or more people who cooperate for the purpose of raising, collecting, or disbursing money to secure the nomination or election of a person to public office;

(d) Political action committee means a 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:

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(1) Person that makes a contribution to a political committee or political party; or

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(2) Organization that makes a contribution to a ballot question committee from treasury funds;

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(f) Political party committee means the state and county central committees of any political party qualified to participate in a primary election, and any auxiliary organizations of such political party committees.

Deleted: any two or more people who cooperate for the purpose of raising, collecting, or disbursing money to influence the outcome of an election and who are not candidates for nomination, candidates for election, a political party, or a candidate's committee.¶

(Ord. No. 41-02, § 1, 5-13-02; Ord. No. 58-05, § 1, 6-20-05)

Sec. 14-50.2. Notice of intent.

A notice of intent shall be filed with the city clerk before any person becomes a candidate.

(Ord. No. 41-02, § 1, 5-13-02)

Sec. 14-51. Financial statement filing requirements.

All financial statements of candidates, candidate campaign committees, persons, political action committees, political party committees, and ballot question committees pertaining to city elections shall be filed with the city clerk pursuant to the following schedule:

(1) Candidates shall file a statement of financial interest:

- a. Within 15 days after becoming a candidate.
- b. Within 15 days after assuming office, any corrections or additions.

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(2) Candidates, candidate campaign committees, political action committees and political party committees shall file a statement of receipts and expenditures:

- a. On December 31, the year prior to a City of Sioux Falls municipal election
- b. On the last business day of each month preceding the election, in an election year. Reports are due at 12:00 noon on the last day of each month.
- c. A final pre-election statement shall be filed on the last Friday at or by noon prior to the election.
- d. The post election statement shall be filed within 60 calendar days following the election for all candidates and newly elected officials. For run-off candidates the post-election statement shall be filed within 60 calendar days following the run-off election.
- e. All elected officials shall file an annual report on December 31, of each calendar year.

Deleted: Within 15 days of the recipient becoming a candidate and on the last day of each month preceding the election.¶
b. A final preelection statement shall be filed on the last Tuesday prior to the election.¶
c. The post-election statement shall be filed within 60 days following the election.¶
d. An annual statement shall be filed by successful candidates and incumbents at the end of every year in office.

(3) Ballot question committees shall register with the City Clerk's office before petitions are circulated. The registration will included the name of the organization, address, contact person, and whether the ballot question committee is for or against the measure. Ballot question committees shall file a statement of receipts and expenditures:

- a. Pre-election statements shall be filed on the last day of each month during the 90-day period immediately preceding the election.
- b. A final pre-election statement shall be filed the last Friday preceding the election.

c. A post-election statement shall be filed within 60 calendar days following the election, and shall include the disposition of any remaining funds or obligations of such person or committee.

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d. The requirements of subsection (3) shall also apply to any person raising, collecting, or disbursing money for the adoption or defeat of any question submitted to the voters at any election unless the person is engaging in such activities on behalf of a ballot question committee.

(4) The statements shall include the name, address, and place of business of any person contributing an aggregate of more than \$100.00, and the name of any political action committee that contributed any amount.

(Ord. No. 39-84, 3-5-84; Ord. No. 30-94, § 2, 4-4-94; Ord. No. 74-96, § 1, 7-1-96; Ord. No. 41-02, § 1, 5-13-02; Ord. No. 58-05, § 2, 6-20-05)

Current Ordinance

H:\my docs\Ord#58-05.doc 10/6/2005

1st Reading: June 6, 2005

2nd Reading: June 13, 2005—deferred to 6-20-05

Date Adopted: June 20, 2005

Date Published: June 24, 2005

Effective Date: July 14, 2005

ORDINANCE NO. 58-05

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING SECTION 14-50.1 DEFINITIONS AND SECTION 14-51 THE FINANCIAL STATEMENT FILING REQUIREMENTS.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Section 14-50.1 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Sec. 14-50.1. Definitions.

(a) *Candidate* means any individual who seeks election to the office of mayor or member of the

city council, whether or not successfully. An individual shall be deemed to seek election when he or she first:

(1) Solicits or receives contributions; or

(2) Makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; or

(3) Announces publicly or files for office; or

(4) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(5) Makes expenditures or solicits or receives contributions to explore the possibility of seeking election to city office; or

(6) Gives his or her consent to another person to take on behalf of the individual any of the

actions in subsections (1), (2), (4), or (5) of this section.

(b) *Ballot question committee* means any two or more people who cooperate for the purpose of

raising, collecting, or disbursing money for the adoption or defeat of any question submitted

to the voters at any election.

(c) *Candidate's committee* means any two or more people who cooperate for the purpose of

raising, collecting, or disbursing money to secure the nomination or election of a person to

public office;

(d) *Commercial advertising* means selling the service of communicating messages or producing

printed material for broadcast or distribution to the general public or segments of the general public, whether through the use of newspapers, magazines, television or radio

stations, billboard companies, direct mail advertising companies, printing companies, the internet or otherwise.

(e) *Political action committee* means any two or more people who cooperate for the purpose of raising, collecting, or disbursing money to influence the outcome of an election and who are not candidates for nomination, candidates for election, a political party, or a candidate's committee;

(f) *Political party committee* means the state and county central committees of any political party qualified to participate in a primary election, and any auxiliary organizations of such political party committees.

Section 2. That Section 14-51 of the Revised Ordinances of Sioux Falls, SD, is hereby amended

to read as follows:

Sec. 14-51. Financial statement filing requirements.

All financial statements of candidates, candidate committees, persons, political action committees, political party committees, and ballot question committees pertaining to city elections shall be filed with the city clerk pursuant to the following schedule:

(1) Candidates shall file a statement of financial interest:

- a. Within 15 days after becoming a candidate.
- b. Within 15 days after assuming office, any corrections or additions.

(2) Candidates, candidate committees, political action committees and political party committees shall file a statement of receipts and expenditures:

- a. Within 15 days of the recipient becoming a candidate and on the last day of each month preceding the election.
- b. A final preelection statement shall be filed on the last Tuesday prior to the election.
- c. The post-election statement shall be filed within 60 days following the election.

(3) Ballot question committees shall file a statement of receipts and expenditures:

- a. Pre-election statements shall be filed on the last day of each month during the 90-day period immediately preceding the election.
- b. A final pre-election statement shall be filed ten days prior to the election and complete through the 17th day prior to the election.
- c. A post-election statement shall be filed within 30 days following the election, and shall include the disposition of any remaining funds or obligations of such person or committee.
- d. The requirements of subsection (3) shall also apply to any person raising, collecting, or disbursing money for the adoption or defeat of any question submitted to the voters at any election unless the person is engaging in such activities on behalf of a ballot question committee.

(4) The statements shall include the name, address, and place of business of any person contributing an aggregate of more than \$100.00, and the name of any political action committee that contributed any amount.

(5) Candidates, candidate committees, ballot question committees, political action committee,

person or political party committee shall file a supplemental statement on large contributions:

- a. Any contribution of \$500.00 or more within the nine days immediately prior to election from an individual contributor with the name, resident address and place of employment of such individual or the name and address of any committee.
- b. The supplemental statement shall be filed within 48 hours of the receipt of the contribution.

Date adopted: June 20, 2005.

Dave Munson

Mayor

ATTEST:

Dianne Metli

City Clerk