

# How to be a Statewide Candidate

Campaign Finance Reporting, Petition Requirements, and Important Dates



A handwritten signature in blue ink that reads "Jason M. Gant".

Jason M. Gant  
South Dakota Secretary of State

## GENERAL INFORMATION

### **Qualifications and Term Limits**

These qualifications apply for the following candidates:

#### **U.S. Senator**

30 years old, 9 years of U.S. citizenship, inhabitant of state when elected

Term limit: No limit

#### **U.S. Representative**

25 years old, 7 years of U.S. citizenship, inhabitant of state when elected

Term limit: No limit

#### **Governor and Lieutenant Governor**

21 years old, 2 years residency, citizen of United States

Term limit: 2 consecutive terms

#### **Secretary of State, Attorney General, State Auditor, State Treasurer and Commissioner of School and Public Lands**

No specified qualifications

Term limit: 2 consecutive terms

#### **Public Utilities Commissioner**

25 years old, 2 years residency, qualified voter of the state, no conflict of interest

Term limit: No limit

### **Filing Office**

The Secretary of State is the filing office for United States Senate, United States Representative and gubernatorial candidates. Each candidate needs to circulate a nominating petition and achieve the required amount of signatures. Please refer to the [Circulating a Nominating Petition](#) manual to learn how the petition process works.

The required amount of signatures is based off of the last gubernatorial election. For a partisan candidate, you must obtain 1% of the total vote for your political party's candidate for governor at the last gubernatorial election ([SDCL 12-6-7](#)). An independent candidate must obtain 1% of the total vote for all candidates for governor at the last gubernatorial election ([SDCL 12-7-1](#)). Please refer to the Secretary of State's website at [sdsos.gov](https://sdsos.gov) for the most up-to-date signature requirements. An independent candidate for Governor shall certify the candidate's selection for Lieutenant Governor to the Secretary of State prior to circulation of the candidate's nominating petition ([SDCL 12-7-1](#)). You can find the 'Independent Candidate Declaration of Candidacy and Certification of Running Mate' [here](#).

Candidates for Lieutenant Governor, Secretary of State, Attorney General, State Auditor, State Treasurer, Commissioner of School and Public Lands and Public Utilities Commissioner are nominated at each respective political party's state convention ([SDCL 12-5-21](#)). Each political party must then certify their candidates to the Secretary of State within three days of the close of the convention ([SDCL 12-5-22](#)).

### **Deadline to File Nominating Petition**

The deadline to file a partisan nominating petition for United States Senate, United States Representative and Governor is the last Tuesday in March at 5:00 p.m. of the election year. The deadline to file as an independent candidate is the last Tuesday in April at 5:00 p.m. of the election year. Please refer to [sdsos.gov](#) for the deadline date during each election cycle. Petitions postmarked by Registered Mail<sup>1</sup> prior to 5:00 p.m. on the last day to file and received after the deadline will be considered filed in a timely fashion. Certified and First-Class Mail received after the deadline will not be considered filed.

### **Deadline to Withdraw**

The deadline to withdraw your nomination for the Primary Election is the last Thursday in March at 5:00 p.m. of the election year ([SDCL 12-6-8.1](#)). The deadline to withdraw for the General Election is the first Tuesday in August at 5:00 p.m. of the election year ([SDCL 12-6-55](#)). If the request is postmarked by Registered Mail prior to 5:00 p.m. on the last day to file and received after the deadline, the request will be considered filed. Certified and First-Class Mail received after the deadline will not be considered filed.

### **Write-in Candidates**

South Dakota prohibits write-in candidates or write-in votes of any kind ([SDCL 12-20-21.2](#)).

## **FINANCIAL INTEREST STATEMENT**

A statewide candidate must file a 'Statement of Financial Interest – Candidate for Public Office' with the Secretary of State within 15 days after filing nominating petitions ([SDCL 12-25-28](#)). A candidate that is nominated at convention must file a 'Statement of Financial Interest – Candidate for Public Office' no later than 15 days after the conclusion of the convention ([SDCL 12-25-29](#)).

A statewide candidate that is elected must file a 'Statement of Financial Interest – Elected Official' within 15 days of taking the oath of office ([SDCL 3-1A-2](#)). All Financial Interest Statements can be found on the Secretary of State's website at [sdsos.gov](#).

## **CAMPAIGN FINANCE**

### **Statement of Organization**

A candidate for Governor must file a Statement of Organization for a candidate campaign committee no later than 15 days after filing their nominating petition or after raising or expending \$500 or more, whichever comes first ([SDCL 12-27-3, 12-27-1\(4\)](#)). The Statement of Organization may be filed in person at the Secretary of State's office, by mail, online with the Secretary of State C.A.S.H. System, by e-mail or by fax ([SDCL 12-27-41](#)). United States Senate and United States Representative candidates do not need to file campaign finance disclosures with the Secretary of State; they will file with the Federal Elections Commission ([SDCL 12-27-3](#)).

A candidate for Lieutenant Governor, Secretary of State, Attorney General, State Auditor, State Treasurer, Commissioner of School and Public Lands or Public Utilities Commissioner that is nominated at convention would need to file a Statement of Organization no later than 15 days after the conclusion of the convention or after raising or expending \$500 or more, whichever comes first.

