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# Independent

**\$2**



Vol. 134 No. 08 ♦ Groton, Brown County, South Dakota ♦ Wednesday, Oct. 12, 2016 ♦ Established in 1889

## Groton Hosts the Annual Lake Region Marching Band Festival

On Friday, October 14th the Groton JH/HS Bands, thirteen area school bands, and the Northern State University Marching Wolves will converge in Groton for the Lake Region Marching Band Festival. The parade of bands will travel from South to North on Groton's Main Street from Railroad Avenue to 9th Avenue, beginning at 10:00 a.m. Following the parade, the NSU Marching Wolves will present a field marching show for all bands in attendance.

This festival originated in Milbank then moved to Waubay for 11 years. Since 2013 Groton has hosted the festival and it plans to remain there for the foreseeable future. Bands will be evaluated on their performance by a panel of three judges. Awards will be given to the top two bands in each of three categories: high school bands, middle school bands, and combined bands. A "People's Choice" award will also be awarded by a separate, secret judging panel placed throughout the parade route. Awards will also be given to the bands with the best color guard, the best drumline, and the best winds.

The festival has become a premier marching event in Northeast South Dakota, attracting bands and spectators from towns across the region. The public is invited to watch the parade of bands on Main Street as well as the NSU Marching Wolves field marching show and awards at the football field. Concessions will be available both on main street during the parade and at the football field.

Attending the festival are bands from Hoven, Leola, Aberdeen Roncalli, Ipswich, Northwestern, Waubay, Langford, Aberdeen Simmons & Holgate Middle School, Milbank Middle School, Watertown Middle School, Great Plains Lutheran High School, Britton Hecla High School, and Warner High School.

The event will be live streamed at [gdilive.com](http://gdilive.com)

The Primary sponsor of the festival is the Groton Dairy Queen.

## Groton holds first Pumpkin Fest



**There was a long line for food at the Groton Pumpkin Fest held Saturday in the city park. It was estimated that between 400 and 500 people attended the community event.** (Photo lifted from GDILIVE.COM)



**Many trips to the Pumpkin Patch were made Saturday.** (Photo lifted from GDILIVE.COM)



**The four Pumpkineers, April Abeln and Topper Tastad in back, Peggy Locke and David McGannon in front, said in an interview with GDILIVE.COM news that the event was a huge success. McGannon said it was unbelievable, Peggy gave the thumbs up. April said they had some awesome workers. "We had great volunteers and everyone stepped up to do their part. It was a great first year.**

(Photo lifted from GDILIVE.COM)



**Pam Rix told GDILIVE.COM news that they made 200 bags of Puppy Chow. It took all week to make them up as several batches had to be made. Those assisting her were Jan Schelle, Betty Oliver and Deb Olson.** (Photo lifted from GDILIVE.COM)



**Mayor Scott Hanlon told GDILIVE.COM news that he bought the specially decorated pumpkin from a SPURS fundraiser. He said, "I'd like to thank everyone who helped with this event. We had a real good turnout. All the organizations in town have contributed. Many private people donated their pumpkins. Thanks everyone who had input and to the community."** (Photo lifted from GDILIVE.COM)



**The inflatables were a hit at the Pumpkin Fest.** (Photo lifted from GDILIVE.COM)

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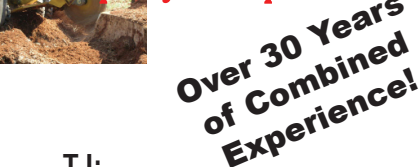
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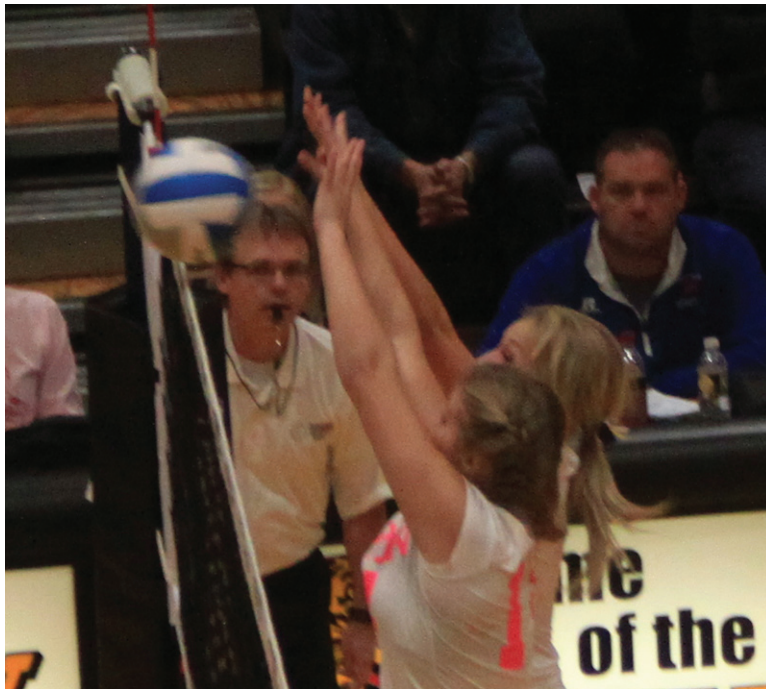
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**Tigers need five games to shake Patriots**



Hitchcock-Tulare jumped out to a 2-0 lead, forcing the Tigers to play catch-up and won the last three games win the match.

The match was broadcast live at GDILIVE.COM with these sponsors: Leading Edge Industries, Harry Implement, James Valley Seed and Blocker Construction.

The first game featured nine lead changes and the game was tied 11 times as Hitchcock/Tulare pulled out a 25-22 win. There were only three lead changes and the game was tied five times as the Lady Patriots led for most the second game, winning 25-20. Groton Area led for nearly all of the third game as the game was tied three times and there was only one lead change as the Tigers won, 25-18. The Tigers jumped ahead early

and never trailed in the fourth game, winning, 25-16. It was close at the beginning of the fifth game before Groton opened up a five point lead. The Patriots closed to withing one, 14-13, but the Tigers went on to win with an error by the Lady Patriots, 15-13.

In serving, Groton Area was 100 of 107 with eight ace serves. Jessica Bjerke was 21 of 22 with four ace serves. Tady Glover was 17 of 17 with two ace serves. Payton Maine was 20 of 22 with one ace serve and Gia Gengerke was nine of nine with one ace serve. Hitchcock-Tulare was 87 of 96 with eight ace serves. Camryn Binger was 16 of 16 with four ace serves.

In attacks, the Tigers were 203 of 231 with 58 kills. Audrey Wanner was 57 of 68 with 19 kills, Jessica Bjerke was 51 of 55 with 12 kills and Taylor Holm was 33 of 40 with 10 kills. The Patriots were 159 of 174 with 49 kills. Erin Barrie was 46 of 48 with 21 kills.

In sets, Groton Area was 196 of 198 with 45 assists. Katie Koehler was 175 of 177 with 43 assists and Paityn Bonn was 10 of 10 with one assists. The Patriots were 168 of 173 with 46 assists. Kori Tschetter had 22 assists.

Groton Area had 90 digs with Payton Maine having 23, Jessica Bjerke 18, Paityn Bonn 13 and Audrey Wanner 13. Hitchcock-Tulare had 136 digs with Bailey Cole having 35 and Erin Barrie 34.

In blocks, Groton Area had eight with Taylor Holm having one solo and three assists, Katie Koehler having two assists and Gia Gengerke having one solo and one assist. Hitchcock-Tulare had three blocks with April Hamilton, Dawsyn Otto and Baylee Enander each having one.

The seventh graders lost their match, 21-25, 14-25, 25-10 and 11-13. The eighth graders lost their match, 14-25, 20-25 and 25-22, and the junior varisty team won its match, 25-12 and 25-9.

**STATE FFA OFFICERS TO VISIT GROTON FFA**

The Groton FFA Chapter will welcome Jaclynn Knutson – State FFA Reporter – and Alison Simon, State FFA President to Groton High School on Friday, October 14th. While at the school, Knutson and Simon will present workshops to agriculture education classes about team development, personal growth, advocating for agriculture, and the benefits of agricultural education and being an FFA member.

During a year of service to the organization, state FFA officers travel to FFA chapters across the state to talk about opportunities available to students enrolled in agricultural education. State officers develop interactive workshops that encourage students to develop leadership skills and take advantage of opportunities available to FFA members.

Agricultural education incorporates three aspects of learning. The classroom provides basic knowledge; FFA develops leadership and personal skills; and a Supervised Agricultural Experience (SAE) provides hands-on career-related learning while working on the job or in an agricultural business.

FFA is an integral part of agricultural education. Agricultural instructors encourage students to take the knowledge and skills they have acquired in class and apply it to FFA events, such as career development events, which help students explore career interests.

The South Dakota FFA Association is comprised of 83 local chapters preparing over 4,000 students for their future careers. FFA activities and award programs complement instruction in agriculture education by giving students practical experiences to apply what they have



learned. FFA makes a positive difference in the lives of students by developing their potential for premier leadership, personal growth and career success through agricultural education.

**GROTON KIWANIS CLUB**

Lee Schinkel was program leader for Wednesday's weekly Kiwanis dinner meeting. Lee introduced Austin Fordham, new bandman at GHS. Austin, in turn, introduced five GHS band students, who all played solos on their instruments.

Tom Paepke, led the business session, and Lee was substitute secretary.

Roger Rix, new treasurer; gave his report, as well as good results from the annual homecoming tailgate supper. Lori Giedt was chairman of this project.

Roger also announced that the annual Kiwanis sponsored Snow Queen and talent contest will be Nov. 28.

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## Tigers roll along to 7-0



**Bennett Shabazz hands off to Jackson Oliver. Oliver gets a first down on the play.** (Photo lifted from GDILIVE.COM)

Groton had the ball eight times and scored on all eight drives in beating Wagner in football action played in Wagner Friday night, 53-0. The game ended with 2:28 left in the third quarter.

The game was broadcast live on GDILIVE.COM. The sponsors of the game were Allied Climate Professionals with Kevin Nehls of Groton, Bahr Spray Foam of Groton, Blocker Construction, Doug Abeln Seed Company of Groton, James Valley Seed with Doug Jorgenson of Groton, James Valley Telecommunications, Groton Chiropractic Clinic, Groton Ford, Harry Implement of Ferney, Ken's Food Fair of Groton, Leading Edge Industries with Shawn Gengerke, Olson Development, McKiver Collision of Groton, Milbrandt Enterprises, Inc. of Groton, Pro Ag Supply of Aberdeen, S & S Lumber & Hardware Hank, Simon

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Groton received the opening kickoff. Trevon Tuggles would score on Groton's second play with a 56 yard run. The drive started on the Groton 36 yard line and went 61 seconds. Payton Johnson kicked the PAT and it was 7-0.

Wagner's first drive was short lived as Shane Simon would intercept the ball on the third play, setting up Groton's next drive from the Wagner 34 yard line. On Groton's first play, Trevor Pray would score on a 34 yard pass play from Bennett Shabazz in a play that lasted nine seconds. Payton Johnson kicked the PAT and it was 14-0.

Wagner's next drive started from its own 30 yard line. The Red Raiders would get a first down and would have gotten a second first down, only to fumble the ball and it was recovered by Lucas Hinman.

Groton started its next drive from its own 20 yard line. Groton got four first downs before the first quarter ended with Groton on the one-yard line. On the first play in the second quarter, Bennett Shabazz would score from one yard out. Payton Johnson kicked the PAT and was 21-0 with 11:52 left in the second quarter. That drive went 80 yards on 12 plays and lasted 6:42.

Wagner's next play went to third and four before Brandon Keith would intercept the ball, setting up the Tigers on their own 34 yard line. Jackson Oliver would score on a 19 yard pass play from Bennett Shabazz with 8:36 left in the second quarter. Payton Johnson would kick the PAT and it was 28-0. That drive went 65 yards on three plays with two first downs and 1:22.

Wagner could not secure a first down on its next drive and punted on fourth and eight.

