

# CITY OF SIOUX FALLS

## Campaign Finance Reporting Guidelines



City Clerk's Office  
City of Sioux Falls  
Carnegie Town Hall  
235 West Tenth Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402  
(605) 367-8080  
[www.siouxfalls.org/clerks](http://www.siouxfalls.org/clerks)  
Year: 2009–2010



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Carnegie Town Hall, 235 West Tenth Street, P.O. Box 7402  
Sioux Falls, SD 57117-7402  
www.siouxfalls.org

605-367-8080 • FAX 605-367-7801  
TTY/Hearing Impaired 605-367-7039

The Sioux Falls City Council significantly revised finance reporting for municipal elections. As a candidate or person involved in a political committee, it is your responsibility to understand the new law and comply with the campaign finance reporting requirements. My office will do everything we can to assist you with this process.

These campaign finance reporting guidelines have been prepared to assist in the preparation of reports of receipts and expenditures and statement of financial interest required by City ordinances. Chapter 14 of City code contains the laws governing campaign finance reporting which is available online at [siouxfalls.org](http://siouxfalls.org). Please familiarize yourself with the law. The Code has been referenced throughout the book to make it easier for you to find the right section of the law.

We have included copies of all reporting forms in this guideline booklet. Take time to identify the forms you will need for reporting your campaign receipts and expenditures, learn what is required, and then set up your records accordingly.

Candidates should work with their committee treasurers, if they have established campaign committees, to assure that all reports are complete and filed on time. The new law establishes a \$50.00 per day penalty for late filing. It is prudent to organize your campaign records so that reports can be easily compiled in a timely manner. Reports are due in the filing office by **5 p.m.** on the deadline day **not** postmarked on the deadline day.

Be sure to keep a copy of your completed reports. This will assist you in completing the next report. Please do not duplicate information from an earlier report as the reports are to be **consecutive, not cumulative**.

We are willing to assist you in any way we can. Please call the **City Clerk's Office at 367-8080** if you need further information or assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Owen".

Debra A. Owen  
City Clerk

**Municipal Election Calendar**  
**Tuesday, April 13, 2010**

<b>Month</b>	<b>Dates</b>	<b>Law</b>	<b>Action</b>
<b>JAN.</b> <b>2010</b>	W. 01/06/2010 (5 p.m.)	City Ord. Chap. 14 Sec. 14-68	Financial Disclosure Report Due.
	F. 01/29/2010	SDCL 9-13-9	First day to circulate and file nominating petitions (last Friday in January). 200 signatures needed.
<b>FEB.</b> <b>2010</b>	F. 02/26/2010 (5 p.m.)	SDCL 9-13-7 & Home Rule Charter Sec. 6.01 ( c )	Last day to circulate and file nominating petitions (last Friday in February).
		SDCL 9-13-7.1	Last day to withdraw name from the ballot (written request).
<b>MAR.</b> <b>2010</b>	T. 03/02/2010 (11 a.m.)	SDCL 9-13-21	Draw candidates' names by lot to determine order on ballot, in the City Clerk's Office, Carnegie Town Hall. Allows enough time for ballot layout and printing.
	W. 03/03/2010 (5 p.m.)	City Ord. Chap. 14 Sec. 14-68	Financial Disclosure Report Due.
	M. 03/29/2010 (5 p.m.)	SDCL 12-4-5	Deadline for voter registration (15 days before election).
<b>APRIL</b> <b>2010</b>	Th. 04/08/2010 (5 p.m.)	City Ord. Chap. 14 Sec. 14-68	Financial Disclosure Report Due (final pre-election report.)
	T. 04/13/2010 (3 p.m.)	SDCL 12-19-2.1	Last day to absentee vote.
	T. (04/13/2010) 7 a.m.–7 p.m.	City Ord. Chapter 14	Election Day.
	M. 04/19/2010 (7 p.m.)	SDCL 9-13-24	Canvass within seven days of the Election. To be held at the Carnegie Town Hall at the 7 p.m. City Council Meeting.
<b>MAY</b> <b>2010</b>	M. 05/17/2010	Home Rule Charter 2.02 (C)	Elected persons shall take office the third Monday in May following the Official Canvass.
<b>JUNE</b> <b>2010</b>	M. 06/14/2010 (5 p.m.)	City Ord. Chap. 14 Sec. 14-68	Financial Disclosure Report Due 60 days after the Election (for all candidates and newly elected officials).
<b>JAN.</b> <b>2011</b>	F. 01/07/2011 (5 p.m.)	City Ord. Chap. 14 Sec. 14-68	End-of-Year Financial Reports Due (for public office holders).

**Municipal  
Runoff Election  
Tuesday, April 27, 2010**

<b>Month</b>	<b>Dates</b>	<b>Law</b>	<b>Action</b>
<b>APR. 2010</b>	T. 04/27/2010 7 a.m.–7 p.m.	SDCL 9-13-27	Date of Run-off Election.
	W. 04/14/2010 11 a.m.	SDCL 9-13-21	Draw Candidates’ names by lot to determine order on ballot at the Carnegie Town Hall.
	M. 05/03/2010 7 p.m.	SDCL 9-13-24	Canvass within seven days of the Election.
<b>MAY 2010</b>	M. 05/17/2010	Home Rule Charter 2.02 (C)	Elected persons shall take office the third Monday in May following the Official Canvass.
<b>JUNE 2010</b>	M. 06/28/2010 5 p.m.	City Ord. Chap. 14 Sec. 14-68	Financial Reports Due 60 days after the Election (for all candidates and newly elected officials).
<b>JAN. 2011</b>	F. 01/07/2011 5 p.m.	City Ord. Chap. 14 Sec. 14-68	End-of-year Financial Reports Due (for public office holders).

## Summary for Individuals

As an individual active in the political process, you should be aware of some provisions in Charter and City Ordinances that regulate campaign finance.

If you contribute to political campaigns you should be aware of the contribution limits that exist. These provisions limit the annual contribution amount you make to any one political committee or political party. You may contribute to an unlimited number of political committees and political parties, but you may not contribute more than the following to any one organization during any one calendar year.

Political Party: \$10,000.00  
Political Action Committee: \$10,000.00  
Ballot Question Committee: no limitation  
Individual Contribution to Candidate: \$1,000.00  
PAC Contribution to Individual: \$5,000.00

When can you expect to see campaign finance disclosure statements from political organizations? After the filing deadline. Following are the filing deadlines for filing during an election year:

**Pre-election:** Due by 5 p.m. on:

- Wednesday, January 6, 2010
- Wednesday, March 3, 2010
- Thursday, April 8, 2010

**Post Election:** Due by 5 p.m., Monday, June 14, 2010 (60 days after the election).

**Year-end:** Due by 5 p.m. on Friday, January 7, 2011.

The disclosure statements are available on the City Clerk's website, [www.siouxfalls.org/clerks](http://www.siouxfalls.org/clerks) and in the City Clerk's Office located at 235 West 10th Street, Sioux Falls, SD 57117.

