

## South Dakota Lobbyist Statutes – Effective July 1, 2018

(Highlighted statutes are regarding expense reports.)

**2-12-1. Names of lobbyists to be registered with secretary of state--Termination of employment.** Any person who employs any other person to act as a lobbyist to seek the introduction of legislation or to promote, oppose, or influence in any manner the passage by the Legislature of any legislation affecting the special interests of any agency, individual, association, or business, as distinct from those of the whole people of the state, or to act in any manner as a lobbyist in connection with any such legislation, shall register the name of the person so employed or agreed to be employed, with the secretary of state, to be included in a directory of registered lobbyists as hereinafter provided. The lobbyist shall also register with the secretary of state. Upon the termination of such employment prior to the adjournment sine die of a legislative session, such fact shall be entered opposite the name of any person so employed, either by the employer or employee.

**Source: SDC 1939, § 55.0701; SL 1977, ch 23, § 1; SL 1991, ch 23, § 1; SL 2017, ch 222 (Initiated Measure 22), § 64; SL 2017, ch 72, § 31, eff. Feb. 2, 2017.**

**2-12-2. Directory of lobbyists kept by secretary of state--Contents of entries--Open to inspection.** The secretary of state shall prepare and keep a directory of registered lobbyists, in conformity with the provisions of this chapter, in which shall be entered the names of all persons employed for any purpose in connection with any legislation included within the terms of this chapter. The directory shall contain the name and business address of the employer, the name, city and state of residence, email address, phone number, and occupation of the person employed, the date of the employment or agreement therefor, the length of time the employment is to continue, if such time can be determined, and the special subject or subjects of legislation, if any, to which the employment relates. The directory shall be a public record and open to the inspection of any citizen, upon demand, at any time during the regular business hours of the Office of the Secretary of State.

**Source: SDC 1939, § 55.0702; SL 1977, ch 23, § 2; SL 1991, ch 23, § 2.**

**2-12-3. Annual registration fee.** Each lobbyist who registers and is employed pursuant to this chapter shall pay to the secretary of state an annual registration fee for each employer represented by the lobbyist. The secretary of state shall promulgate rules pursuant to chapter 1-26 to set the fee for lobbyist registration. The annual registration fee for a lobbyist may not exceed sixty-five dollars. The annual registration fee shall be deposited in the general fund.

**Source: SL 1957, ch 281, §§ 1, 2; SDC Supp 1960, § 55.0702-1; SL 1967, ch 248; SL 1977, ch 23, § 3; SL 1978, ch 21, § 2; SL 1981, ch 16, § 1; SL 1991, ch 23, §§ 3, 4; SL 2003, ch 8, § 3; SL 2009, ch 4, § 3; SL 2011, ch 16, § 1.**

**2-12-4. Authorization to act as lobbyist for employer.** Each lobbyist or employer shall file with the secretary of state, within ten days after the date of registration, a written or electronic authorization for a person to act as a lobbyist for an employer. The format for the authorization shall be prescribed by the secretary of state.

**Source: SDC 1939, § 55.0704; SL 1977, ch 23, § 4; SL 1991, ch 23, § 5; SL 2012, ch 21, § 1.**

**2-12-5. Specific legislation to be shown in directory entries--Employment of unregistered lobbyists prohibited.** Any person employing any lobbyist shall, whenever further subjects of legislation are introduced or arise which such lobbyist is hired to promote or oppose, make or cause to be made additional entries opposite his name in the directory, stating such additional employment in such manner that such entries shall show all the subjects of legislation in relation to which any lobbyist is employed. No person, agency, business organization, or association may, directly or indirectly, employ any person as lobbyist in respect to any legislation coming within the terms of this chapter, unless the name of such person is duly entered on the lobbyist directory as provided by this chapter.

**Source: SDC 1939, § 55.0703; SL 1977, ch 23, § 5; SL 1991, ch 23, § 6.**

**2-12-6. Contingent compensation employment prohibited.** No person may be employed as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed legislation or upon any other contingency connected with the action of the Legislature, or of either house thereof, or of any committee thereof.

**Source: SDC 1939, § 55.0703; SL 1977, ch 23, § 6; SL 1985, ch 17, § 13.**

**2-12-7.1. Employees of executive branch, a constitutional office, or the judicial system representatives required to register as public employee lobbyists--Budgetary** testimony before appropriations committees excepted. Any person employed in the executive branch of state government, a constitutional office, or the judicial system, who is not an elected official or who is not subject to confirmation by the senate, who is authorized to officially represent any department of the executive branch, constitutional office, Public Utilities Commission, or judicial system in any capacity before the Legislature or any of its several committees shall register as an executive or judicial agency representative for such department or office in the same manner and under the same provisions of this chapter as apply to all lobbyists, but need pay no fee. Every executive and judicial agency representative shall wear a badge which shall be visible at all times when engaged in representing the department. The badge shall be provided by the secretary of state and be of a color different from the color of lobbyist badges. The badge shall bear the identity of the agency the person has registered to represent and shall state the name of the person. The provisions of this chapter do not apply to employees of the executive branch testifying on budgetary matters before the appropriations committees of the Legislature.