Groton Area returned the ball to the Tiger 47 yard line. Groton would need four plays before Seric Shabazz would score on a 14 yard run. The PAT kick was blocked and it was 34-0. That drive lasted two minutes and went 53 yards.

The Red Raiders got a first down on its next drive, but ended up punting on fourth and 20. Groton took over on its own 49 yard line. Seven plays, 3:10 and 51 yards later, Trevon Tuggles would score on a three-yard run. The two point attempt was no good and it was 40-0 at the end of the first half.

Wagner received the ball to start out the second half, but punted on fourth and five. Groton took over on its own 44 yard line. Going 56 yards in 1:31, Groton would get three first downs as Travon Tuggles would score on a 10 yard run with 6:29 left in the third quarter. The PAT kick was good and Groton took a 47-0 lead.

Wagner would not secure a first down on its next drive and punted on fourth and 10. Groton would sub down on its next drive; however, on the first play, Lucas Hinman would dash 59 yards to score for the Tigers, ending the game with 2:28 left in the third quarter, 53-0.

**First Downs:** Groton Area 18, Wagner 4.

**Rushing:** Groton Area 20 rushes for 290 yards (Trevon Tuggles 12-147-3 TDs, Bennett Shabazz 5-59-1 TD, Lucas Hinman 1-59-1 TD, Seric Shabazz 1-16-1 TD, Brandon Keith 1-9); Wagner 13 rushes for 9 yards (Ben Soukup 9-5).

**Passing:** Groton Area (Bennett Shabazz completed 8 of 12 for 186 yards, 2 touchdowns). Wagner (Jace Faulkner completed 5 of 15 for 62 yards).

**Receivers:** Groton Area: Trevor Pray 3-75, Seric Shabazz 1-44, Trevon Tuggles 1-29, Jackson Oliver 2-28, Brandon Keith 1-10; Wagner: Bryce Zephier 4-38, KJ St. Pierre 1-15, Colton Frei 1-9.

**Fumbles:** Groton had none. Wagner had 1, lost 1.

**Penalties:** Groton had 2 for 20 yards, Wagner had 1 for five yards.

**Defensive Leaders:** Groton Area: Brandon Keith 8 tackles and 1 interception, McClain Lone 4 tackles, Shane Simon 1 interception, Lucas Hinman 1 fumble recovery; Wagner: Ben Soukup 8 tackles, Cole Soukup 5 tackles.

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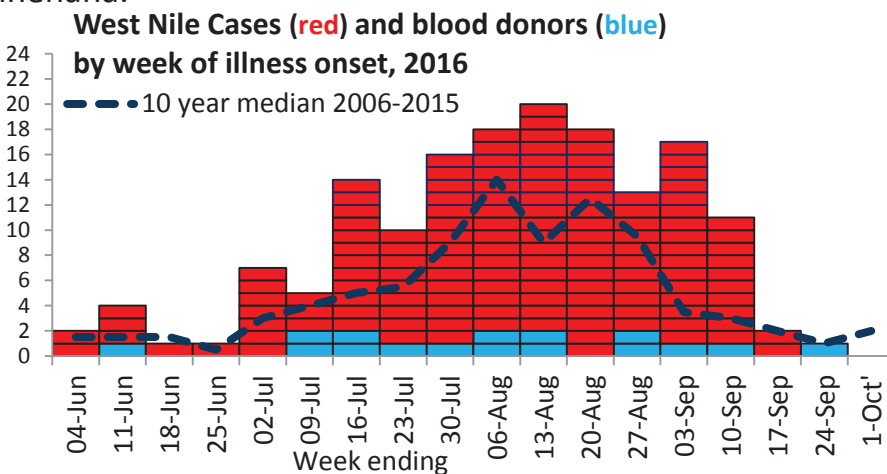
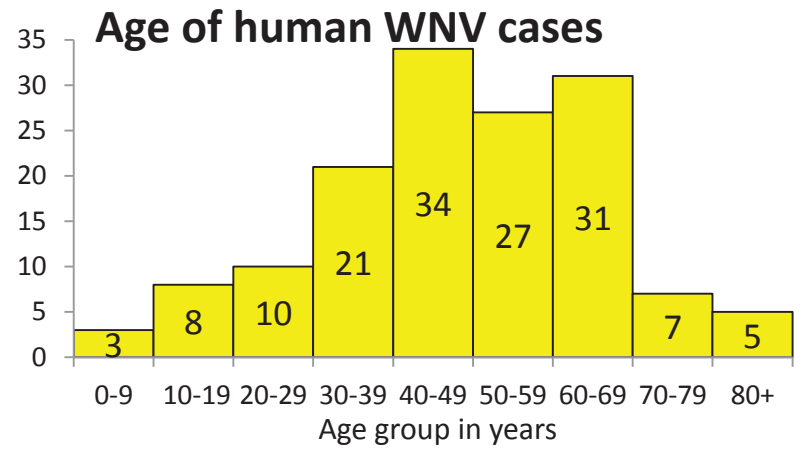
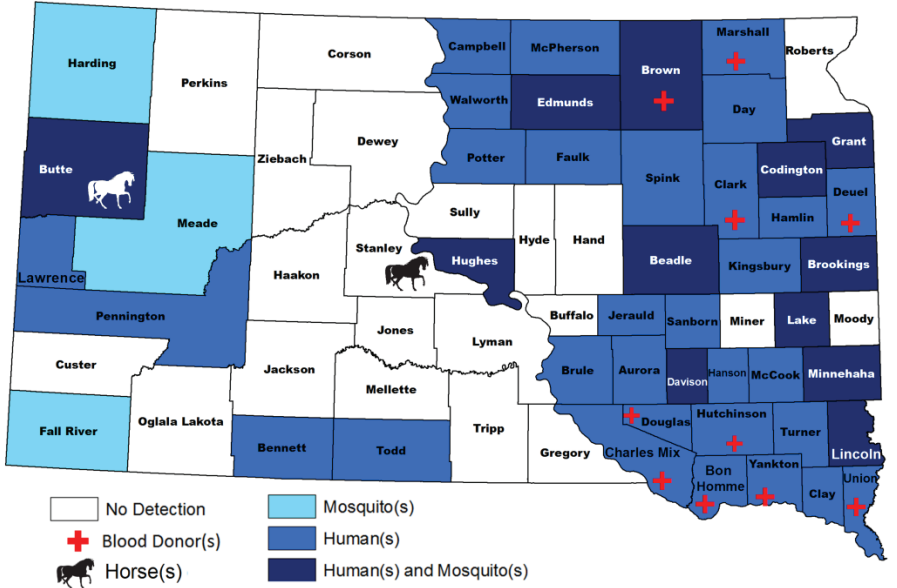
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# West Nile update: South Dakota, 11 October 2016

- **146 human cases of West Nile virus disease** have been reported to the SD Department of Health.
- **Illness:** 24% neuroinvasive disease, 76% WNV fever, 33% hospitalized.
- **Deaths:** 3.
- **Viremic blood donors:** 16.
- **Counties with human WNV cases:** Aurora 3, Beadle 7, Bennett Bon Homme 3, Brookings 6, Brown 15, Brule, Butte 2, Campbell, Charles Mix 8, Clark 4, Clay, Codington 4, Davison 3, Day 2, Deuel, Douglas 3, Edmunds, Faulk 2, Grant, Hamlin 4, Hanson 2, Hughes, Hutchinson 5, Jerauld 2, Kingsbury 2, Lake 4 Lawrence 2, Lincoln 9, Marshall 3, McCook 3, McPherson, Minnehaha 18, Pennington 2, Potter 2, Sanborn, Spink 8, Todd, Turner 3, Union, Walworth, Yankton 2.
- **Counties with viremic blood donors:** Bon Homme 2, Brown 2, Charles Mix, Clark, Deuel, Douglas, Marshall, Minnehaha, Spink Union, Yankton 3.
- **Counties with WNV positive horses:** Stanley, Butte.
- **Counties with WNV positive mosquito detections:** Beadle, Brookings, Brown, Butte, Codington, Davison, Edmunds, Fall River, Grant, Harding, Hughes, Lake, Lincoln, Meade and Minnehaha.



SD Department of Health phone 800-592-1861  
 SD Department of Health: <http://westnile.sd.gov>  
 SDSU WNV risk assessment: <http://mosquito.sdstate.edu>  
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## Weekly Vikings Roundup

By Jordan Wright



The Minnesota Vikings defeated the Houston Texans on Sunday 31-13. The Vikings were firing on all cylinders, scoring three touchdowns on offense to go along with a special teams score. This game could have been a "trap" game, in which the Vikings overlooked their opponent, but head coach Mike Zimmer had his team in the right mindset.

The Texans came into the game leading the league in pass defense. Sam Bradford had his work cut out for him, especially with star wide receiver Stefon Diggs out with injury. Bradford came through, however, completing 22 of 30 passes for 271 yards and two touchdowns. Jerick McKinnon and Matt Asiata split the carries pretty evenly, even though neither could really get anything going against a stingy Texans run defense. Asiata had the better day of the two, running the ball 14 times for 55 yards and a touchdown.

The Vikings defense once again dominated throughout the game, limiting the Texans to their lowest yardage output of the season (214 yards). The Vikings' defensive line was particularly impressive, sacking Brock Osweiler four times and adding 11 quarterback hits. Osweiler was under pressure on nearly half of his pass attempts, which greatly changed how the Texans wanted to operate on offense.

The player of the game has got to be Adam Thielen, who got the start because Diggs was out. Thielen had the best game of his career against a tough Texans defense. Adam caught seven passes for 127 yards and a touchdown, which was the first time in his career he went over 100 yards. Thielen has improved every week, and it should only be a matter of time before he gets the start over Charles Johnson, who hasn't played well this year.

The player who needs the most improvement is T.J. Clemmings. Clemmings has gotten the start at left tackle with Matt Kalil out, and has not performed well. Entering the game, Clemmings was the worst tackle in the NFL according to Pro Football Focus, and his player grade will likely only go down after this game. With the Vikings on a bye this week, I would expect them to look at different combinations along the offensive line. It wouldn't surprise me to see Clemmings relegated to the bench once more.

Looking ahead, the Vikings will get a week of rest before facing off against the Philadelphia Eagles on Sunday, October 23. This will be Sam Bradford's chance to return to Philadelphia and prove to them they made a mistake by trading him. Carson Wentz, the rookie from NDSU, leads a Philadelphia team that gives up less than 13 points per game. This will be a big game for the quarterbacks on both teams, but it will likely end up being a defensive struggle. If the Vikings can play like they have been, the Eagles will be hard pressed to end their reign as the only undefeated team left in the NFL.

For next week's article, I will be taking a look at the other teams in the NFC North, as well as answering some reader submitted questions. If you'd like to submit a question, or if you have any general questions or comments, reach out to me on Facebook: facebook.com/SkolJWright or on Twitter: @SkolJWright

Jordan Wright has been a fan of the Minnesota Vikings since he was 4 years old. After graduating from Groton H.S., Jordan attended NDSU before moving to Portland OR. After recently moving back to South Dakota, he left his job in finance to pursue his dream of covering the Vikings and bringing his passion for the team to his readers.



Jay Peterson and Eddy Opp had to fix a flat tire on one of the train cars. (Photo by Paul Kosel)



Clint Fjelstad drove the tractor with the cars for the little kids around the park. He used a train whistle that Eddy Opp happened to find. He would say, "All Aboard," and then blow his whistle. (Photo by Paul Kosel)



Edward Herb won a pirate pumpkin. (Photo by Paul Kosel)



Axel Abeln won the the Puppy Chow. (Photo by Paul Kosel)



Keri Pappas won the big decorated pumpkin. (Photo by Paul Kosel)



There was face painting at the Pumpkin Fest. Here, Jenifer Fjelstad was painting on Lily Cutler's face. (Photo lifted from GDILIVE.COM)



Joni Groeblinghoff won a pirate pumpkin. (Photo by Paul Kosel)



Three trailers were used to haul people to and from the Pumpkin Patch. (Photo by Paul Kosel)



You could not miss these to huge pumpkins at Groton's Pumpkin Fest held Saturday at the City Park. They were part of a photography set that many parents used to take pictures of their children. Scott Althoff, Groton, told GDILIVE.COM news that he grew these pumpkins south of Bath. He planted the seeds on April 20th.