The disclosure statements are received by the City Clerk's Office, reviewed for completeness, scanned and posted on the internet as soon as possible. No information on contents of statements will be relayed over the telephone. Anyone desiring specific information may view the reports and extract the information desired.

## **Introduction and Legal Basis**

Disclosure of contributions to the political process lies at the heart of our democracy. This document serves as a guide to compliance for any person or organization required to disclose information required by law.

The responsibility for filing campaign finance disclosure statements is squarely on the shoulders of the treasurer of any political committee or political party. This guide will help you understand the responsibility each political committee holds in complying with the law. If you are the treasurer of a political party or political committee you are strongly urged to become familiar with your duties and the filing deadlines. **There are civil penalties for violations—including a daily \$50.00 penalty—for reports that are not received by the legal deadline.**

If you are an experienced treasurer for a political party or political committee, you will find the information required on the disclosure forms to be somewhat similar as in the past. We have done our best in developing forms that are easy to complete.

Feel free to contact us with any questions or comments: City Clerk's Office 605-367-8080.

## **Political Committee Registration**

Registration of a political committee is the first step. You can find the registration form in Appendix A of this guide. Every political committee must be registered not later than 15 days after the date upon which the committee made contributions, received contributions, or paid expenses in excess of five hundred dollars (\$500.00) unless such activity falls within 30 days of 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 action committee which has previously filed a Statement of Organization with the Secretary of State is not required to file a Statement of Organization with the City Clerk's Office. Please furnish a copy of the political action committee's Statement of Organization to the City Clerk's Office.

## **Treasurer Duties**

All responsibility for campaign financial records rests with the treasurer of the committee or political party. The treasurer of a political committee and political party is required to maintain and preserve detailed and accurate records of the following:

- (1) Each contribution and in-kind contribution received by the political committee or political party;
- (2) In the case of a ballot question committee, the information required by Chapter 14 of the City ordinances for any organization contribution;
- (3) Each loan received or made by the political committee or political party;
- (4) Each refund, rebate, interest, or other income received by the political committee or political party;
- (5) All receipts, invoices, bills, canceled checks, or other proofs of payment, with an explanation of each, for each expenditure;

- (6) The name and address of any financial institution where an account or depository for the political committee or political party is maintained including the account number.

The treasurer is required to maintain and preserve the records for a period of seven years or three years past the date of filing the termination statement for the election for which the contribution or expenditure was made, whichever is earlier.

## **Contribution Limitations**

Contributions from individuals are limited to the following amounts in any calendar year.

County Candidate Campaign Committee: \$1,000.00

Political Party: \$10,000.00

Political Action Committee: \$10,000.00

Ballot Question Committee: no limitation

PACs to individuals \$5,000.00

There is no limit to the amount any candidate or the candidate's immediate family may contribute to that candidate's campaign committee. Please see Appendix H for the definition of "immediate family."

## **Types of Unlimited Contributions**

- Individuals can contribute to an unlimited number of political committees and political parties in amounts up to the contribution limit set in law for each committee or party.
- Political committees and political parties can contribute to an unlimited number of candidates or committees.
- There is no limit to the amount any political committee or political party can contribute to any other political committee or political party.

## **Contributions that Exceed Limitation**

If a contribution is received that exceeds the contribution limit (or exceeds the limit in the aggregate when combined with other contributions from the individual during the calendar year) the treasurer must return the contribution to the contributor. It is a misdemeanor for a political committee or political party to accept a contribution from an individual that exceeds the contribution limit.

## **Anonymous Contributions**

Every contribution must include the name and residence address of the contributor. If this information is not provided, the treasurer may not deposit the contribution. If any contribution, money, or other thing of value is received from an unknown source, the treasurer must donate it to a nonprofit charitable organization.

## **Fictitious Names on Contributions Not Allowed**

No person may make a contribution in the name of another person, make a contribution in a fictitious name, make a contribution on behalf of another person, or knowingly permit another to use his or her name to make a contribution.

## **Contributions Disguised as Gifts Not Allowed**

No person may make a contribution disguised as a gift and no candidate may accept a contribution disguised as a gift. This simply means that gifts are contributions and fall under the same limitations. It would be unlawful for someone to give a candidate a “personal” gift while intending the gift to be used as a contribution. Although the definition of “contribution” already includes “gift,” this section provides more substance to the definition.

## **Items or Services Not Considered Contributions**

Following is a list of items that are not considered contributions:

- Services provided by a person as an uncompensated volunteer for or on behalf of any candidate, political committee, or political party.
- The free or discounted use of a person’s residence by any candidate, political committee, or political party.
- 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 any intent to contribute beyond the item’s value. Income from these purchases must be included as “other receipts” on the political committee or political party financial disclosure statement.
- The costs associated with the administration and solicitation of a contribution for a political action committee established by an organization and associated expenses, including the use of an organization’s real or personal property located on its business premises for such purposes.
- The nominal use of a candidate’s real or personal property or the nominal use of resources available at a candidate’s primary place of business.

## **Contributions from Organizations**

The term “organization” is defined broadly in the campaign finance ordinance. See Appendix H for the full definition of the term. 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.

## **Organizations Contributing to Ballot Question Committees**

With any contribution made by an organization to a ballot question committee, the law requires information about the organization (Appendix E) also be submitted to the treasurer. Without this information the treasurer is not allowed to deposit the contribution. Any organization that makes a contribution to a ballot question committee shall:

- (1) Be filed as a domestic or foreign entity in good standing with the Office of the Secretary of State of this state, or
- (2) If the organization is not filed as a domestic or foreign entity in good standing with the Office of the Secretary of State of this state, the organization shall include with any contribution to a ballot question committee a statement providing the following information:
  - (a) The name of the organization;
  - (b) The name of the state or country under whose law the organization is incorporated or organized; and
  - (c) The street address of the organization's principal office; or
- (3) If subdivisions (1) and (2) do not apply to the organization, then the organization shall include with any contribution to a ballot question committee a statement providing the following information:
  - (a) The name of the organization;
  - (b) The street address of the organization's principal office; and
  - (c) The names and street addresses of any owners, directors, or officers of the organization including the name and street address of the person authorizing the contribution.

Furthermore, if any contribution from an organization to a ballot question committee exceeds ten thousand dollars (\$10,000.00) in the aggregate, and the organization is comprised of 20 or fewer members or shareholders, the contribution shall include a statement with the name and address of each shareholder or member who owns 10 percent or more of the organization. The ballot question committee shall disclose all information provided in the statement in the applicable campaign financial disclosure statement or supplemental statement.

If any of the information required by this section is not delivered to the treasurer of the ballot question committee, the treasurer shall return the contribution. Any violation of these requirements is a misdemeanor.

## **Financial Disclosure Statements**

The campaign financial disclosure statement is the most visible part of the disclosure process. This is the document that contains the information most utilized by the public. The disclosure statement provides the public with a financial picture of the campaign including information on contributors and expenditures.

All political committees (includes candidate committees, political action committees, ballot question committees, and political parties) are required to file periodic financial disclosure statements.