**Source: SL 1977, ch 23, § 14; SL 1986, ch 25, § 1; SL 1991, ch 23, § 7.**

**2-12-8. Lobbyists not to go on floor except by invitation--Violation as petty offense.** No person, employed for a pecuniary consideration to act as a lobbyist as defined by this chapter, may go upon the floor of either house of the Legislature reserved for the members thereof while in session, except upon the invitation of that house. A violation of this section is a petty offense.

**Source: SDC 1939, § 55.0705; SL 1977, ch 23, § 7; SL 1980, ch 24, § 25; SL 1985, ch 17, § 14.**

**2-12-8.1. Badges required of lobbyists within capitol complex--Fees--Composition--Petty offense.** Every lobbyist shall wear a badge which shall be visible at all times when engaged in lobbying within the capitol complex. The badge shall be provided by the secretary of state upon payment of fees and shall bear the word "lobbyist" and the identity of the principal on behalf of whom the lobbyist has registered. The badges for each year shall be of colors designated by the secretary of state. The badge shall state the name of the lobbyist. A violation of this section by a lobbyist is a petty offense.

**Source: SL 1977, ch 23, § 16; SL 1978, ch 21, § 1; SL 1980, ch 24, § 26; SL 1986, ch 25, § 2.**

**2-12-8.2. Officials and personnel prohibited from lobbying within two years after termination of service--Violation as misdemeanor.** No elected officer, department or agency head, or division director, or the highest paid employee reporting to such person may be compensated, act, or register as a lobbyist, other than a public employee lobbyist, during a period of two years after that person's termination of service in the state government. A violation of this section is a Class 1 misdemeanor.

**Source: SL 1977, ch 23, § 15; SL 1980, ch 24, § 27; SL 2011, ch 17, § 1; SL 2017, ch 222 (Initiated Measure 22), § 65, eff. Nov. 16, 2016; SL 2017, ch 72, § 32, eff. Feb. 2, 2017; SL 2017, ch 18, § 1.**

**2-12-9. Improper influence of legislation or legislators as misdemeanor.** Any person who threatens, harms, offers to make bribes of money or other inducements, offers or gives gifts or other types of consideration to any person for the purpose of obtaining sponsorship or introduction of legislation, influencing the form of legislation, attempting to influence any member of the Legislature to vote for or against any measure pending therein, or for or against any candidate for any office to be elected or appointed by the Legislature, attempting to influence any officer of either house of the Legislature in naming of members and officers of committees, or in the performance of any of his duties, or attempting to influence or control the action of any member in relation to any matter coming before the Legislature, or any of its committees is guilty of a Class 1 misdemeanor.

**Source: SDC 1939, § 55.0705; SL 1977, ch 23, § 8; SL 1980, ch 24, § 28; SL 2017, ch 222 (Initiated Measure 22), § 66, eff. Nov. 16, 2016; SL 2017, ch 72, § 33, eff. Feb. 2, 2017.**

**2-12-10. Restrictions on activities of state and federal agents and employees.** No person, officer, agent, appointee, or employee in the service of this state or of the United States shall attempt to influence any member of the Legislature to vote for or against any measure pending therein affecting the pecuniary interests of such person, except in the manner authorized herein in the case of lobbyists.

**Source: SDC 1939, § 55.0705; SL 1977, ch 23, § 9.**

**2-12-11. Expense reports filed with secretary of state--Open to public inspection--Administrative penalty for untimely report.** On or before July first of each year, each registered lobbyist and each employer of a registered lobbyist whose name appears in the directory in that year shall submit to the secretary of state a complete and detailed report of all costs incurred for the purpose of influencing legislation. The report shall be submitted in writing or electronically in a format prescribed by the secretary of state. However, the personal expenses of the lobbyist spent upon the lobbyist's own meals, travel, lodging, phone calls or other necessary personal needs while in attendance at the legislative session need not be reported. The completed reports shall be open to public inspection. The terms, costs, and expenses, as used in this section do not mean the compensation paid by the employer to the lobbyist.

Any lobbyist expense report filed pursuant to this section is exempt from the ten dollar filing fee prescribed in subdivision 1-8-10(2).

Any person who is authorized to act as a lobbyist on behalf of an employer pursuant to § 2-12-4, but does not conduct any lobbying activities pursuant to § 2-12-1 nor act in any manner as a lobbyist in connection with representing that employer, is not required to file any report required under this chapter.

The secretary of state may impose an administrative penalty for the failure to timely file any report required by this section. The secretary of state may impose a penalty not to exceed one hundred dollars on a registered lobbyist or employer of a registered lobbyist for any report that is not timely filed in accordance with this section. Any administrative penalty collected pursuant to this section shall be deposited into the general fund.