The one on the left weighed in at 683 pounds and the one on the right weighed in at 836 pounds. They placed seventh and eighth at a weigh-in held in Harrisburg. The winning pumkin weighed 1,293. (Photo lifted from GDILIVE.COM)

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## 2016 Statewide Ballot Measures Constitutional Amendment R

**Title:** An Amendment to the South Dakota Constitution regarding postsecondary technical education institutes.

### Attorney General Explanation:

Under the South Dakota Constitution, the Board of Regents is responsible for postsecondary educational institutions funded entirely or in part by the State. Constitutional Amendment R applies to postsecondary technical education institutes that receive state funding and offer career and technical associate of applied science degrees, certificates, or their equivalents. Currently, there are four such institutes: Lake Area Technical Institute, Mitchell Technical Institute, Southeast Technical Institute, and Western Dakota Technical Institute. Under the amendment, postsecondary technical institutes will be governed separately in a manner to be determined by the Legislature.

The amendment also clarifies that the Board of Regents retains control over state-funded postsecondary educational institutions offering associate of arts, associate of sciences, bachelor's, and postgraduate degrees.

A vote "Yes" is for adding a provision to the Constitution regarding postsecondary technical education institutes.

A vote "No" will leave the Constitution as it is.

### Full Text of Constitutional Amendment R:

A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election an amendment to Article XIV of the Constitution of the State of South Dakota, relating to the authority of the Board of Regents. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH DAKOTA, THE SENATE CONCURRING THEREIN:

Section 1. That at the next general election held in the state, the following amendment to Article XIV, section 3 of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state for approval.

Section 2. That Article XIV, section 3 of the Constitution of the State of South Dakota, be amended to read as follows:

§ 3. The state university, the agriculture college, the school of mines and technology, the

normal schools, a school for the deaf, a school for the blind, and all other educational institutions that may be sustained either wholly or in part by the state and that offer academic or professional degrees of associate of arts, associate of sciences, baccalaureate or greater, shall be under the control of a board of five members appointed by the Governor and confirmed by the senate under such rules and restrictions as the Legislature shall provide. The Legislature may increase the number of members to nine. Postsecondary technical education institutes that offer career and technical associate of applied science degrees and certificates or their successor equivalents and that are funded wholly or in part by the state shall be separately governed as determined by the Legislature.

## Constitutional Amendment S

**Title:** An initiated amendment to the South Dakota Constitution to expand rights for crime victims

### Attorney General Explanation:

Currently, state statutes provide certain rights to crime victims. This measure expands these rights and places them in the State Constitution.

Under the amendment, the rights provided to a victim generally include: protection from harassment or abuse; the right to privacy; timely notice of all trial, sentence, and post-judgment proceedings including pardon or parole; the right to confer with the attorney for the government; and the opportunity to provide input during all phases of the criminal justice process. Victims will be given written notification of their rights.

The rights may be enforced by the victim, the victim's attorney or representative, or the attorney

for the government. They may be enforced in any trial court, appeals court, or other proceeding affecting the victim's rights.

The definition of "victim" includes a person who suffers direct or threatened harm as the result of any crime, attempted crime, or act of juvenile delinquency. It also includes that person's spouse, children, extended family members, guardians, and others with a substantially similar relationship.

If a victim's rights provided by this amendment conflict with a criminal defendant's rights under the South Dakota and United States Constitutions, a court may determine that the defendant's rights take priority.

A vote "Yes" is for expanding statutory rights of victims and placing the rights in the Constitution.

A vote "No" will leave the Constitution as it is.

### Full Text of Constitutional Amendment S:

Section 1. That Article VI of the Constitution of the State of South Dakota be amended by adding a new section to read as follows:

§29. A victim shall have the following rights, beginning at the time of victimization:

1.The right to due process and to be treated with fairness and respect for the victim's dignity;

2.The right to be free from intimidation, harassment and abuse;

3.The right to be reasonably protected from the accused and any person acting on behalf of the accused;

4.The right to have the safety and welfare of the victim and the victim's family considered when setting bail or making release decisions;

5.The right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information about the victim, and to be notified of any request for such information or records;

6.The right to privacy, which includes the right to refuse an interview, deposition or other discovery request, and to set reasonable conditions on the conduct of any such interaction to which the victim consents;

7.The right to reasonable, accurate and timely notice of, and to be present at, all proceedings involving the criminal or delinquent conduct, including release, plea, sentencing, adjudication and disposition, and any proceeding during which a right of the victim is implicated;

8.The right to be promptly notified of any release or escape of the accused;

9.The right to be heard in any proceeding involving release, plea, sentencing, adjudication, disposition or parole, and any proceeding during which a right of the victim is implicated;

10.The right to confer with the attorney for the government;

11.The right to provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting any pre-sentence or disposition investigation or compiling any pre-sentence investigation report or plan of disposition, and to have any such information considered in any sentencing or disposition recommendations;

12.The right to receive a copy of any pre-sentence report or plan of disposition, and any other report or record relevant to the exercise of a victim's right, except for those portions made confidential by law;

13.The right to the prompt return of the victim's property when no longer needed as evidence in the case;

14.The right to full and timely restitution in every case and from each offender for all losses suffered by the victim as a result of the criminal conduct and as provided by law for all losses suffered as a result of delinquent conduct. All monies and property collected from any person who has been ordered to make restitution shall be first applied to the restitution owed to the victim before paying any amounts owed to the government;

15.The right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post-judgment proceedings;

16.The right to be informed of the conviction, adjudication, sentence, disposition, place and time of incarceration, detention or other disposition of the offender, any scheduled release

date of the offender, and the release of or the escape by the offender from custody;

17.The right to be informed in a timely manner of all post-judgment processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. Any parole authority shall extend the right to be heard to any person harmed by the offender;

18.The right to be informed in a timely manner of clemency and expungement procedures, to provide information to the Governor, the court, any clemency board and other authority in these procedures, and to have that information considered before a clemency or expungement decision is made, and to be notified of such decision in advance of any release of the offender; and

19.The right to be informed of these rights, and to be informed that a victim can seek the advice of an attorney with respect to the victim's rights. This information shall be made available to the general public and provided to each crime victim in what is referred to as a Marsy's Card.

The victim, the retained attorney of the victim, a lawful representative of the victim, or the attorney for the government, upon request of the victim, may assert and seek enforcement of the rights enumerated in this section and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority with jurisdiction shall act promptly on such a request, affording a remedy by due course of law for the violation of any right and ensuring that victims' rights and interests are protected in a manner no less vigorous than the protections afforded to criminal defendants and children accused of delinquency. The reasons for any decision regarding the disposition of a victim's right shall be clearly stated on the record.

The granting of these rights to any victim shall ensure the victim has a meaningful role throughout the criminal and juvenile justice systems and may not be construed to deny or disparage other rights possessed by victims. All provisions of this section apply throughout criminal and juvenile justice processes, are self-enabling and require no further action by the Legislature.

As used in this section, the term, victim, means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term also includes any spouse, parent, grandparent, child, sibling, grandchild, or guardian, and any person with a relationship to the victim that is substantially similar to a listed relationship, and includes a lawful representative of a victim who is deceased, incompetent, a minor, or physically or mentally incapacitated. The term does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor or incapacitated victim.

## Constitutional Amendment T

**Title:** An initiated amendment to the South Dakota Constitution to provide for state legislative redistricting by a commission

### Attorney General Explanation:

State senators and representatives are elected from within legislative districts. The South Dakota Constitution currently requires the Legislature to establish these legislative districts every ten years. This measure removes that authority from the Legislature and grants it to a redistricting commission.

The commission is made up of nine registered voters selected each redistricting year by the State Board of Elections from a pool of up to 30 applicants. This pool consists of applicants registered with South Dakota's two largest political parties (ten from each), and ten not registered with either of those parties. A commission member must have the same party registration, or be registered as unaffiliated with a party, for three continuous years immediately prior to appointment.

No more than three commission members may belong to the same political party. For three years immediately prior to and three years immediately after appointment, commission members may not hold office in certain state or local public offices, or in a political party organization.

The commission will redistrict in 2017, in 2021, and every ten years thereafter. The commission must produce a draft map and allow for public comment. The districts must be drawn in compliance with state and federal law.

A vote "Yes" is for changing the Constitution to provide for state legislative redistricting by a commission.

A vote "No" will leave the Constitution as it is.

### Full Text of Constitutional Amendment T:

Section 1. That at the next general election held in the state, the following amendment to Article III, section 5 of the Constitution of the State of South Dakota, as set forth in section 2, shall be submitted to the electors of the state for approval.

Section 2. That Article III, Section 5 of the

Constitution of the State of South Dakota, be amended to read as follows:

§ 5. The Legislature shall apportion its membership by dividing the state into as many single-member, legislative districts as there are state senators. House districts shall be established wholly within senatorial districts and shall be either single-member or dual-member districts as the Legislature shall determine. Legislative districts shall consist of compact, contiguous territory and shall have population as nearly equal as is practicable, based on the last preceding federal census. An apportionment shall be made by the Legislature in 1983 and in 1991, and every ten years after 1991. Such apportionment shall be accomplished by December first of the year in which the apportionment is required. If any Legislature whose duty it is to make an apportionment shall fail to make the same as herein provided, it shall be the duty of the Supreme Court within ninety days to make such apportionment.

### Definition of Terms. Terms used in this section mean:

1. "Commission" or "commission" means the independent redistricting commission established pursuant to this section.

2. "Political party" means a party whose candidate for Governor at the last preceding general election at which a Governor was elected received at least two and one-half percent of the total votes cast for Governor.

3. "Political party office" means an office of a political party organization as distinct from a public office.

4. "State public office" means an elective office in the executive or legislative branch of the government of this state; or

An office in the executive or legislative branch of the government of this state which is filled by gubernatorial appointment; or

An office of a county, city or other political subdivision of this state which is filled by an election process involving nomination and election of candidates on a partisan basis.

The independent redistricting commission is hereby created and shall be composed of nine registered voters in South Dakota, none of whom shall hold a state public office or a political party office. The commission shall prepare the plan for redistricting the state into legislative districts. This redistricting shall be made by the commission in 2017 and 2021, and every ten years after 2021. Such redistricting shall be accomplished by December first of the year in which the redistricting is required.

By January 31 of each year in which the redistricting is required, the board overseeing state elections and procedures shall accept applications from persons who are willing to serve on and are qualified for appointment to the commission. The pool of candidates shall consist of no more than thirty individuals, ten from each of the two largest political parties in South Dakota based on party registration, and ten not registered with either of the two largest political parties in South Dakota.

By February 28 of each year in which the redistricting is required, the board shall establish a commission to provide for the redistricting of state legislative districts. No more than three members of the commission

shall be members of the same political party. The commission shall select by majority vote one of its members to serve as chair and one of its members to serve as vice chair.

Each commission member shall have been continuously registered with the same political party or registered as unaffiliated with a political party for three or more years immediately preceding appointment, and who is committed to applying the provisions of this section in an honest, independent and impartial fashion and to upholding public confidence in the integrity of the redistricting process.

Within the three years immediately preceding appointment, a commission member shall not have been appointed to, or elected to, any state public office or political party office. Within the three years immediately after appointment, a commission member shall not be appointed to, or elected to, any state public office or political party office.

If a vacancy occurs on the commission, the board shall select a successor who has the same qualifications as the commissioner whose position is being vacated.

The Legislature, under the direction of the commission, shall provide the technical staff and clerical services that the commission needs to prepare its districting plans. Each commission member shall receive per diem and expenses as established by the Legislature.

Five commissioners, including the chair or vice chair, constitute a quorum. Five or more affirmative votes are required for any official action. If a quorum is present, the commission shall conduct its business in meetings in accordance with South Dakota's open meetings law.