The campaign financial disclosure form requires information on contributions received and expenditures made by the political committee or political party during the calendar year up to the cut off date of the reporting period. A full copy of the campaign financial disclosure form can be found in Appendix B of the guide. Each schedule of the report includes introductory information to aid in completing the form with the proper information required by law.

### **When are Disclosure Statements Due?**

The pre-election statement **must be received** by the City Clerk's Office and filed by **5 p.m.**:

- On Wednesday, January 6, 2010
- On Wednesday, March 3, 2010
- On Thursday, April 8, 2010

Post Election Statements are to be filed at the City Clerk's Office at **5 p.m.**:

- On Monday, June 14, 2010, (within 60 calendar days following the election for all candidates and newly elected officers.)
- On Monday, June 28, 2010, (within 60 calendar days following the run-off election.)

The year-end statement **must be received** by the City Clerk's Office and filed by **5 p.m.** on Friday, January 7, 2011. This must include information through the last day of the preceding calendar year.

Any statement filed shall be consecutive and shall cover contributions and expenditures since the last statement filed.

Exception for political parties and political committees:

- (1) A political committee that regularly files a campaign finance disclosure statement with the Federal Election Commission is not required to file a campaign finance disclosure statement.

**Civil Penalty for Late Filing (\$50.00 per day):** The failure to timely file any statement, amendment, or correction required, subjects the treasurer responsible for filing to a civil penalty of fifty dollars (\$50.00) per day for each day that the statement remains delinquent. The civil penalty shall be in addition to any criminal sanctions.

## **Where Can I View Filed Disclosure Statements?**

The disclosure statements are available on the City Clerk's website, [www.siouxfalls.org/clerks](http://www.siouxfalls.org/clerks), 235 West 10th Street, P.O. Box 7402, Sioux Falls, SD 57117-7402.

## **Advertising Disclaimer and Disclosure Requirements**

Any printed material or communication made by a political committee or political party that "expressly advocates" (see the definition of this term in the Appendix H) 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.

## **Disclosure Requirements on Independent Expenditures**

### **Type 1:**

Any person or "qualified nonprofit corporation" (see definition in Appendix H) that makes an independent expenditure for a communication which expressly advocates for or against a candidate, public office holder, ballot question, or political party totaling one thousand dollars (\$1,000.00) or more is required to file a statement with the City Clerk.

The communication statement must include the following information (See Appendix D):

- (1) Name of the person or qualified nonprofit corporation;
- (2) The street address, city, and state of the person or qualified nonprofit corporation;
- (3) The name of each candidate, public office holder, ballot question, or political party mentioned in the communication;
- (4) The amount spent on the communication;
- (5) A description of the content of the communication.

This statement must be received by the City Clerk within 48 hours of the time that the communication is disseminated, broadcast, or otherwise published.

### **Type 2:**

Any "organization" (See definition in Appendix H) must meet the same requirements as explained above for Type 1 **and** if the organization is comprised of 20 or fewer members or shareholders, the statement must also include the name and address of each shareholder or member who owns 10 percent or more of the organization.

## **Exceptions to Types 1 and 2:**

Specific communication methods are exempted from the disclosure requirements on independent expenditures. None of the following types of communications require disclosure:

- (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; and
- (4) Any communication that refers to any candidate only as part of the popular name of an amendment, ordinance, or resolution.

## **Electioneering Communications**

An "electioneering communication" or "issue ad" does not directly urge people to vote for or against a candidate. The ad usually discusses an issue and states why a candidate should support or oppose that issue. It may say: "Call legislator Smith and urge her to vote yes on this important issue."

Issue ad disclosure enables voters to determine who is financing these ads and how much they are spending on them. South Dakota requires disclosure of issue ads, if they cost more than \$1,000.00, are made 60 days before an election and identify a candidate running in the election or a public office holder.

The communication statement must include the following information (See Appendix D):

- (1) Name of the person, political committee, political party, or organization authorizing the communication;
- (2) The street address, city, and state of the person, political committee, political party, or organization authorizing the communication;
- (3) The name of the candidate or public office holder mentioned;
- (4) The amount spent on the communication;
- (5) A description of the content of the communication.

This statement must be received by the City Clerk within 48 hours of the time that the communication is disseminated, broadcast, or otherwise published.

## **Exceptions to Electioneering Communication Disclosure Requirement**

Specific communication methods are exempted from the disclosure requirement on electioneering communications. None of the following types of communications require disclosure:

- (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; and
- (4) Any communication that refers to any candidate only as part of the popular name of an amendment, ordinance, or resolution.

## Government Prohibitions Chapter 12 1/2 Code of Ethics

South Dakota has a clear policy prohibiting government entities from influencing political campaigns. The City of Sioux Falls, or other political subdivision of the city, 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.

City employees are prohibited from contributing to City campaigns.

### Filing Options

Remember that campaign finance disclosure filings must be received by the deadline. Any disclosure statement may be filed by fax or electronic mail. To be timely filed, any statement received by fax or electronic mail shall be legible and readable when received by the means it was delivered. The original document must be filed with the City Clerk's Office **within one week** following the date the facsimile or electronic mail transmission was received.

Late filings are subject to a civil penalty of \$50.00 per day for each day the filing remains late. Additional criminal penalties may also apply to any person who intentionally makes any false, fraudulent, or misleading statement or entry in any statement.

### Penalties

Many of the reporting requirements carry penalties for violators.

Late filings subject **the treasurer responsible** to a civil penalty of fifty dollars (\$50.00) per day for each day that the statement remains delinquent.

No information contained on the public documents may be sold or utilized for any commercial purpose or for the purpose of soliciting contributions.

Any person who intentionally makes any false, fraudulent, or misleading statement or entry in any statement of organization, campaign finance disclosure statement, other statement, or amendment filed pursuant to this Act may result in the candidate not being certified for the election or forfeiture of office.

### Public Inspection

All candidate election filings, including statements of organization, financial disclosure statements, nominating petitions and statements of financial interest, may be examined at any time during regular office hours in the City Clerk's Office or [www.siouxfalls.org/clerks](http://www.siouxfalls.org/clerks).

The City Clerk's Office is charged with maintaining and preserving these files as public records; therefore, these records cannot be removed from the office. If a person examining the records concludes copies are necessary, such copies will be made for 10 cents a page (plus tax). There will be no fee for necessary copies furnished to governmental agencies.

No information on contents of reports will be given out over the telephone or by mail. It will be necessary for anyone wanting specific information to come to the office and request the information desired or go to [www.siouxfalls.org](http://www.siouxfalls.org).

## Penalties

**SDCL 12-25-22. False statement as to campaign expenses as perjury.** Any person who intentionally makes any false statement in any sworn statement required by §§12-25-13 to 12-25-18 inclusive, is guilty of perjury.

**SDCL 12-25-26. Forfeiture of office or removal from ballot for violation.** Any person nominated or elected to any office, who shall be proved in a contest of such election or in any other manner provided by law to have violated any provision of this chapter, except those punishable as petty offenses or Class 2 misdemeanors, shall forfeit his office and such office shall be declared vacant and shall be filled in the manner provided by law for filling vacancies occasioned by death or resignation or shall be removed from the ballot or may not be certified for election.