### **Treasurer Duties**

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

- 1) Each monetary contribution and in-kind contribution received;
- 2) Each loan received or made by the candidate committee;
- 3) Each refund, rebate, interest, or other income received;
- 4) All receipts, invoices, bills, canceled checks, or other proofs of payment, with an explanation of each, for each expenditure; and
- 5) 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. Any violation of these duties is a Class 1 misdemeanor ([SDCL 12-27-29](#)).

### **Campaign Finance Disclosure Statement**

A statewide candidate must file a Year-End Disclosure Statement with the Secretary of State by 5:00 p.m. on February 1<sup>st</sup> following an election year, a Pre-Primary Disclosure Statement by 5:00 p.m. the second Friday prior to the Primary Election if the candidate's name is on the ballot, and a Pre-General Disclosure

Statement by 5:00 p.m. the second Friday prior to the General Election if the candidate's name is on the ballot. If the candidate is seeking nomination at the state convention, then a Pre-Convention Disclosure Statement is due by 5:00 p.m. the second Friday prior to the convention. Each disclosure statement filed shall be consecutive and cover contributions and expenditures since the last statement filed ([SDCL 12-27-22](#)). A \$50 per day administrative fine may be assessed for any statement not filed on time ([SDCL 12-27-29.1](#)). A disclosure statement can be found on [sdsos.gov](http://sdsos.gov).

Every candidate is required to report all contributions of \$100.01 or more and multiple contributions from a single contributor that cumulatively exceed \$100.01 or more ([SDCL 12-27-24\(14\)](#)). Every candidate is also required to report the aggregate total of all contributions of \$100.00 or less, but is not required to itemize the contributions ([SDCL 12-27-24\(13\)](#)).

A contribution is defined as 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:

- a) The nomination, election, or re-election of any person to public office; or
- b) The placement of a ballot question on the ballot or the adoption or defeat of any ballot question 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 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 ([SDCL 12-27-1](#)).

An in-kind contribution is defined as 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 ([SDCL 12-27-1](#)).

Any printed material or communication made, purchased, paid for, or authorized by a candidate which expressly advocates for or against a candidate, public office holder, ballot question, or political party shall prominently display or clearly speak the statement: "Paid for by (name of candidate, political committee, or political party)." This section does not apply to buttons, balloons, pins, pens, matchbooks, clothing, or similar small items upon which the inclusion of the statement would be impracticable ([SDCL 12-27-15](#)).

### **Contribution Limits**

The following limits apply during each calendar year:

- Statewide candidate: \$4,000
- Legislative candidate: \$1,000
- County candidate: \$1,000
- Political Party: \$10,000
- Political Action Committee: \$10,000
- Ballot Question Committee: No limit

There is no limit to the amount any candidate or the candidate's immediate family may contribute to the candidate's campaign committee.

Immediate family is defined as a spouse of a candidate or public office holder, or a person under the age of eighteen years who is claimed by that candidate or public office holder or that candidate's or public office holder's spouse as a dependent for federal income tax purposes or any relative within the third degree of kinship of the candidate or the candidate's spouse, and the spouses of such relatives ([SDCL 12-27-1\(10\)](#)).

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 Class 1 misdemeanor for a political committee or political party to accept a contribution from an individual that exceeds the contribution limit.

### **Anonymous Contributions**

No person or organization may make a contribution in the name of another person or organization, make a contribution disguised as a gift, make a contribution in a fictitious name, make a contribution on behalf of another person or organization, or knowingly permit another to use that person's or organization's name to make a contribution. No candidate may accept a contribution disguised as a gift ([SDCL 12-27-12](#)).

## **Organization Contributions**

A candidate may not receive a contribution from an organization ([SDCL 12-27-18](#)). An organization is defined as any business corporation, limited liability company, nonprofit corporation, limited liability partnership, limited partnership, partnership, cooperative, trust except a trust account representing or containing only a contributor's personal funds, 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 service fees, whether organized inside or outside the state, 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 in this chapter ([SDCL 12-27-1\(16\)](#)).

## **Supplemental Statement**

A supplemental statement must be filed if any candidate campaign committee for statewide office receives a contribution of \$500 or more within fourteen days immediately prior to an election. The statement shall be filed within forty-eight hours of the receipt of the contribution ([SDCL 12-27-28](#)). A Supplemental Statement can be found online at [sdsos.gov](https://sdsos.gov).

## **Campaign Signs**

Campaign signs are regulated by ordinance in some municipalities. The municipal ordinance will regulate political campaign signs within the city limits. The ordinance may specify any of the following:

- 1) When political campaign signs can be posted and when the signs must be taken down.
- 2) The size of the political campaign signs.
- 3) Where political campaign signs can or cannot be posted.

The county may also have an ordinance that regulates political campaign signs outside of the city limits. The South Dakota Department of Transportation regulates the use of right-of-ways. The use of right-of-ways is reserved for highway signage. Any sign in the right-of-way that is not required for traffic control as authorized by law is prohibited and will be removed. This includes both candidate and ballot issue signs. For more information regarding right-of-ways, please contact the Department of Transportation at 605-773-5103.