The commission shall establish legislative districts by dividing the state into as many single-member, legislative districts as there are state senators. House districts shall be established wholly within senatorial districts and shall be either single-member or dual-member districts as the commission shall determine in compliance with federal and state law.

The commission shall commence the mapping process for the legislative districts by creating districts of equal population in a grid-like pattern across the state. Adjustments to the districts shall be made as necessary to accommodate the following:

1. Districts shall comply with the United States Constitution, the South Dakota Constitution, and federal statutes, as interpreted by the United States Supreme Court and other courts with jurisdiction;

2. Districts shall have equal population to the extent practicable;

3. Districts shall be geographically compact and contiguous to the extent practicable;

4. District boundaries shall respect communities of interest to the extent practicable; and

5. District lines shall use visible geographic features, municipal and county boundaries, and undivided census tracts to the extent practicable.

Party registration and voting history shall be excluded from the redistricting process. The places of residence of incumbents or candidates shall not be identified or considered.

The commission shall notify the public that a draft map of legislative districts is available for inspection and written comments. The commission shall accept written comments for thirty calendar days following notification to the public. The senate and house of representatives may act within this period to submit written comments to the commission. After the comment period has ended, the commission shall establish final district boundaries. The commission shall certify to the secretary of state the establishment of legislative districts.

The commission shall have standing in legal actions regarding the redistricting plan and the adequacy of resources provided for the operation of the commission. The commission shall have the authority to determine whether the attorney general or counsel hired or selected by the commission shall represent the people of South Dakota in the legal defense of a redistricting plan.

Each commissioner's duties established by this section expire upon the appointment of the next commission. The commission shall not meet or incur expenses after the redistricting plan is completed, except if

litigation or any government approval of the plan is pending, or to revise districts if required by court decisions, or if the number of legislative districts is changed.

## Constitutional Amendment U

**Title:** An initiated amendment to the South Dakota Constitution limiting the ability to set statutory interest rates for loans.

### Attorney General Explanation:

Under this constitutional amendment, there is no limit on the amount of interest a lender may charge for a loan of money if the interest rate is agreed to in writing by the borrower. If there is no written agreement, however, a lender may not charge more than 18% interest per year. A law setting an interest rate for loans is not valid unless the law gives the lender and borrower the ability to agree to a different rate. If an interest rate for loans is established by law, it must apply to every type of lender.

The amendment eliminates the ability to set statutory interest rates that are inconsistent with this amendment.

A vote "Yes" is for adding provisions to the Constitution that limit the ability to set statutory interest rates for loans.

A vote "No" will leave the Constitution as it is.

### Full Text of Constitutional Amendment U:

Section 1. That article VI of the Constitution of South Dakota be amended by adding new sections to read as follows:

29. No lender may charge interest for the loan or use of money in excess of eighteen per cent per annum unless the borrower agrees to another rate in writing. No law fixing an annual percentage rate of interest for the loan or use of money is valid unless the law provides borrowers the right to contract at interest rates as may be agreed to by the parties.

30. No law fixing a rate of interest or return for the loan or use of money, or fixing the service or any other charge that may be made or imposed for the loan or use of money, for any particular group or class engaged in lending money is valid. Any rate of interest or charge fixed by law shall apply generally and to all lenders without regard to the type or classification of the lender's business.

## Constitutional Amendment V

**Title:** An initiated amendment to the South Dakota Constitution establishing nonpartisan elections

### Attorney General Explanation:

Currently, most general election candidates for federal, state, and county offices are selected through a partisan primary or at a state party convention. This Constitutional amendment eliminates those methods by establishing a nonpartisan primary to select candidates for all federal, state, and county elected offices. This amendment does not apply to elections for United States President and Vice President.

Under the amendment, candidates are not identified by party affiliation on the primary or general election ballot. All qualified voters, regardless of party affiliation, may vote for any candidate of their choice.

The two candidates with the most votes advance to the general election. For certain offices where more than one candidate is elected at the general election, the number of candidates advancing to the general election will be double the number of seats to be filled.

If the amendment is approved, a substantial re-write of state election laws will be necessary.

A vote "Yes" is for adding provisions to the Constitution to establish nonpartisan elections.

A vote "No" will leave the Constitution as it is.

### Full Text of Constitutional Amendment V:

Section 1. That Article VII of the Constitution of South Dakota be amended by adding thereto NEW SECTIONS to read as follows:

§4 There is hereby established an open nonpartisan primary election, in which each candidate nominated for an office appears together on the same ballot. Neither the candidate's party affiliation nor lack of party

affiliation may appear on the primary or general election ballots in any election.

This section applies to the election of candidates for all federal, state and county elective offices except for the election of President and Vice President of the United States.

§5 An open nonpartisan primary election shall be conducted to select the candidates who shall compete in the general election. All registered voters may vote in the open nonpartisan primary election for any qualified candidate, provided that the voter is otherwise qualified to vote for the candidate for the office in question. The two candidates who receive the most votes in the primary election shall compete in the general election. However, for any office to which more than one candidate is elected, the number of candidates who compete in the general election shall be the number of candidates to be elected times two.

§6 Each qualified voter is guaranteed the unrestricted right to vote for the qualified candidate of the voter's choice in all elections. No voter may be denied the right to vote for the qualified candidate of the voter's choice in a primary or general election based upon the voter's party affiliation or lack of party affiliation.

§7 Each Candidate running for an elective office shall file, with the appropriate elections officer, petitions containing the signatures of registered voters in an amount to be established by law. The signature requirements established shall be based on the total votes cast for that office in the previous general election and shall be the same for all candidates for that office, regardless of party affiliation or lack of party affiliation.

§8 Nothing in this article restricts the right of any person to join or organize into a political party or in any way restrict the right to private association of political party. Nothing in this article restricts a party's right to contribute to, endorse, or otherwise support or oppose candidates for elective office. Each political party may establish such procedures as the party determines to elect party officers, endorse or support candidates, or otherwise participate in all elections. However, no such procedures may be paid for or subsidized using public funds. All qualified voters and candidates shall be treated equally by law and regulations governing elections regardless of party affiliation or lack of party affiliation.

§9 The provisions of §§4 to 9, inclusive, of this article apply to all elections occurring after January 1, 2018, except for the election of President and Vice President of the United States, and shall supersede any existing law, regulation, and elections procedure to the extent that such are consistent with this article. The Legislature, Secretary of State and local officials shall make such changes in and additions to laws, regulations, and elections procedures as are necessary to fully implement the provisions of this article in time for the open primary election in 2018 and for each open primary and general election thereafter. Laws, regulations, and elections procedures implementing this article shall permit and encourage all qualified voters in South Dakota to vote in primary and general elections for the candidates of the voter's choice.

## Initiated Measure 21

**Title:** An initiated measure to set a maximum finance charge for certain licensed money lenders

### Attorney General Explanation:

The initiated measure prohibits certain State-licensed money lenders from making a loan that imposes total interest, fees and charges at an annual percentage rate greater than 36%. The measure also prohibits these money lenders from evading this rate limitation by indirect means. A violation of this measure is a misdemeanor crime. In addition, a loan made in violation of this measure is void, and any principal, fee, interest, or charge is uncollectable.

The measure's prohibitions apply to all money lenders licensed under South Dakota Cod-

ified Laws chapter 54-4. These licensed lenders make commercial and personal loans, including installment, automobile, short-term consumer, payday, and title loans. The measure does not apply to state and national banks, bank holding companies, other federally insured financial institutions, and state chartered trust companies. The measure also does not apply to businesses that provide financing for goods and services they sell.

A vote "Yes" is for prohibiting certain money lenders from charging more than 36% interest on loans.

A vote "No" is against the measure.

### Full Text of Initiated Measure 21:

Section 1. That 54-3-14 be amended to read as follows:

The term "regulated lenders" as used in § 54-3-13 means:

(1) A bank organized pursuant to chapter 51A-1, et seq.;

(2) A bank organized pursuant to 12 U.S.C. § 21;

(3) A trust company organized pursuant to chapter 51A-6;

(4) A savings and loan association organized pursuant to chapter 52-1, et seq.;

(5) A savings and loan association organized pursuant to 12 U.S.C. § 1464;

(6) Any wholly owned subsidiary of a state or federal bank or savings and loan association which subsidiary is subject to examination by the comptroller of the currency, or the federal reserve system, or the South Dakota Division of Banking, or the federal home loan bank board and which subsidiary has been approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the National Housing Act;

(7) A federal land bank organized pursuant to 12 U.S.C. § 2011;

(8) A federal land bank association organized pursuant to 12 U.S.C. § 2031;

(9) A production credit association organized pursuant to 12 U.S.C. § 2091;

(10) A federal intermediate credit bank organized pursuant to 12 U.S.C. § 2071;

(11) An agricultural credit corporation or livestock loan company or its affiliate, the principal business of which corporation is the extension of short and intermediate term credit to farmers and ranchers;

(12) A federal credit union organized pursuant to 12 U.S.C. § 1753;

(13) A federal financing bank organized pursuant to 12 U.S.C. § 2283;

(14) A federal home loan bank organized pursuant to 12 U.S.C. § 1423, et seq.;

(15) A national consumer cooperative bank organized pursuant to 12 U.S.C. § 3011;

(16) A bank for cooperatives organized pursuant to 12 U.S.C. § 2121;

(17) Bank holding companies organized pursuant to 12 U.S.C. § 1841, et seq.;

(18) National Homeownership Foundation organized pursuant to 12 U.S.C. § 1701y;

(19) Farmers Home Administration as provided by 7 U.S.C. § 1981;

(20) Small Business Administration as provided by 15 U.S.C. § 633;

(21) Government National Mortgage Association and Federal National Mortgage Association as provided by 12 U.S.C. § 1717;

(22) South Dakota Housing Development Authority as provided by chapter 11-11;

(23) Insurance companies, whether domestic or foreign, authorized to do business in this state, and which as a part of their business engage in mortgage lending in this state. However, § 54-3-13 does not exempt insurance companies from the provisions of § 58-15-15.8; or

(24) Any wholly owned service corporation subsidiary of a domestic or foreign insurance company, authorized to do business in this state, and which subsidiary is subject to examination by the same insurance examiners as the parent company; or

(25) An installment loan licensee under the provisions of chapter 54-4 and 54-6

Section 2. That 54-4-44 be amended to read as follows:

After procuring such license from the Division of Banking, the licensee may engage in the business of making loans and may contract for and receive interest charges and other fees at rates, amounts, and terms as agreed to by the parties which may be included in the principal balance of the loan and specified in the contract. However,

no licensee may contract for or receive finance charges in excess of an annual rate of thirty-six percent, including all charges for any ancillary product or service and any other charge or fee incident to the extension of credit. A violation of this section is a Class 1 misdemeanor. Any loan made in violation of this section is void and uncollectible as to any principal, fee, interest, or charge.

Section 3. That chapter 54-4 be amended by adding a NEW SECTION to read as follows:

No person may engage in any device, subterfuge, or pretense to evade the requirements of § 54-4-44, including, but not limited to, making loans disguised as a personal property sale and leaseback transaction; disguising loan proceeds as a cash rebate for the pretextual installment sale of goods or services; or making, offering, assisting, or arranging a debtor to obtain a loan with a greater rate of interest, consideration, or charge than is permitted by this chapter through any method including mail,

telephone, internet, or any electronic means regardless of whether the person has a physical location in the state. Notwithstanding any other provision of this chapter, a violation of this section is subject to the penalties in § 54-4-44.

## Initiated Measure 22

**Title:** An initiated measure to revise State campaign finance and lobbying laws, create a publicly funded campaign finance program, create an ethics commission, and appropriate funds

### Attorney General Explanation:

This measure extensively revises State campaign finance laws. It requires additional disclosures and increased reporting. It lowers contribution amounts to political action committees; political parties; and candidates for statewide, legislative, or county office. It also imposes limits on contributions from candidate campaign committees, political action committees, and political parties.

The measure creates a publicly funded campaign finance program for statewide and legislative candidates who choose to participate and agree to limits on campaign contributions and expenditures. Under the program, two \$50 "credits" are issued to each registered voter, who assigns them to participating candidates. The credits are redeemed from the program, which is funded by an annual State general-fund appropriation of \$9 per registered voter. The program fund may not exceed \$12 million at any time.