## Enforcement

The City Attorney is responsible for investigating any violations related to the campaign finance regulations in the City of Sioux Falls. The enforcement provisions provide the City Attorney with tools to make sure that the public has access to the information required by law in a timely manner—with all efforts focused on delivering good information to the public before Election Day. To do this, the City Attorney may elect to file a civil action where the court may impose a civil penalty in the amount provided by ordinance, or if not provided, in an amount not to exceed ten thousand dollars (\$10,000.00) for each violation.

While enforcing the requirements, the City Attorney is authorized to inspect or examine any committee or party records required to be maintained. It is a misdemeanor for any person having charge, control, or possession of political committee or political party records to neglect or refuse the City Attorney's reasonable access to any records required to be maintained which are necessary for enforcement.

The City Attorney is required to keep each record inspected or examined confidential except when the records are used to enforce provisions associated with a criminal or civil action.

## Quick Reference Guide

### Any organization may:

- Make an independent expenditure for/against a public office holder, ballot question, or political party. If the total cost for the communication is \$1,000.00 or more the organization must file a disclosure statement within 48 hours.
- Make an electioneering communication. If the communication is \$1,000.00 or more and is made within 60 days of an election the organization must file a disclosure statement within 48 hours.
- Make contributions to ballot question committees. Contributions to ballot question committees from certain types of organizations require additional disclosure be included with the contribution. No organization may make a contribution to a candidate campaign committee, political action committee, or political party.
- Create a political action committee or ballot question committee.

### Any person may:

- Make contributions to candidates, political action committees, ballot question committees or political parties. The following limits apply during any calendar year:

Candidate: \$1,000.00

Political Action Committee: \$10,000.00

Political Party \$10,000.00

Ballot Question Committee: No limit

- Make an independent expenditure for/against a candidate, public officer holder, ballot question, or political party. If the total cost for the independent expenditure is \$1,000.00 or more the person must file a disclosure statement within 48 hours.

Note: If a person raises, collects, or disburses contributions to influence the outcome of an election and is not simply making a contribution to a political committee or political party, that person is considered a political action committee and is required to be registered as such with the City Clerk and must follow the campaign finance disclosure reporting requirements.

### Any political action committee or political party may:

- Make contributions no more than \$5,000.00 per individual candidate.
- Make unlimited contributions to any ballot question committee.
- Make independent expenditures and electioneering communications.
- Create printed material or other communications. Any printed material or communication must display or clearly speak the statement: "Paid for by (Name of political action committee)." This disclaimer is not required on buttons, balloons, pins, pens, matchbooks, clothing, or similar small items upon which the inclusion of the statement would be impracticable.
- Accept contributions from individuals, PACs, and political parties.

**Any candidate campaign committee may:**

- Make unlimited contributions to any political committee or political party.
- Make independent expenditures and electioneering communications.
- Create printed material or other communications. Any printed material or communication must display or clearly speak the statement: “Paid for by (Name of political action committee).” This disclaimer is not required on buttons, balloons, pins, pens, matchbooks, clothing, or similar small items upon which the inclusion of the statement would be impracticable.
- Accept contributions from individuals, political action committees, and political parties.

**Any ballot question committee may:**

- Make independent expenditures and electioneering communications.
- Create printed material or other communications. Any printed material or communication must display or clearly speak the statement: “Paid for by (Name of political action committee).” This disclaimer is not required on buttons, balloons, pins, pens, matchbooks, clothing, or similar small items upon which the inclusion of the statement would be impracticable.

Accept unlimited contributions from individuals, organizations, political action committee, and political parties.

**THE PAC  
INFORMATION  
AND THE  
CANDIDATE  
INFORMATION IS  
TO BE SEPARATED  
BY A COLORED  
PAGE**

**Insert a colored piece  
of paper**

**Statement of Organization**

**Candidates, Political Action or Ballot Question Committees**

**City of Sioux Falls**

City Ordinances require candidate committees, political action committees (PAC), and ballot question committees to register with the City Clerk’s Office. Candidate committees must register within 15 days after becoming a candidate (see definition of a candidate under 14-51, page 42). Candidate committees that have not already filed a statement of organization, PACs, and ballot question committees must register not later than 15 days after the date upon which the committee made contributions, received contributions, or paid expenses in excess of \$500.00 unless such activity falls within 30 days of any city election in which case the statement of organization shall be filed within 48 hours. PAC’s and Political Parties Committees that have already registered with Secretary of State need not register with City Clerk’s Office.

Full Name of Candidate/Committee: \_\_\_\_\_

Street Address: \_\_\_\_\_

Name of Chair: \_\_\_\_\_

Candidate/Chair Daytime Telephone Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

Name of Treasurer: \_\_\_\_\_

Treasurer Daytime Telephone Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

You must list the name, street address, postal address, and telephone number of each financial institution where an account or depository is maintained.

Name of Financial Institution	Street and Postal Address	Telephone Number

If you are a political action committee or a ballot question committee, you must include a concise statement of your purpose and goals.

**Statement of Purpose and Goals:**

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If you are a political action committee or a ballot question committee, you must list 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.

Name of Organization: \_\_\_\_\_

Street and Postal Address: \_\_\_\_\_

Trade, profession, or primary interest of the committee: \_\_\_\_\_

Check here if your committee is incorporated under federal or state laws for liability purposes only.

***The following verification must be completed before submitting statement.***

**VERIFICATION OF PERSONS MAKING REPORT**

We \_\_\_\_\_ (print both names legibly), certify that we have examined this statement and to the best of our knowledge and belief it is true, correct, and complete. We also understand that failure to timely file any statement, amendment, or correction required subjects the treasurer responsible for filing to a civil penalty of \$50.00 per day for each day that the statement remains delinquent.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of candidate or chair

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of treasurer

**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.**

Submit Statement of Organization to:  
City Clerk's Office  
235 West Tenth Street  
Sioux Falls, SD 57117-7402  
or fax to 605-367-7801 or email to [clerks@siouxfalls.org](mailto:clerks@siouxfalls.org)

Fax and email images must contain the signature(s) and the original must be filed in our office within one week following the date the fax/email was received.

City of Sioux Falls
Statement of Financial Interest
Candidate for Public Office

File statement in the City Clerk's Office.

- 1. Name
2. Address
3. Phone Number
4. Office Sought
5. What is your occupation/profession?

6. List any enterprise which accounted for more than 10 percent of, or contributed more than \$2,000.00 to, your family's (includes spouse, minor children living at home) gross income in the preceding calendar year. Identify who receives the income from each enterprise.

What is the nature of your immediate family's association with each? The value of the financial interest need not be reported.

Blank lines for providing details for item 6.

7. List any enterprise in which you, your spouse, or minor children living at home control more than 10 percent of the capital or stock. Identify who has the ownership interest in each enterprise.

What is the nature of your immediate family's association with each?

Blank lines for providing details for item 7.