**Source: SDC 1939, § 55.0706; SL 1977, ch 23, § 10; SL 1991, ch 23, § 8; SL 1993, ch 32; SL 2009, ch 4, § 4; SL 2011, ch 16, § 2; SL 2012, ch 21, § 2; SL 2017, ch 222 (Initiated Measure 22), § 67; SL 2017, ch 72, § 34, eff. Feb. 2, 2017.**

**2-12-13. Elected board members of local government or federally recognized Indian tribe and church representatives exempt.** This chapter does not apply to any elected member of the governing board of any unit of local government or federally recognized Indian tribe. This chapter does not apply to any person representing a bona fide church solely for the purpose of protecting the public right to practice the religious doctrines of the church.

For the purposes of this section, the term, federally recognized Indian tribe, means the Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Flandreau Santee Sioux Tribe, Lower Brule Sioux Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Sisseton Wahpeton Oyate, Standing Rock Sioux Tribe, and Yankton Sioux Tribe.

**Source: SDC 1939, § 55.0707; SL 1977, ch 23, § 12; SL 1991, ch 23, § 10; SL 2017, ch 19, § 1.**

**2-12-14. Right of citizens to appear and speak in their own interests not infringed.** This chapter shall not be construed to infringe upon the right of any citizen to appear as a witness before any legislative committee or any board, commission, or committee of state government to speak in their own name, in their own or in the public interest.

**Source: SL 1977, ch 23, § 13.**

**2-12-15. Definition of terms in §§ 2-12-15 to 2-12-19. Terms used in §§ 2-12-15 to 2-12-19, inclusive, mean:**

- (1) "Immediate family," the spouse or any minor children living at home;
- (2) "Lobbyist," any person who is registered pursuant to § 2-12-1; and
- (3) "Principal," any person or organization as defined in § 12-27-1 that employs or otherwise compensates a lobbyist or authorizes a lobbyist to lobby on behalf of that person or organization. A person's membership in or employment by an organization that employs or compensates a lobbyist does not qualify such person as a principal.

**Source: SL 2017, ch 20, § 1.**

**2-12-16. Limitation on gifts from or through lobbyists--Violation as misdemeanor.** No public official and no member of the immediate family of a public official may accept from any lobbyist or principal any gifts with a cumulative value greater than one hundred dollars during any calendar year. Beginning on January 1, 2019, and again on January first of each year thereafter, the cumulative value applicable in this section shall be adjusted by the index factor as provided in § 2-12-19, and the adjusted cumulative value for the year shall be published on the secretary of state's website. Any person who knowingly and intentionally violates any provision of this section is guilty of a Class 1 misdemeanor.

**Source: SL 2017, ch 20, § 2.**

**2-12-17. Public official defined.** For purposes of §§ 2-12-15 to 2-12-19, inclusive, the term, public official, means:

- (1) Any person holding a statewide office as defined in § 12-27-1, including any person who has been elected or appointed but who has not yet assumed office;
- (2) Any head of an agency in the executive branch, including any person who has been appointed but who has not yet assumed office; or
- (3) Any member or member-elect of the Legislature.

**Source: SL 2017, ch 20, § 3.**

**2-12-18. Gift defined.** For purposes of §§ 2-12-15 to 2-12-19, inclusive, the term, gift, means anything of value, including any object, money, property, or service, that is given without compensation or remuneration. The term does not include:

- (1) Anything of value for which the recipient paid an equal or greater value;
- (2) Any contribution to a political committee that is regulated by the Federal Elections Commission or under chapter 12-27;
- (3) Any service or event to assist a public official in the performance of official duties, including any cost to educate or inform the public official on matters of public policy; any advice, information, consultation, or communication regarding actual or proposed legislation; any service to constituents or to promote the economic development of the state;
- (4) Any food, entertainment, or beverage provided for immediate consumption;
- (5) Anything of value exchanged between immediate family members;
- (6) The cost of admission to any state-owned facility or state-sponsored industry or event, if provided by the sponsoring state agency, political subdivision, or publicly funded institution;
- (7) Anything of value received due to membership in a group, the majority of whose membership is not comprised of public officials, if the object or other thing of value is also given to other members of that group or to other members who also serve as officers or directors of that group; or
- (8) Any scholarship, prize, or financial support awarded or supported by a principal for a program related to education, and widely available and generally awarded to qualifying members of the public, the majority of whom are not comprised of public officials or the immediate family of public officials.

**Source: SL 2017, ch 20, § 4.**

**2-12-19. Index factor defined.** For the purposes of §§ 2-12-15 to 2-12-19, inclusive, the index factor is the annual percentage change in the consumer price index for urban wage earners and clerical workers as published by the United States Department of Labor for the year before the year immediately preceding the year of adjustment.

**Source: SL 2017, ch 20, § 5.**