The measure creates an appointed ethics commission to administer the credit program and to enforce campaign finance and lobbying laws.

The measure prohibits certain State officials and high-level employees from lobbying until two years after leaving State government. It also places limitations on lobbyists' gifts to certain state officials and staff members.

If approved, the measure may be challenged in court on constitutional grounds.

### Legislative Research Council's Prison/Jail Population Cost Estimate Statement:

The penalties in this Act are administrative misdemeanors, with one class 5 felony. Their purpose is to enforce compliance with the provisions to which they adhere. These crimes are presently in statute, and past violations of these statutes show minimal charges and even fewer convictions. It is the opinion of the Legislative Research Council that the nature of these laws encourages regular compliance. When an offense is prosecuted, it will not likely result in a jail sentence. Hence, the impact on jail populations is likely negligible.

A vote "Yes" is for revising State campaign finance and lobbying laws.

A vote "No" is against the measure.

### Full Text of Initiated Measure 22:

**Section 1.** This Act may be referred to as the "South Dakota Government Accountability and Anti-Corruption Act."

**Section 2.** The people find and declare that accountability to the people is of the utmost importance in South Dakota's political system. Today, that system does not properly prevent corruption or its appearance and is weakened by: insufficient participation by citizens, who believe that current campaign

financing incentives have rendered their role insignificant; rapidly rising costs of elections that force candidates to prioritize special interest donors, often from outside of South Dakota, who have the potential to make large contributions; insufficient and delayed disclosure to the public of relevant information on campaign contributions, political advertising, and paid lobbying; and inadequate enforcement of the laws intended to address these problems. Therefore, the purpose of this Act is to increase accountability to the people of South Dakota in electoral politics and to combat government corruption and its appearance.

**Section 3.** Terms used in this Act mean:

(1) "Commission," the ethics commission established by sections 32 to 41, inclusive, of this Act;

(2) "Democracy credit," a credit valued at fifty dollars, issued by the commission to a South Dakota resident voter under the Program established by sections 43 to 62, inclusive, of this Act, that can be, through proper assignment, used to make a contribution to a participating candidate;

(3) "Participating candidate," a candidate for statewide or legislative office who is certified by the ethics commission as qualified to be assigned and redeem democracy credits, pursuant to sections 51 to 54, inclusive, of this Act;

(4) "Program," the South Dakota democracy credit Program established by sections 43 to 62, inclusive, of this Act;

(5) "Qualified contribution," a contribution made by a natural person resident of the state that is not, in the aggregate, in excess of two hundred and fifty dollars to a candidate for legislative office or in excess of five hundred dollars to a candidate for statewide office; and

(6) "Registered representative," a volunteer who is permitted to solicit and collect democracy credits on behalf of a specific participating candidate because the volunteer has, pursuant to section 56 of this Act, properly filed with the commission to affirm understanding of the regulations and penalties associated with the Program.

Other terms used in this Act have the meanings defined by § 12-27-1.

**Section 4.** That § 12-27-1 be amended to read as follows: 12-27-1. Terms used in this chapter mean:

(1) "Ballot question," any referendum, initiative, proposed constitutional amendment, or other measure submitted to voters at any election;

(2) "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;

(3) "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;

(4) "Candidate," any person who seeks nomination for or election to public office, and for the purpose of this chapter a person is deemed a candidate if the person raises, collects, or disburses contributions in excess of five hundred dollars; has authorized the solicitation of contributions or the making of expenditures; or has created a candidate campaign committee for the purpose of obtaining public office. The person is also deemed a candidate if the person has taken all actions required by state law to qualify for nomination for or election to public office;

(5) "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;

(6) "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:

(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 an intent to contribute beyond the item's value or office. 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;

(7) "County office," any elected office at a county in this state;

(8) "Election," any election for public office; any general, special, primary, or runoff election; and any election on a ballot question;

(9) "Expenditure," includes: any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election, office or ballot initiative, measure, or question; and The term includes a written contract, promise, or agreement to make an expenditure. However, the term "expenditure" does not include:

(a) A communication appearing in a news story, commentary, or editorial or letter to the editor distributed through the facility of any broadcasting station, newspaper, magazine, or other periodical publication, unless the facility is owned or controlled by any political party, political committee, or candidate;

(b) 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; or

(c) Any communication that refers to any candidate only as part of the popular name of a bill or statute;

(9) (10) "Expressly advocate," any communication which:-

(a) 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 words of advocacy of election or defeat. The following are examples of words that convey a message of express advocacy: vote, reelect, support, cast your ballot for, reject, and defeat; or

(b) 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:

(i) The electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning; and

(ii) Reasonable minds could not differ as to whether it encourages actions 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;

(10) "Immediate family," 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;

(11) "Independent expenditure," an expenditure, including the payment of money or exchange of other valuable consideration or promise, 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; for a communication by a person, organization, political committee, or political party which is not a contribution and which:

(a) Refers to a clearly identified candidate for state or local elective office or the placement of a ballot question on the ballot or the adoption or defeat of any ballot question; and

(b) Is made without arrangement, cooperation, or consultation between any candidate or any authorized committee or agent of a candidate and the person making the expenditure or any authorized agent of that person, and is not made in concert with or at the request or suggestion of any candidate or any authorized committee or agent of the candidate; and

(c) Satisfies at least one of the following standards: Contains express advocacy, or its functional equivalent, of the election or defeat of a clearly identified candidate for office; or is disseminated, broadcast or otherwise published within sixty days of the election sought by a candidate, mentions a candidate and targets the candidate's relevant electorate;

The term "independent expenditure" does not include: a communication appearing in a news story, commentary, or editorial or letter to the editor distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate; a 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; or any communication that refers to any candidate only as part of the popular name of a bill or statute;

(12) "In-kind contribution," the value of 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;

(13) "Legislative office," the Senate and the House of Representatives of the South Dakota Legislature;

(14) "Loan," a transfer of money, property, guarantee, or anything of value in exchange for an obligation, conditional or not, to repay in whole or part. The outstanding amount of a loan not made in the ordinary course of business and at a usual and normal interest rate is a contribution until repaid;

(15) "National political party," the organization which is responsible for the day-to-day operation of a political party at the national level, as determined by the Federal Election Commission;

(16) "Organization," 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;

(17) "Person," a natural person;

(18) "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:

(a) Person that makes a contribution to a political committee or political party from that person's own funds; or

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

(19) "Political committee," any candidate campaign committee, political action committee, or ballot question committee;

(20) "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 to any independent expenditures to any political committee;

(21) "Public office," any statewide office, legislative office, or county office;

(21A) "Qualified contribution," a contribution made by a natural person resident of the state that is not, in the aggregate, in excess of two hundred and fifty dollars to a candidate for legislative office or in excess of five hundred dollars to a candidate for statewide office;

(22) "Recognized business entity," any:

(a) Domestic corporation, limited liability company, nonprofit corporation, limited liability partnership, or cooperative duly registered with the secretary of state as of the first day of January of the current calendar year, and which is currently in good standing;

(b) Foreign corporation, limited liability company, nonprofit corporation, limited liability partnership, or cooperative duly registered with the secretary of state as of the first day of January of the current calendar year, and which is currently in good standing; or

(c) Entity organized in a corporate form under federal law;

A The term "recognized business entity" does not include a political committee or political party is not a recognized business entity. An or an organization which was established by or is controlled, in whole or in part, by a candidate, political committee, or agent of a candidate or political committee is not a recognized business entity;

(23) "Statewide office," the offices of Governor, lieutenant governor, secretary of state, attorney general, state auditor, state treasurer, commissioner of school and public lands, and public utilities commissioner;

(23A) "Treasury funds," funds of an organization that were not raised or collected from any other source for the purpose of influencing a ballot question;

(24) "Volunteer," a person who provides person's own personal services free of charge.

**Section 5.** That § 12-27-7 be amended to read as follows:

12-27-7. If the contributor is a person, no candidate for statewide office or the candidate's campaign committee may accept any contribution which in the aggregate exceeds four thousand dollars during any calendar year. A candidate campaign committee may accept contributions from any candidate campaign committee, political action committee,

or political party. No candidate for governor, or the candidate's campaign committee, may accept contributions from a person or political committee which in the aggregate from one source exceeds four thousand dollars during any calendar year, or contributions from a political party which in the aggregate from one source exceeds forty thousand dollars during any calendar year.

No candidate for attorney general or lieutenant governor, or the candidate's campaign committee, may accept contributions from a person or political committee which in the aggregate from one source exceeds two thousand dollars during any calendar year, or contributions from a political party which in the aggregate from one source exceeds twenty thousand dollars during any calendar year.

No candidate for secretary of state, state auditor, state treasurer, commissioner of school and public lands, or public utilities commissioner, or the candidate's campaign committee, may accept contributions from a person or political committee which in the aggregate from one source exceeds one thousand dollars during any calendar year, or contributions from a political party which in the aggregate from one source exceeds ten thousand dollars during any calendar year.

No candidate for statewide office may accept a contribution from a ballot question committee.

Funds received by a candidate or candidate's campaign committee by way of redemption of a democracy credit are considered a contribution from the person who assigned the democracy credit to the candidate.

The limitation on any contribution from a person in this section does not apply to any contribution by the candidate or the candidate's immediate family to the candidate's campaign committee. A violation of this section is a Class 1 misdemeanor.

**Section 6.** That § 12-27-8 be amended to read as follows:

12-27-8. If the contributor is a person, no candidate for legislative or county office or the candidate's campaign committee may accept any contribution which in the aggregate exceeds one thousand dollars during any calendar year. A candidate campaign committee may accept contributions from any candidate campaign committee, political action committee, or political party: contributions from a person or political committee which in the aggregate from one source exceeds seven hundred and fifty dollars during any calendar year, or contributions from a political party which in the aggregate from one source exceeds five thousand dollars during any calendar year.

No candidate for legislative or county office may accept a contribution from a ballot question committee.

Funds received by a candidate or candidate's campaign committee by way of redemption of a democracy credit are considered a contribution from the person who assigned the democracy credit to the candidate.

The limitation on any contribution from a person in this section does not apply to any contribution by the candidate or the candidate's immediate family to the candidate's campaign committee. A violation of this section is a Class 1 misdemeanor.

**Section 7.** That § 12-27-9 be amended to read as follows:

12-27-9. If the contributor is a person or an organization, no No political action committee may accept any contribution from a person, organization, political committee or political party which in the aggregate from a single source exceeds ten thousand dollars during any calendar year. A political action committee may not accept contributions from a ballot question committee any candidate campaign committee, political action committee, or political party. A violation of this section is a Class 1 misdemeanor.

**Section 8.** That § 12-27-10 be amended to read as follows:

12-27-10. If the contributor is a person, no No political party may accept any contribution from a person or political committee which in the aggregate from a single source exceeds ten five thousand dollars during any calendar year. A political party may not accept contributions from a ballot question committee, political action committee, or political party. A violation of

this section is a Class 1 misdemeanor.

**Section 9.** That chapter 12-27 be amended by adding thereto a NEW SECTION to read as follows:

A candidate, person holding statewide or legislative office, agent of a candidate or a person holding statewide or legislative office, or an entity directly or indirectly established, financed, maintained, or controlled by or acting on behalf of one or more candidates or persons holding statewide or legislative office, may not solicit, receive, direct, transfer, or spend funds in connection with an election unless the funds are subject to the limitations, prohibitions, and reporting requirements of this chapter.

**Section 10.** That chapter 12-27 be amended by adding thereto a NEW SECTION to read as follows:

For the purpose of the contribution limits established by §§ 12-27-7, 12-27-8, 12-27-9, and 12-27-10, all committees established, financed, maintained or controlled by the same corporation, labor organization, person, or group of persons, including any parent, subsidiary, branch, division, department, or local unit thereof, are affiliated and share a single contribution limit both with respect to contributions made and contributions received.