State of South Dakota )
) SS.
County of \_\_\_\_\_)

Verification

I have reviewed paragraphs 1 through 7 of the Information Regarding Statement of Financial Interest (attached), my Statement of Financial Interest, and certify that the information reported is a complete, true, and accurate representation of my financial interests for the preceding calendar year.

(Signed) \_\_\_\_\_

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Officer Administering Oath

My commission expires: \_\_\_\_\_

## Information Regarding Statement of Financial Interest

**1. Who Files.** Candidates running for Mayor or City Council.

**2. Deadline.** It must be filed in the City Clerk's Office where your nominating petition was filed within 15 days after that filing by 5 p.m.

**3. Nature of your association** in No. 5 and No. 6 means if you were an employee, officer, director, associate, partner, stockholder, member, proprietor, served in an advisory or consulting capacity, or provided professional services. This must be provided for each enterprise which is listed.

### 4. Definitions of Terms

(1) "Any member of his immediate family," a spouse or minor children living at home;

(2) "Close economic interest," any enterprise that, in the calendar year preceding filing of a statement under any of SDCL §§ 12-25-28 to 12-25-30, inclusive, contributes either more than 10 percent of or more than two thousand dollars (\$2,000.00), to the gross income of the family which shall include the individual required to file the statement and any member of his immediate family, or an enterprise in which such individual or any member of his immediate family control more than 10 percent of the capital or stock;

(3) "Enterprise," any business or economic relationship [where you were an employee, officer, director, associate, shareholder, member, partner or proprietor];

(4) "Statement of financial interest," a description of the type of financial activity and the nature of the association with the enterprise as provided in subdivision (1) of this section.

**5. Penalty.** Failure to file the statement of financial interest is a petty offense. An intentional violation is a misdemeanor.

**Campaign Finance Disclosure Statement  
City of Sioux Falls**

City of Sioux Falls municipal candidates file in the City Clerk’s Office.

Mail to City Clerk’s Office, 235 West Tenth Street, Sioux Falls, SD 57117-7402. Fax to 605-367-7801 or email to [clerks@siouxfalls.org](mailto:clerks@siouxfalls.org). Fax and email images must contain the signature and the original must be filed in this office within one week following the date the fax/email was received.

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See pages 29, 30, and 31 of the Guideline Book for specific instructions on completing this report.

Name of Committee \_\_\_\_\_

Complete Street and Postal Address \_\_\_\_\_

Name of Person Making Report \_\_\_\_\_

Daytime Phone Number \_\_\_\_\_ Evening Phone Number \_\_\_\_\_

Email Address \_\_\_\_\_

If you are a candidate, which office are you seeking?

\_\_\_\_\_ (Mayor, At-Large A, At-Large B, Central, Southeast)

If you are a ballot question committee, indicate which measure(s) the committee was involved with during the reporting period and whether the measure was supported or opposed.

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Type of Campaign Statement \_\_\_\_\_  
Pre-election:  January 6, 2010  March 3, 2010  April 8, 2010  
Post-election:  June 14, 2010  
Year-end:  January 7, 2011  
Mid-year (ballot questions committees only)  
Amendment supplement or termination

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*The following verification must be completed before submitting report.*

**VERIFICATION OF PERSON MAKING REPORT**

I \_\_\_\_\_ (print name legibly), certify that I have examined this report and to the best of my knowledge and belief it is true, correct, and complete. I also understand that failure to timely file any statement, amendment, or correction required subjects the treasurer responsible for filing to a civil penalty of \$50.00 per day for each day that the statement remains delinquent.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Candidate/Treasurer













**Schedule H—Summary Page**

This summary sheet will give a brief outline of all campaign finance activity during this reporting period. Please transfer all totals from the schedules previously completed.

1. Balance of cash and cash equivalents on hand, if any, at the beginning of the reporting period: \$ \_\_\_\_\_
  
2. Receipts:
 

Schedule A—Direct Contributions:	\$ _____	
Schedule B—In-Kind Contributions:	\$ _____	
Schedule C—Other Income:	\$ _____	
Schedule D— Establishing/Administration of Committee:	\$ _____	
Total of all Receipts:	\$ _____	\$ _____
  
3. Total Monetary Receipts (A+C): \_\_\_\_\_
  
4. Candidate’s Personal Contribution to Own Campaign: \$ \_\_\_\_\_
  
5. Monetary Loans to Candidate or Committee During Reporting Period: \$ \_\_\_\_\_
  
6. Monetary Loans Repaid During Reporting Period: \$ \_\_\_\_\_
  
7. Expenditures – Schedule E: \$ \_\_\_\_\_
  
8. Unpaid Obligations—Schedule F: \$ \_\_\_\_\_
  
9. Monetary Loans Made by the Committee During the Reporting Period—Schedule G: \$ \_\_\_\_\_
  
10. Monetary Loans Repaid to the Committee During the Reporting Period—Schedule G: \$ \_\_\_\_\_
  
11. Amount on hand at the close of this reporting period.  
This should equal lines (1+3+4+5)—(6+7+9): \* \$ \_\_\_\_\_

**\*Note: You cannot end the reporting period with a negative balance.**

**If you are a ballot question committee which received a contribution from an organization, please attach to this campaign finance disclosure statement, the Ballot Question Statement you received from the organization.**

## Campaign Finance Disclosure Statement Instructions

A sample of the campaign finance disclosure form is found in pages 21 to 28 of the guide.

Additional copies of this reporting form may be obtained from the City Clerk's Office or [www.siouxfalls.org/clerks](http://www.siouxfalls.org/clerks). Essentially the campaign financial disclosure form requires information on contributions received and expenditures made by the political committee or political party during the calendar year up to the cut off date of the reporting period. The following comments may assist proper completion of the forms.

Campaign finance disclosure statement shall include the following information:

### Cover Page (Committee information, statement, and signature):

- Political committee or political party name, street address, city, state, zip code, daytime and evening telephone number, and email address;
- If you are a candidate, which office you are seeking;
- Type of campaign statement (pre-election, post election, amendment, year end, or termination);
- If a ballot question committee, the ballot question number and whether the committee is for or against the measure;
- The statement shall include a certification that the contents of the statement is true and correct signed by the treasurer of the political committee or political party.

### Schedule A (Monetary contributions from individuals):

- The total amount of contributions of one hundred dollars (\$100.00) or less in the aggregate from one source received during the reporting period;
- The name, residence address, city, and state of each person contributing a contribution of more than one hundred dollars (\$100.00) 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 this state shall also include the name and internet website address of the filing office where campaign finance disclosure statements are regularly filed for the committee. If all of the information required is not on file, the political committee or political party may not deposit the contribution;
- Any monetary or in-kind contribution made by the reporting political committee or political party to any political committee, political party, or nonprofit charitable organization shall be itemized.
  - *Comment: Itemization is required for any contribution from a political committee or political party.*

**Schedule B** (In-kind contributions from individuals):

- The statement shall contain the same information for in-kind contributions as for monetary contributions, and shall also include a description of the in-kind contribution.
  - *Comment: A good or service provided at no charge or for less than its fair market value is provided “in-kind.” In-kind does not include the value of services provided by a person as a volunteer and the free or discounted use of any person’s residence or office.*
- Upon the request of the treasurer, a person making an in-kind contribution shall provide all necessary information to the treasurer, including the value of the contribution.