**Section 11.** That chapter 12-27 be amended by adding thereto a NEW SECTION to read as follows:

Any expenditure made by any person, group of persons, political committee, or other entity in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, the candidate's authorized political committees, or the candidate's committee's agents, is considered to be a contribution to the candidate.

For the purposes of this section, candidate solicitation or direction of funds for or to a person, group of persons, political committee or other entity constitutes cooperation sufficient to render any subsequent expenditure by the person, group of persons, political committee, or other entity in support of that candidate or in opposition to that candidate's opponent to be considered a contribution to the candidate.

The financing of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by a candidate, the candidate's authorized committee, or an agent of either of the foregoing is considered a contribution for the purposes of contribution limitations and reporting responsibilities of the person group of persons, political committee or other entity making the expenditure. The candidate who prepared the campaign material does not receive or accept an in-kind contribution, and is not required to report an expenditure, unless the dissemination, distribution, or republication of campaign materials was done in concert or cooperation with or at the request or suggestion of the candidate. However, the following uses of campaign materials do not constitute a contribution to the candidate who originally prepared the materials:

(1) The campaign material is disseminated, distributed, or republished by the candidate or the candidate's authorized committee who prepared that material;

(2) The campaign material is incorporated into a communication that advocates the defeat of the candidate or party that prepared the material; or

(3) The campaign material is disseminated, distributed, or republished in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate.

**Section 12.** That § 12-27-11 be amended to read as follows:

12-27-11. No person, organization, candidate, political committee, or political party may give or accept a contribution unless the name and residence address of the contributor is made known to the person receiving recipient of the contribution. Any contribution, money, or other thing of value received by a candidate, political committee, or political party from an unknown source shall be donated to a nonprofit charitable organization. No per-

son, organization, candidate, political committee, or political party may accept from a person a contribution of more than five hundred dollars in the aggregate in a calendar year unless the occupation and current employer of that person disclosed to the recipient at the time the contribution is made. A violation of this section is a Class 2 misdemeanor.

**Section 13.** That § 12-27-12 be amended to read as follows:

12-27-12. 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. This section does not prohibit a person from assigning a democracy credit to a participating candidate, pursuant to sections 45, 46, and 48 of this Act and commission regulation, or prohibit a participating candidate from redeeming a democracy credit, pursuant to section 58 of this Act and commission regulation. A violation of this section is a Class 1 misdemeanor.

**Section 14.** That § 12-27-13 be amended to read as follows:

12-27-13. A contribution or receipt is considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign, person's duties as a holder of elective office, or political committee's political activities, including but not limited to a home mortgage, rent, or utility payment; a clothing purchase; a noncampaign-related automobile expense; a country club membership; a vacation or other noncampaign-related trip; a household food item; a tuition payment; admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and dues, fees, and other payments to a health club or recreational facility.

Equipment, supplies, and materials purchased with contributions are property of the political committee or political party, and are not property of the candidate or any other person.

**Section 15.** That § 12-27-15 be amended to read as follows:

12-27-15. Any printed material or communication made, purchased, paid for, or authorized by a candidate, political committee, or political party which expressly advocates for or against a candidate, public office holder, ballot question, or political party shall prominently display or clearly speak the following statement: "Paid for by (Name of candidate, political committee, or political party)." If the communication is made, purchased, paid for, or authorized by a political committee or political party, the communication shall also state whether or not the communication was authorized by or coordinated with any candidate and the name of any candidate who authorized the communication or with whom the communication was coordinated. 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. A violation of this section is a Class 1 misdemeanor.

**Section 16:** That § 12-27-16 be amended to read as follows:

12-27-16. The following apply to independent expenditures by individuals persons and organizations related to communications advocating for or against candidates, public office holders, ballot questions, or political parties:

(1) Any person or organization that makes a payment or promise of payment totaling one hundred dollars or more, including an in-kind contribution, for a communication which expressly advocates for or against a candidate, public office holder, ballot question, or political party an independent expenditure shall append to or include in each communication a disclaimer that clearly and forthrightly conspicuously:

(a) Identifies the name and address or website of the person or organization making the independent expenditure for that communication;

(b) States the address or website address of the person or organization;

(c) States that the communi-

cation is independently funded and an independent expenditure and not made in consultation or coordination with any candidate, political party, or political committee or any authorized committee or agent of the candidate; and

(d) (c) If the independent expenditure is undertaken by an organization not including a candidate, public office holder, political party, or political committee, then the following notation the communication must also be included include a clear and conspicuous statement entitled: "Top Five Contributors" followed by a listing of the names of the five persons making the largest contributions in aggregate to an organization during the twelve months preceding that communication.

A violation of this subdivision is a Class 1 misdemeanor;

(2) Any person or organization that makes a payment or promise of payment for an independent expenditure aggregating one hundred dollars or more in any calendar year, including an in-kind contribution, for a communication described in subdivision (1) shall file by electronic transmission a statement with the secretary of state within forty-eight hours of the time that the communication is disseminated, broadcast, or otherwise published; payment or promise of payment is made and each time any additional payment or promise of payment aggregating one hundred dollars or more is made. The statement for each person or organization shall include:

(a) The name, street address, city, and state of the person or organization and any expenditures made for the independent expenditure during that calendar year, but not yet reported on a prior statement;

(b) The elections to which the independent expenditures pertain and name of candidate, ballot question, or political party identified in each independent expenditure;

(c) The amount spent on each independent expenditure, as well as the name, street address, city, and state of the person or organization paid; and

(d) Whether the independent expenditure was for or against the candidate, ballot question, or political party.

(e) For an organization, the full name, residence address including city and state, occupation, name of employer, and aggregate amount of the payment of each person whose funds were used for the independent expenditure. The identity of the person or persons whose funds were used for the independent expenditures shall be determined in the following manner. Any person or persons who made payments in the aggregate in excess of \$100 during that calendar year pursuant to an agreement or understanding that person's funds would be used for an independent expenditure shall be identified. A person's payment can only be credited to all independent expenditures up to the amount given in the calendar year. If the funds identified pursuant to this subdivision are insufficient to cover the cost of the independent expenditure, the organization shall report its donors utilizing a "last in, first out" accounting method, reporting donors in reverse chronological order beginning with the most recent of its donors or, if there are any prior payments or expenditures, beginning with the most recent donor for which unattributed payments remain, until the full amount expended for the independent expenditure is accounted for.

(3) The statements required by this section shall include the name, street address, city, and state of the person or organization and, any expenditures made for communications described in subdivision (1) during that calendar year but not yet reported on a prior statement, the name of each candidate, public office holder, ballot question, or political party mentioned or identified in each communication, the amount spent on each communication, and a description of the content of each communication. For an organization, the statement shall also include the name and title of the person filing the report, the name of its chief executive, if any, and the name of the person who authorized the expenditures on behalf of the organization;

(4) For an organization whose majority ownership is owned by, controlled by, held for the benefit of, or comprised of twenty or fewer persons, partners,

owners, trustees, beneficiaries, participants, members, or shareholders, the statement shall also identify by name and address each person, partner, owner, trustee, beneficiary, participant, shareholder, or member who owns, controls, or comprises ten percent or more of the organization;

(5) An organization shall also provide supplemental statements, as defined in subdivision (3) (2), for any of its partners, owners, trustees, beneficiaries, participants, members, or shareholders identified pursuant to subdivision (4) which are owned by, controlled by, held for the benefit of, or comprised of twenty or fewer persons, partners, owners, trustees, beneficiaries, participants, members, or shareholders, until no organization identified in the supplemental statements meets the ownership test set forth in subdivision (4);

(6) For the purposes of this section, the term, communication, does not include:

(a) 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;

(b) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate, political committee, or political party;

(c) 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

(d) Any communication that refers to any candidate only as part of the popular name of a bill or statute.

**Section 17:** That § 12-27-17 be repealed.

12-27-17. Any political committee, organization, person, or political party that makes a payment or promise of payment totaling one hundred dollars or more, including an in-kind contribution, 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, shall file a statement with the secretary of state disclosing the name, street address, city, and state of such political committee, organization, person, or political party. The statement shall also include the name of the candidate or public office holder mentioned in the communication, the amount spent on the communication, and a description of the content of the communication. The statement shall be received and filed within forty-eight hours of the time that the communication is disseminated, broadcast, or otherwise published.

For the purposes of this section, the term, communication, does not include:

(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;

(4) Any communication that refers to any candidate only as part of the popular name of a bill or statute; and

(5) Any communication used for the purpose of polling if the poll questions do not expressly advocate for or against a candidate, public office holder, ballot question, or political party.

**Section 18:** That § 12-27-17.1 be repealed.

12-27-17.1. Any political committee, organization, person, or political party that makes a communication as defined in § 12-27-17, which does not expressly advocate for or against a candidate, public office holder, ballot question, or political party, shall append to or include in each communication a disclaimer that:

(1) Identifies the political committee, organization, person, or political party making the



communication; and

(2) States the address or website address of the political committee, organization, person, or political party.

If the communication is an independent expenditure made by a person or organization, then the disclaimer shall include the following: "This communication is independently funded and not made in consultation with any candidate, political party, or political committee." If the independent expenditure is undertaken by an organization not including a candidate, public office holder, political party, or political committee, then the following notation must also be included: "Top Five Contributors" followed by a listing of the names of the five persons making the largest contributions to an organization during the twelve months preceding that communication.

A violation of this section is a Class 1 misdemeanor.

**Section 19:** That § 12-27-20 be amended to read as follows:

12-27-20. The state, an agency of the state, and the governing body of a county, municipality, or other political subdivision of the state 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. This section may not be construed to limit the freedom of speech of any officer or employee of the state or such political subdivisions in his or her personal capacity. This section does not prohibit the state, its agencies, or the governing body of any political subdivision of the state from presenting factual information solely for the purpose of educating the voters on a ballot question. This section does not prohibit the use of any type of state funds for the democracy credit fund or Democracy Credit Program pursuant to this Act.

**Section 20:** That § 12-27-21 be amended to read as follows:

12-27-21. No candidate, political committee, or political party may accept any contribution from any state, state agency, political subdivision of the state, foreign government, Indian tribal entity as defined in the Federal Register Vol. 72, No. 55 as of March 22, 2007, federal agency, or the federal government. This section does not prohibit a candidate or candidate's campaign committee from redeeming or accepting a democracy credit pursuant to sections 43 to 62, inclusive, of this Act. A violation of this section is a Class 1 misdemeanor.

**Section 21:** That § 12-27-22 be amended to read as follows:

12-27-22. A campaign finance disclosure statement shall be filed with the secretary of state by the treasurer of every:

- (1) Candidate or candidate campaign committee for any statewide or legislative office;
- (2) Political action committee;
- (3) Political party; and
- (4) Ballot question committee.

(5) Candidate or candidate committee for any statewide or legislative office whose name appears on the primary ballot, but does not appear on the general election ballot, shall submit a campaign finance disclosure statement, or termination report, which shall be received by the secretary of state by 5:00 p.m. on the second Friday of August following that primary election.

The statement shall be signed and filed by the treasurer of the political committee or political party. The statement shall be received by the secretary of state and filed by 5:00 p.m. each February first and shall cover the contributions and expenditures for the preceding calendar year. The statement shall also be received by the secretary of state and filed by 5:00 p.m. on the fifth Tuesday before each primary and general election complete through the fiftieth day prior to that election. The statement shall also be received by the secretary of state and filed by 5:00 p.m. on the second Friday prior to each primary and general election complete through the fifteenth day prior to that election. The statement shall also be received by the secretary of state and filed by 5:00 p.m. on the fourth Friday after each primary and general election complete through second Friday after that election. If a candidate is seeking nomination at the biennial state convention, the candidate or the candidate campaign committee shall file a campaign finance disclosure

statement with the secretary of state by 5:00 p.m. on the second Friday prior to any biennial state convention. Any statement filed pursuant to this section shall be consecutive and shall cover contributions and expenditures since the last statement filed.