**Schedule C** (Non-contribution income):

- A categorical description and the amount of the refunds, rebates, interest, sale of property, or other receipts not previously identified during the reporting period.

**Schedule D** (Administrative expenses for PAC):

- A categorical description and the amount of 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.
  - *Comment: An organization can create a political committee and can use organization funds to establish and administer the political committee. This subdivision requires the organization describe and provide an amount for each category of expenses it has incurred for establishing and administering the committee.*

**Schedule E** (Expenditures by the committee):

- The expenditures made during the reporting period shall be categorized;  
Disbursements to consultants, advertising agencies, credit card companies, and similar firms shall be itemized into expense categories. Any contribution made by the reporting political committee or political party that is not in exchange for any item of value or service shall be itemized;
- The expenditures incurred but not yet paid during the reporting period and to whom the expenditure is owed.
  - *Comment: An expenditure has been incurred when an order for the good or service has been placed with the person or organization providing the good or service.*
- The amount of each independent expenditure, as defined in this Act, made during the reporting period, the name of the candidate, public office holder, or ballot question related to the expenditure and a description of the expenditure.

**Schedule F** (Loans owed by the reporting committee):

- The total balance of loans owed by the political committee or political party;
- The balance of 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.

**Schedule G** (Loans owed to the reporting committee):

- The total balance of loans owed to the political committee or political party;
- The amount of each loan made during the reporting period. The name, street address, city, and state of the recipient of the loan;
- The balance of each loan owed to the political committee or political party, itemized by name, street address, city, and state.

**Schedule H—summary page** (Balances and totals): *This page contains a summary of all the schedules.*

- The balance of cash and cash equivalents on hand at the beginning of the reporting period;
- The total amount of all contributions received during the reporting period;
- The total amount of all in-kind contributions received during the reporting period;
- The total of refunds, rebates, interest, or other income not previously identified during the reporting period;
- The total of contributions, loans, and other receipts during the reporting period;
- The total value of loans made to any person, political committee, or political party during the reporting period;
- The total of expenditures made during the reporting period;
- The total amount of all expenditures incurred but not yet paid. An 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.
  - *Comment: An expenditure has been incurred when an order for the good or service has been placed with the person or organization providing the good or service.*
- The statement shall state the cash balance on hand as of the close of the reporting period.
  - *Comment: The beginning balance must equal the ending balance from any previously filed report.*

## Communication Statement

### City of Sioux Falls

**Complete each section that pertains to your type of expenditure or communication.**

#### **Section 1—Independent Expenditure**

City Ordinance Section 14-63 requires any person or qualified nonprofit corporation that makes an independent expenditure for a communication which expressly advocates for or against a candidate, public office holder, ballot question, or political party totaling \$1,000.00 or more to file a statement within 48 hours of the time that the communication is disseminated, broadcast, or otherwise published.

Name of Person: \_\_\_\_\_

Name of Qualified Nonprofit Corporation or Organization: \_\_\_\_\_

Street Address, City, and State: \_\_\_\_\_

List the name of each candidate, public office holder, ballot question, or political party mentioned in the communication, a description of the content of the communication, and the amount spent on the communication.

Name	Description of Content	Amount

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

#### **Section 2 – Independent Expenditure by Small Organization**

City Ordinance Section 14-63, requires if the independent expenditure is made by an organization comprised of 20 or fewer members or shareholders, this statement must also include the name and address of each shareholder or member who owns 10 percent or more of the organization.

Name of Shareholder or Member	Street Address

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Section 3—Electioneering Communication**

City Ordinance Section 14-64 law requires any person, political committee, political party, or organization that makes a payment or promise of payment totaling \$1,000.00 or more 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 within 60 days of an election, shall file a statement within 48 hours of the time that the communication is disseminated, broadcast, or otherwise published.

Name of Person: \_\_\_\_\_

Street Address, City, and State: \_\_\_\_\_

List the name of each candidate, public office holder, ballot question, or political party mentioned in the communication, a description of the content of the communication, and the amount spent on the communication.

Name	Description of Content	Amount

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Fax and email images must contain the signature(s) and the original must be filed in this office within one week following the date the fax/email was received.

Submit Statement of Organization to:  
City Clerk's Office  
235 West Tenth Street  
Sioux Falls, SD 57117-7402  
or fax to 605-367-7801  
or email to [clerks@siouxfalls.org](mailto:clerks@siouxfalls.org)

**Ballot Question Contribution Statement  
City of Sioux Falls**

**Complete one of the following three sections that pertain to your organization.**

**Section 1**

City Ordinance Section 14-66 (2) requires any organization that makes a contribution to a ballot question committee that is not filed as a domestic or foreign entity in good standing with the South Dakota Secretary of State’s Office, to include Section 1 of this informational statement with any contribution to a ballot question committee.

Full Name of Organization: \_\_\_\_\_

State or Country under Whose Law the Organization is Incorporated or Organized: \_\_\_\_\_

Street Address of the Organization’s Principle Office: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Section 2**

City Ordinance Section 14-66 (3) requires any organization that makes a contribution to a ballot question committee which is not eligible to complete Section 1, must include Section 2 of this informational statement with any contribution to a ballot question committee.

Full Name of Organization: \_\_\_\_\_

Street Address of the Organization’s Principle Office: \_\_\_\_\_

You must provide the names and street addresses of any owners, directors, or officers of the organization including the name and street address of the person authorizing the contribution.

<b>Name of Organization’s Owners, Directors or Officers</b>	<b>Street Address</b>

Name of Person Authorizing the Contribution: \_\_\_\_\_

Street Address: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Section 3**

If any organization contributes more than \$10,000.00 in the aggregate to a ballot question committee and is comprised of 20 or fewer members or shareholders, the organization must submit with the contribution the name and address of each shareholder or member who owns 10 percent or more of the organization.

Name of Shareholder or Member	Street Address

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**City Ordinance requires you to submit this information to the treasurer of the committee you are making the contribution to.**

**Nominating Petition Instructions**

1. The declaration of candidacy at the top of the petition form **MUST BE COMPLETED PRIOR TO CIRCULATION FOR SIGNATURES** (SDCL 12-6-8). The name will appear on the ballot in the exact form indicated in the declaration of candidacy (SDCL 12-16-1).
2. The candidate **MUST declare the office** for which he/ she is running (SDCL 9-13-7).
3. Petitions may not be circulated before **Friday, January 1, 2010**. Petitions shall be filed no later than **Friday, February 26, 2010, at 5 p.m.** (SDCL 12.6.4-1). Petitions which are mailed by **REGISTERED MAIL** prior to 5 p.m. on the last day to file will be considered timely filed. Certified mail received after the deadline will **not** be considered timely filed (SDCL 9-13-7).
4. Signatures of registered voters must be obtained between the date of the candidate's signed declaration of candidacy and the date of the circulator's verification.
5. A petition circulator must be a resident of the state of South Dakota who is at least 18 years of age (SDCL 12-6-8).
6. If a candidate is running for a council member position **by District**, each petition signer **must be registered in the District for which the candidate is running**. (The circulator does not have to be from the District.) If a candidate is running for a council member **At-Large** position, each petition signer must be a registered voter in the city of Sioux Falls (SDCL 12-6-8).
7. In the **2010 election**, a voter may sign **one petition** for each district position open: Central, Southeast. In addition, a voter may sign **one petition** for the open At-Large-A position or At Large B position. (**For example**, if a voter lives in the Southwest District, he/she may sign one candidate's petition for the Southwest position; also, that same voter may sign one candidate's At-Large-A. (SDCL 12-6-8.)
8. **THE PETITION CIRCULATOR MUST PERSONALLY WITNESS EACH SIGNATURE ON THE PETITION BEING CIRCULATED.** The petition's verification must be completed following circulation and must include the circulator's printed name, residence address, city, state, complete date, and be signed under oath before a notary public or other officer authorized to administer oaths. The candidate may not serve as the notary public.
9. Each **petition signer** must be a registered voter in the city of Sioux Falls (Charter – 6.01 (c)).
10. Petition signers must sign their names as they are registered to vote or as they usually sign their names.
11. The signer's printed name must appear below the signature.
12. Each signature line must show a complete residence address. This can be street and house number, in addition to the city or town. Zip codes are optional. A zip code instead of a town name is unacceptable.

13. Each signature line must show the month and day it was signed.
14. Numbers to designate the month are permissible. Abbreviations commonly used are also acceptable.
15. The county of the signer's voter registration must be included.
16. The date, address, county of registration, and printed name may be added by the circulator **prior** to the petition being filed. **Ditto marks may NOT be used.**
17. If photocopies are made of the originally signed petition for circulation, the original petition must be submitted with the photocopies.
18. Each petition sheet must be a self-contained sheet with the heading, declaration of candidacy, instructions to signers, signature lines, and circulator's verification on a single sheet.
19. Petitions are to be filed in the City Clerk's Office, Carnegie Town Hall, 235 West Tenth Street, P.O. Box 7402, Sioux Falls, SD 57117-7402.

**A TIP**

**It is prudent to submit any petition to the City Clerk's Office with ample time prior to the deadline, to allow the candidate time to collect additional signatures if there are not sufficient valid signatures presented on the initial petition(s).**

**If you have questions, call the City Clerk's Office at 367-8080 or send an email to [clerks@siouxfalls.org](mailto:clerks@siouxfalls.org).**

**NOMINATING PETITION FOR MUNICIPAL ELECTION** Form No. 3-13-11  
Rev. 5/09/09 2 of 4 (AC 5.05) **COMPLETE FIRST**

**INSTRUCTIONS TO CANDIDATES:** The heading of this petition and the declaration of candidacy **MUST** be fully completed before the petition is circulated for signatures.

WE, THE UNDERSIGNED qualified voters of the municipality of Sioux Falls  
in the state of South Dakota, nominate (name of candidate)  
whose residence address is (address of candidate)  
South Dakota, and whose mailing address is (mailing address of candidate) South  
Dakota, as a candidate for a 4 year term for the office of (Mayor, At-Large A, At-Large B, Central, Southeast)  
at the Municipal Election to be held on the 13th day of April, 2009.

**DECLARATION OF CANDIDATE**

I, (name of candidate as on ballot) (print name here exactly as you want it on the election ballot),  
under oath, declare that I reside and am registered to vote in the municipality of Sioux Falls  
and that I am eligible to seek the office for which I am a candidate. If nominated and elected, I will qualify  
and serve in that office. If I am an alderman candidate, I declare that I reside and am registered to vote in  
Ward (not applicable) (Signed) (candidate's signature)

Sworn to before me this (day) day of (month), 2009  
I, (notary name)  
My Commission Expires (date notary expires) (notary signature)  
Signature of Officer Administering Oath  
(Notary Public)  
Title of Officer Administering Oath

**INSTRUCTIONS TO SIGNERS:**  
1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their name.  
2. Before the petition is filed, each signer or the elector must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.  
3. Before the petition is filed, each signer or elector must add the name of the city, town, village or township and the county of voter registration.  
4. Abbreviations of common usage may be used — Jingo marks **MAY NOT** be used.  
5. Failure to provide all information requested may invalidate the signature.

**COMPLETE SECOND**

NO.	NAME	RESIDENCE	DATE / COUNTY
1	<i>Mary Smith</i> Mary Smith	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER <u>123 Election Way</u> CITY OR TOWN <u>Sioux Falls, SD 57102</u>	DATE OF SIGNING <u>2/13/09</u> COUNTY OF REGISTRATION <u>Minnehaha or Lincoln</u>
2	NAME	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
3	NAME	CITY OR TOWN	COUNTY OF REGISTRATION
4	NAME	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
5	NAME	CITY OR TOWN	COUNTY OF REGISTRATION
6	NAME	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
7	NAME	CITY OR TOWN	COUNTY OF REGISTRATION
8	NAME	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
9	NAME	CITY OR TOWN	COUNTY OF REGISTRATION
10	NAME	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
11	NAME	CITY OR TOWN	COUNTY OF REGISTRATION
12	NAME	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER	DATE OF SIGNING
	NAME	CITY OR TOWN	COUNTY OF REGISTRATION

NAME		RESIDENCE	DATE / COUNTY
13	NAME PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
14	NAME PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
15	NAME PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
16	NAME PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
17	NAME PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
18	NAME PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
19	NAME PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
20	NAME PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
21	NAME PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
22	NAME PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
23	NAME PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION
24	NAME PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY OR TOWN	DATE OF SIGNING COUNTY OF REGISTRATION

**VERIFICATION BY PERSON CIRCULATING NOMINATING PETITION** **COMPLETE THIRD**

**INSTRUCTIONS TO CIRCULATOR:** This section must be completed following circulation and before filing.

(name of circulator—print) (address of circulator)  
 Print Name of the circulator Residence Address City State

I, under oath, state that I circulated the above nominating petition, that each signer personally signed this petition in my presence, that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration, that I attest the locality of the signatories and that each person signing the petition is a qualified voter of the municipality of Sioux Falls.

(circulator's signature—write)  
 Signature of Circulator

Sworn to before me this      (day) day of      (month) 20 09

(Seal) (notary signature)  
 Signature of Officer Administering Oath

My Commission Expires (date notary expires)      20       
 Notary Public  
 Title of Officer Administering Oath

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**NOMINATING PETITION**  
 For  
 Municipal Elections

Office: \_\_\_\_\_

Decision to be held \_\_\_\_\_ 20\_\_

Office: \_\_\_\_\_ 20\_\_

Received and filed \_\_\_\_\_



320 West Fourth Street, Sioux Falls, SD 57104-2413  
www.siouxfalls.org

Police Information 605-367-7212  
FAX 605-367-7228  
TTY/Hearing Impaired 605-367-7231

Dear City Candidate(s) and Committee(s):

This is just a friendly reminder that the following ordinances of the City of Sioux Falls applies to **political or campaign signs** as well as commercial signs. It basically prohibits the placing of signs on any public right-of-way.