The following are not required to file a campaign finance disclosure statement:

(1) A candidate campaign committee for legislative or county office on February first following a year in which there is not an election for the office;

(2) A county, local, or auxiliary committee of any political party, qualified to participate in a primary or general election, prior to a statewide primary election;

(3) A legislative or county candidate campaign committee without opposition in a primary election, prior to a primary election;

(4) A candidate campaign committee whose name is not on the general election ballot, prior to the general election; and

(5) A political committee that regularly files a campaign finance disclosure statement with another state or the Federal Election Commission or a report of contributions and expenditures with the Internal Revenue Service.

(6) (3) A statewide candidate whose is publicly seeking a nomination by that candidate's party convention prior to a primary election; and

(7) (4) An independent statewide candidate prior to a primary election.

A violation of this section is a Class 1 misdemeanor.

**Section 22:** That § 12-27-24 be amended to read as follows:

12-27-24. A campaign finance disclosure statement shall include the following information, regardless of whether it has previously been included in a timely contribution disclosure statement pursuant to section 23 of this Act:

(1) Political committee or political party name, street address, postal address, city, state, zip code, daytime and evening telephone number, and e-mail address;

(2) Type of campaign statement (fifth Tuesday pre-primary, second Friday pre-primary, fourth Friday post-primary, fifth Tuesday pre-general, second Friday pre-general, fourth Friday post-general, mid-year, year-end, amendment, supplement, or termination);

(3) If a ballot question committee, the ballot question number and whether the committee is for or against the measure;

(4) The balance of cash and cash equivalents on hand at the beginning of the reporting period;

(5) The total amount of all contributions received during the reporting period;

(6) The total amount of all in-kind contributions received during the reporting period;

(7) The total of refunds, rebates, interest, or other income not previously identified during the reporting period;

(8) The total of contributions, loans, and other receipts during the reporting period;

(9) The total value of loans made to any person, political committee, or political party during the reporting period;

(10) The total of expenditures made during the reporting period;

(11) The total amount of all expenditures incurred but not yet paid, detailed in an itemized list. 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;

(12) The statement shall state the cash balance on hand as of the close of the reporting period;

(13) The total amount of contributions of one hundred dollars or less in the aggregate from one source received during the reporting period calendar year;

(14) The name, residence address, city, and state of each person contributing a contribution of more than one hundred dollars in the aggregate during the reporting period calendar year and the amount of the contribution, as well as the occupation and name of employer of each person contributing a contribution of more than five hundred dollars in the aggregate during the calendar year. Any contribution from any political committee or political party shall be itemized. Any contribution from a federal political committee or political commit-

tee 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;

(15) 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;

(16) 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;

(17) 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;

(18) A categorical description and the amount of the refunds, rebates, interest, sale of property, or other receipts not previously identified during the reporting period;

(19) 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;

(20) The total balance of loans owed by the political committee or political party;

(21) 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;

(22) The total balance of loans owed to the political committee or political party;

(23) The amount of each loan made during the reporting period. The name, street address, city, and state of the recipient of the loan;

(24) The balance of each loan owed to the political committee or political party, itemized by name, street address, city, and state;

(25) 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;

(26) The expenditures incurred but not yet paid during the reporting period and to whom the expenditure is owed;

(27) The amount of each independent expenditure, as defined in this chapter, 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;

(28) The information contained in any statement provided under § 12-27-19; and

(29) 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.

**Section 23.** That chapter 12-27 be amended by adding thereto a NEW SECTION to read as follows:

When a candidate campaign committee for any statewide or legislative office, political action committee, political party, or ballot question committee has accepted contributions in the aggregate of more than five hundred dollars in the calendar year, the treasurer of that political committee or political party is required to file a "timely contribution disclosure statement" by electronic transmission with the secretary of state. Further timely contribution disclosure statements must be filed each time new contributions accepted in that same calendar year from that same source exceed five hundred dollars in the aggregate. A timely contribution disclosure statement shall include the following:

(1) If the contributor is a person, the amount and date of the contribution in the aggregate as well as the person's full name, residence address including city and state, occupation and name of employer; or

(2) If the contributor is a political committee or political party, the amount and date of the contribution in the aggregate as well as the name of the political committee or political party

and its registered street address including city and state.

A timely contribution disclosure statement shall be filed with the secretary of state by electronic transmission within five business days after the day of the receipt of the contribution. However, if a contribution is received within twenty days of a South Dakota primary, general, or special election, the filing shall be made within twenty-four hours of the time of the receipt of the contribution. A political committee or political party does not have to file a report within twenty-four hours of the receipt of a contribution received within twenty days of a special election if the political committee or political party has not made any expenditures in connection with that special election.

**Section 24:** That § 12-27-29.1 be amended to read as follows:

12-27-29.1. In addition to any other penalty or relief provided under this chapter, the secretary of state or the ethics commission, after notice and opportunity for hearing pursuant to chapter 1-26, may impose an administrative penalty for the failure to timely file any statement, amendment, or correction required to be filed by this chapter. The administrative penalty is fifty dollars per day for each violation not to exceed three thousand dollars. However, if the violation is made by a county political party or auxiliary, the administrative penalty is ten dollars per day for each violation not to exceed six hundred dollars. Any administrative penalty collected pursuant to this section shall be deposited in the state general fund.

**Section 25:** That § 12-27-35 be amended to read as follows:

12-27-35. The attorney general shall investigate violations of the provisions of this chapter relating to a legislative office, statewide office, or statewide ballot question and prosecute any violation thereof. In lieu of bringing a criminal action, the attorney general may elect to file a civil action. In a civil action, in addition to other relief, the court may impose a civil penalty in an amount not to exceed ten thousand dollars for each violation. Any civil penalty recovered shall be paid to the state general fund. A civil action brought by the attorney general shall be commenced in Hughes County, in the county where the person resides, or in the county where the organization, political party, or political committee has its principal office.

**Section 26:** That § 12-27-36 be amended to read as follows:

12-27-36. The attorney general and ethics commission may, for the purpose of enforcing the provisions of this chapter, inspect or examine any political committee or political party records required to be maintained by this chapter. It is a Class 1 misdemeanor for any person having charge, control, or possession of political committee or political party records to neglect or refuse the attorney general or ethics commission reasonable access to any records required to be maintained by this chapter which are necessary to enforce the provisions of this chapter.

**Section 27:** That § 12-27-37 be amended to read as follows:

12-27-37. The attorney general and ethics commission shall keep each record inspected or examined confidential except when the records are used to enforce provisions of this chapter associated with a criminal or civil action.

**Section 28.** That § 12-27-41 be amended to read as follows:

12-27-41. Any Each statement required to be filed under this chapter may be filed by electronic transmission shall be filed in accordance with the methods approved by the secretary of state pursuant to the requirements of section 29 of this Act. The treasurer of a candidate campaign committee for any statewide or legislative office, political action committee, political party, or ballot question committee is required to file by electronic transmission with the secretary of state the campaign finance disclosure statements required pursuant to § 12-27-22, if the political committee or political party has received contributions in the aggregate of one thousand dollars or more during the period covered by the statement. If a political committee or political party is required by this chapter to file a statement by electronic transmission, the secretary of state may not accept nor consider filed any statement that uses handwriting as input, aside from a signature. Any statement

or disclosure not required to be filed by electronic transmission may be filed by electronic transmission in accordance with the methods approved by the secretary of state.

To be timely filed, any statement received by electronic transmission shall be legible and readable when received by the means it was delivered.

**Section 29.** That chapter 12-27 be amended by adding thereto a NEW SECTION to read as follows:

The secretary of state shall ensure that political committee and political party treasurers need only a commonly used internet web browser to properly submit the campaign finance disclosure statements required pursuant to § 12-27-22, the timely contribution disclosure statements required pursuant to section 23 of this Act, and any other campaign finance information required to be filed by electronic transmission by this chapter. The secretary of state shall develop a secure method for electronically signing statements. The methods provided to treasurers by the secretary of state to file by electronic transmission shall when feasible facilitate bulk itemized data submission using a standardized format prescribed by the secretary of state. The secretary of state shall provide training materials for filing required statements by electronic transmission.

The secretary of state may grant brief extensions with no penalty for filing by electronic transmission in the event of prolonged circumstances outside the control of the secretary of state or a treasurer that make electronic filing unfeasible.

**Section 30.** That chapter 12-27 be amended by adding thereto a NEW SECTION to read as follows:

The secretary of state shall make the information contained in the campaign finance disclosure statements and timely contribution disclosure statements that have been filed by electronic transmission after January 1, 2018 available to the public in an open format that:

- (1) Is retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications;
- (2) Is platform independent and machine readable;
- (3) Is available free of charge and without any restriction that would impede the non-commercial reuse or redistribution of the public record;
- (4) Employs a descriptive and uniform naming system; and
- (5) Retains the data definitions and structure present when the data was compiled, if applicable.

The secretary of state shall also provide to the public free of charge a bulk data download file of the contribution information contained in all campaign finance disclosure statements submitted after January 1, 2018, complete with annotation of amended information. This file shall be offered in an open, platform independent, and machine readable format that when appropriate displays information in an itemized and non-duplicated manner. The same shall be provided, but in a separate file, for the contribution information contained in all timely contribution disclosure statements submitted up to the present.

**Section 31.** That chapter 12-27 be amended by adding thereto a NEW SECTION to read as follows:

For the purposes of this section, the term "gift" means any compensation, reward, employment, gift, honorarium, beverage, meal, food, or other thing of value made or given directly or indirectly to any person.

No lobbyist or employer of a lobbyist may make gifts to one person who is an elected state officer, legislative official or staffperson, or executive department official or staffperson aggregating more than one hundred dollars in a calendar year, nor may a lobbyist or employer of a lobbyist act as an agent or intermediary in the making of any such gift, or to arrange for the making of any such gift by any other person.

The value of gifts given to an immediate family member of any elected state officer, legislative official, or executive branch official shall be attributed to the officer or official for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member, subject to approval by the commission in a manner to

be promulgated by rule by the commission pursuant to its rule-making authority under section 40 of this Act.

No person may knowingly receive any gift which is made unlawful by this section. A violation of this section is a Class 1 misdemeanor.

**Section 32.** There is hereby established the South Dakota Ethics Commission, an independent commission to prevent corruption and its appearance, to protect the integrity of the democratic process, to ensure that state ethics laws are not violated, and to administer the democracy credit fund and Program.

**Section 33.** The commission shall consist of five members who shall be chosen on the basis of experience, integrity, impartiality, and good judgment. No more than two of the members may be affiliated with the same political party. No member of the commission may be a state employee or an elected or appointed official of the state or any of its political subdivisions. No member may be a lobbyist registered pursuant to chapter 2-12.

**Section 34.** The initial members of the commission shall be appointed no later than January 31, 2017, and all appointments to the board made thereafter are to be made by January thirty-first of each year. Members of the commission shall serve for a single term of six years, except that of the members first appointed: three members, not presently or generally affiliated with the same political party, shall be appointed by the Governor for terms ending in three years, with one chosen from a list of nominees, ordered by preference, that shall be supplied by the state senate majority leader, one chosen from a list of nominees, ordered by preference, that shall be jointly agreed upon and supplied by the state senate majority and minority leaders, and two of the members, not presently or generally affiliated with the same political party, shall be appointed by the Governor for terms ending in six years, with both chosen from a list of nominees, ordered by preference, that shall be jointly agreed upon and supplied by the presidents of the University of South Dakota and South Dakota State University.

If the Governor fails to make any appointment to the commission by the date indicated above, the nominee in the relevant supplied list is automatically appointed in order of indicated preference as necessary to fill the commission. Any vacancy on the commission shall be filled in the same manner as the initial appointment and shall be made within thirty days of the vacancy.

A vacancy occurring prior to the end of the Commissioner's term shall be filled for the remainder of the term and shall count as that appointee's single allowable term. All appointed members of the board shall file with the secretary of state an oath in the form prescribed by § 3-1-5.

**Section 35.** Except where expressly provided otherwise, each decision of the commission with respect to the exercise of its duties and powers under section 39 of this Act shall be made by a majority vote of the members of the commission.