**Chapter 3, Section 3.1. Posting on public property.** No person shall nail, paste, paint or otherwise affix in any manner any lithograph, sign, advertisement, picture or design whatever upon any bridge, viaduct, sidewalk, parking, parkway, boulevard, crosswalk, curb or street or upon the railing or approaches of any bridge, viaduct or sidewalk or upon any telephone, telegraph, electric light or fire alarm pole or post.

**Section 15.57.060(k)(3). Political campaign signs.** Shall not exceed nine (9) square feet in any Residential or Institutional District and 24 square feet in any Office, Commercial, or Industrial District. Such signs may be displayed **60 days prior to, and seven days** after the election for which they are intended.

You should be sure that all persons working on your campaign signs are aware of these ordinances and properly place any signs with the permission of the private landowner. Signs which are improperly placed on a public right-of-way will be removed by the Police Department and destroyed.

**It is the responsibility of the candidate and committee to remove all signs, including those at each polling place, once the election is over.**

We would appreciate your cooperation in this matter.

Sincerely,

Doug Barthel  
Chief of Police

**Community Services**  
605-367-7230  
FAX 605-367-7054

**Crime Lab**  
605-367-7220  
FAX 605-367-4682

**Detective Division**  
605-367-7234  
FAX 605-367-7371

**Patrol Division**  
605-367-7216  
FAX 605-367-7228

**Records Section**  
605-367-7226  
FAX 605-367-7228

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## Placing Campaign Signs at a Polling Place

**SDCL 12-18-3. Electioneering, offices, communications centers, and polling prohibited near polling place—Violation as misdemeanor.** Except for sample ballots and materials and supplies necessary for the conduct of the election, **no person may, in any polling place or within or on any building in which a polling place is located or within 100 feet from any entrance leading into a polling place, maintain an office or communications center or public address system or display campaign posters, signs or other campaign materials** or by any like means solicit any votes for or against any person or political party or position on a question submitted. No person may engage in any practice which interferes with the voter's free access to the polls or disrupts the administration of the polling place, or conduct, on the day of an election, any exit poll or public opinion poll with voters within one hundred feet of a polling place. A violation of this section is a Class 2 misdemeanor.

## Size of Campaign Signs

**Section 15.57.060(3)** of the City's Zoning Ordinance states that political campaign signs shall not exceed nine (9) square feet in any residential or institutional district. They shall not exceed 24 square feet in any office, commercial, or industrial district.

## When Campaign Signs Can Be Displayed

**Section 15.57.060(3)** of the City's Zoning Ordinance states that political signs may be displayed 60 days prior to, and seven (7) days after, the election for which they are intended.

## Assemblies, Parades, and Processions

### **City Ordinance Section 38-133 and 38-134.**

A permit is required from the Police Department for the following:

**Assembly** means any block party, demonstration, rally, gathering or group of ten or more persons, animals, or vehicles, or a combination thereof having a common purpose, design, or goal, upon any public street, sidewalk, alley or other public place, which assembly substantially inhibits the usual flow of pedestrians or vehicular travel or which occupies any public area, other than a parade.

**Parade** means any scheduled walk, demonstration, procession, motorcade consisting of persons, animals or vehicles; or a combination thereof having a common purpose, design, designation or goal, upon any public place, which does not comply with normal and usual traffic regulations and controls.

**Spontaneous event** means an unplanned or unannounced coming together of persons, animals or vehicles as described in this section, which was not contemplated beforehand by any participants therein and which is caused by or in response to unforeseen circumstances or events and which is neither a parade nor an assembly, as defined in this section.

**Sec. 14-51. Definitions.**

Terms in this chapter mean:

*Ballot question.* Any referendum, initiative, proposed city charter amendment, or other measure submitted to voters at any election.

*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.

*Candidate.* Any person who seeks election to the office of mayor or member of the city council, whether or not successfully. A person shall be deemed to seek election when he or she first:

- (1) Raises, collects, or disburses contributions in excess of \$500.00; or
- (2) Has created a candidate campaign committee for the purpose of obtaining 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) Authorizes the solicitation of contributions or the making of expenditures; 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), or (4) of this section.

*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.

*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.

*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 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:

- (1) The election, or re-election of any person to public office; or
- (2) The placement of a ballot question on the ballot or the adoption or defeat of any ballot question submitted.

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. Contributions are reportable upon delivery.

*Commercial advertising.* 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.

*Election.* Any election for public office; any regular, special, or runoff election; and any election on a ballot question.

*Expressly advocate.* Any communication which:

- (1) In context has no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates, public office holders, or the placement of a ballot question on the ballot or the adoption or defeat of any ballot question by use of explicit works of advocacy of election or defeat. The following words convey a message of express advocacy: vote, re-elect, support, cast your ballot for, reject, and defeat; or
- (2) 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, public office holders, or the placement of a ballot question on the ballot or the adoption or defeat of any ballot question because:
  - a. The electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning; and
  - b. Reasonable minds could not differ as to whether it encourages action to elect or defeat one or more clearly identified candidates, 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.

*Immediate family.* A spouse of a candidate or public office holder, or a person under the age of 18 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.

*Independent expenditure.* An expenditure 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 and solicitation of 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.

*In-kind.* A good or service provided at no charge or for less than its 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 any person's residence or office.

*Loan.* A transfer of money, property, guarantee, or anything of value in exchange for an obligation, conditional or not, to repay in whole or in part.

*Organization.* Any business corporation, limited liability company, nonprofit corporation, limited liability partnership, limited partnership, partnership, cooperative, trust, business trust, association, club, labor union, collective bargaining organization, local, state, or national organization to which a labor organization pays membership or per capita fees, based upon its affiliation and membership, trade or professional association that receives its funds from membership dues or services fees, whether organized inside or outside the state, any entity organized in a corporate form under federal law or the laws of South Dakota, or any group of persons acting in concert which is not defined as a political committee or political party in this chapter.

*Person.* A natural person.

*Political action committee.* 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:

- (1) Person that makes a contribution to a political committee or political party; or
- (2) Organization that makes a contribution to a ballot question committee from treasury funds.

*Political committee.* Any candidate campaign committee, political action committee, or ballot question committee.

*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 the 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.

*Public office.* Any mayoral or city council office.

*Qualified nonprofit corporation.* Any nonprofit corporation subject to the provisions of SDCL chapters 47-22 to 47-28, inclusive, that was organized for the purposes of promoting political ideas and cannot engage in business activities, has no shareholders or other persons affiliated so as to have a claim on the assets or earnings, was not established by a corporation, and has not accepted more than de minimis amount of funds from any corporation.

*Volunteer.* A person who provides services free of charge and does not receive compensation for services rendered.