**Section 36.** The members of the commission shall select a chair by majority vote for each calendar year. The chair shall have the authority to call meetings of the commission, sign documents on behalf of the commission, and take other administrative actions necessary to carry out the decisions of the commission made by majority vote. The chair may delegate duties as chair to another member of the commission. Any decision or action by the chair may be overruled by majority vote of the members. If the Chair does not call a meeting, a meeting of the commission may be called by two or more members.

**Section 37.** Each Commissioner shall receive a per diem of fifty dollars per day for days when the Commissioner is carrying out duties as a member of the commission, to be paid from the budget of the commission.

**Section 38.** The commission may employ staff and contract employees as necessary to carry out its duties and responsibilities.

**Section 39.** The commission has primary responsibility for the

impartial, effective administration and implementation of this Act, including:

(1) Implementing and administering the Democracy Credit Program and democracy credit fund established by sections 42 to 62, inclusive, of this Act, including but not limited to:

(a) Prior to each election cycle, informing the public about democracy credits and the Program;

(b) Publishing appropriate guidebooks for candidates and democracy credit recipients, and all forms, instructions, brochures and documents necessary and proper for this Program;

(c) Promptly after the effective date of this section, projecting Program revenue, expenditures, and democracy credit fund balances five years into the future, and revising and updating such projections regularly;

(d) Managing the democracy credit fund as a fiduciary, ensuring proper accumulation and distribution of funds, during nonelection and election years, to achieve Program purposes and goals;

(e) Managing the budget of the commission as a fiduciary, ensuring proper accumulation and distribution of funds, during nonelection and election years, to achieve the purposes of this Act;

(f) By January first of each state election year, publishing the amount of democracy credit funds available for that year for all democracy credit redemptions, using best efforts to reasonably project and ensure that adequate democracy credit fund moneys are available for that election year consistent with this Act, its goals and purposes and all reasonably foreseeable circumstances and contingencies; and

(g) During any state election year, as soon as receiving or reasonably determining it shall receive democracy credits for redemption in excess of the amount of democracy credit funds available of this section for that year, publicly announcing that Program funds are no longer available and setting a deadline date for assigned democracy credit delivery, following which the commission shall consider democracy credits received and shall allocate remaining available Program Funds proportionately per delivered but unredeemed verified democracy credits on hand, pro rata among all participating candidates for all offices without discrimination;

(2) Issuing recommendations to public agencies to minimize corruption and its appearance and promote trust in the government. The commission may make recommendations to the Legislature, constitutional officers, and other government officials on legislation and policies that would provide public trust;

(3) Reviewing statements and records. To ensure compliance with the law, the commission shall review all statements and records required to be filed under campaign finance and lobbying law and may audit the records of entities required to file reports and statements;

(4) Investigation and Enforcement. If the commission, upon receiving a complaint or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, determines that there is reason to believe a violation of state campaign finance or lobbying law may have been committed, the commission may:

(a) Immediately refer the matter to the secretary of state or the attorney general, as appropriate, for investigation and enforcement; or

(b) Initiate an investigation to determine whether there is probable cause to believe a violation has been committed. If the commission determines there is probable cause to believe a violation was committed, the commission shall refer the matter to the secretary of state or the attorney general for investigation and enforcement, as appropriate;

If the commission refers a matter for enforcement to the secretary of state or attorney general, as appropriate, such agency shall review the matter and notify the commission in writing within thirty days of the referral whether or not the agency intends to take further action and what action it will take. If either the secretary of state or attorney general, as appropriate, notifies the commission it will take further action, it

must report to the commission every thirty days on the further actions it has taken. Upon completion of its enforcement action, the secretary of state or attorney general, as appropriate, must submit a final report to the commission on the resolution of the matter. The report shall include an explanation of the actions taken and any relevant evidence obtained.

If the secretary of state or attorney general, as appropriate, fails to report to the commission, notifies the commission that no action will be taken, fails to take final action on a matter within six months or takes final action that the commission believes is insufficient to remedy the violation, the commission may determine to seek civil enforcement of the law. If the commission determines to seek civil enforcement of the law, it may conduct any further investigation it believes necessary. The commission may seek monetary penalties and an order requiring corrective action.

The commission has the power to subpoena documents and witnesses related to any commission investigation. The commission may conduct investigations privately or in executive session, however, any findings on an investigation or a decision on a recommendation shall be determined publicly. The commission shall publish a public report on each investigation, including the commission findings. The commission, secretary of state and attorney general shall make every effort to cooperate and share information in order to effectively enforce the law, while maximizing the efficient use of resources.

(5) Issuing upon request and publishing advisory opinions.

**Section 40.** The ethics commission may adopt rules as may be necessary to implement the provisions of this Act. The rules may be adopted to regulate:

The procedure by which the commission reviews all statements and records required to be filed under campaign finance and lobbying law;

The manner in which the commission fulfills its investigatory and enforcement duties;

The manner in which commission advisory opinions may be requested and are issued;

Gifts by lobbyists and employers of lobbyists to public officials and related persons;

The physical form, printed content, distribution, and issuance of democracy credits;

The assignment of democracy credits, including the development of an online electronic system for such assignment and the role of potential vendors related to such development;

The submission, verification, and redemption of assigned democracy credits;

The expiration of democracy credits;

The qualification and certification of candidates, committees, registered representatives, treasurers, and other persons involved or participating in the Program;

The conditions that must be met for continued participation in the Program, including reporting requirements;

The use of democracy credits in special elections; and

Any other matters inherent to the effective implementation, operation, or administration of the Program.

The rules shall be adopted pursuant to chapter 1-26 and shall be in accordance with this Act.

Only if necessary to address an unforeseen problem or a change in circumstances that arises in the ethics commission's implementation or operation of the Program, the commission may adopt rules that replace or modify the requirements established in sections 43 to 62, inclusive, of this Act, to further the purposes of the Program. The commission shall issue public written findings regarding the need for any such rule that it adopts.

**Section 41.** The commission shall submit an annual report to the Governor and the Legislature no later than February first. This report shall detail the action taken by the commission and a summary of disclosable information regarding the number and nature of complaints received and addressed.

The commission shall maintain a telephone hotline as well as a website through which persons may anonymously report instances of corruption in state government. The commission shall maintain a website to educate the public about its role and the Program, publish its reports

and findings, and promote public trust in government.

**Section 42.** There is hereby created the "democracy credit fund," a special, dedicated, non-lapsing fund. Moneys appropriated, deposited, or paid into this fund may not lapse at any time or be transferred to any other fund, except as provided in this section. Any money in the fund is continuously appropriated to the ethics commission for expenditure in accordance with the provisions of this chapter, including for the purposes of:

Providing funds to the election campaigns of participating candidates in exchange for redeemed democracy credits, pursuant to this Act; and

Paying for the administrative and enforcement costs of the ethics commission and other state staff or vendors related to the administration of the South Dakota Democracy Credit Program, pursuant to this Act.

The sources of revenue to be deposited in the democracy credit fund shall include, without limitation: unspent democracy credit contributions received by any participating candidate who does not remain a candidate until the election for which the funds were distributed, or such funds that remain unspent by a participating candidate following the date of the election for which the funds were distributed; voluntary donations made directly to the democracy credit fund; other funds appropriated by the state; any interest generated by the democracy credit fund; and any other sources of revenue determined as necessary by the state.

The total amount of revenue in the democracy credit fund may not exceed at any time twelve million dollars. Any amount exceeding this limit that would otherwise be deposited in the democracy credit fund shall instead be deposited in the state general fund.

**Section 43.** The South Dakota Democracy Credit Program ("Program") is hereby established. The purposes of the Program are to minimize corruption or the appearance of corruption in government; to promote broad, diverse, fair, and undistorted influence and participation by South Dakotans in state electoral politics; to better inform the public about candidates running for office; and to promote meaningful and open discussion of political issues in the context of electoral politics.

**Section 44.** On the first business day in January of every even-numbered year, the ethics commission shall mail to each person who was by the previous December first registered to vote in the state, to voter's address in the voter registration records, two democracy credits valued at fifty dollars each, accompanied by instructions for the assignment of democracy credits and information about the Program. However, the commission may deliver democracy credits electronically or in other manners if the person to be issued the democracy credits elects other manner of delivery as allowed under commission regulation. Thereafter, the commission shall on the first and eleventh business day of every month in that election year issue two democracy credits valued at fifty dollars each to any person not yet issued democracy credits in that election year who becomes a registered voter in the state after the previous December first and before October first of the election year. Any registered voter may request that the voter's democracy credits be mailed to an address other than that indicated in the voter registration records, or be delivered at the office or physical address of the commission. No person who is not a resident and registered voter of the state, no corporation or other non-human entity, and no person ineligible to make political contributions under federal or state law, may receive a democracy credit.

**Section 45.** Each democracy credit shall:

State the voter's name, a unique and non-sequential democracy credit identification number, and the election year for which the democracy credit is valid.

Provide a space for the voter to designate the name and office sought of the candidate to whom the voter chooses to assign the democracy credit;

Require the voter to enter the voter's date of birth, as well as any other verification information required by the commission by rule that is reasonable and not overly burdensome for the

voter to provide, in a designated area on the democracy credit for verification purposes; and

Provide a blank space for the voter to sign and date these words of assignment and agreement in substantially the following form: "I attest that I am a registered voter and resident of the State of South Dakota. I attest that I obtained this democracy credit properly and make this assignment freely, voluntarily and without duress or in exchange for any payment of any kind for this assignment, and not for any consideration of any kind, and that I am aware that assignment does not guarantee availability of funds and is irrevocable. I understand that assignment is complete upon delivery to the South Dakota Ethics Commission, the named candidate, or the candidate's registered representative. I understand that sale or transfer for consideration of this democracy credit is strictly prohibited. I understand that if I have been approached by a person attempting to collect democracy credits on behalf of a participating candidate that the person shall produce upon request official documentation showing that the person has been certified by the Ethics Commission as a registered representative of the participating candidate. I understand that a democracy credit may be redeemed only by participating candidates and only if such candidate has complied with all applicable campaign finance laws and if funds are available."

A democracy credit, as well as any attached instructions, shall contain the following statement or substantially the same: "In order to redeem the democracy credit you are assigning, a candidate must be or become a participating candidate and not be or become ineligible to redeem democracy credits. You may check on the eligibility status of any candidate by calling the South Dakota Ethics Commission or visiting its website," followed by the phone number of the commission line for this purpose and the direct address to the section of the commission website detailing current candidate eligibility.

**Section 46.** A democracy credit is only transferable or assignable as stated within sections 43 to 62, inclusive, of this Act. Only the voter to whom the democracy credit was issued by the commission may assign the democracy credit. A voter assigns a democracy credit by writing the name of the assignee candidate, signing by hand or by secure electronic signature the voter's name, providing all verification information required by section 45 of this Act and commission regulations, dating the democracy credit where indicated thereon, and delivering the signed and dated democracy credit to the candidate, or to the commission, or to any candidate's representative who shall be registered for this purpose with the commission pursuant to section 56 of this Act. Delivery may be by mail, in person (by any person the holder requests to deliver the democracy credit), or electronically via a secure online system developed and implemented by the commission or through a duly contracted vendor.

The commission shall establish a secure online system for assignment of democracy credits no later than December 31, 2017, unless the commission determines this target date is not practicable; and in any event no later than December 31, 2019. The commission may also develop a secure online system for issuance of democracy credits to registered voters in the state if it so elects.

**Section 47.** The name, address, and any other information that reveals the identity of a voter who is issued or assigns a democracy credit, insofar as that information exists apart from proper inclusion in a campaign finance disclosure statement as described under § 12-27-24, may not be disclosed to the public and shall be, pursuant to chapter 1-27, kept confidential by the commission, involved vendors, and any other entities or government agency involved in the proceedings of the Program. Information that does not identify a voter and that is descriptive of the general or specific functioning of the Program, such as the number of democracy credits assigned to and redeemed by all or specific candidates or the date of assignment of democracy credits, is intended for public disclosure.

**Section 48.** A person may only assign a democracy credit to a candidate who has been certified as a participating candidate by the commission. No democracy credit may be assigned after the day of the general election in the year the democracy credit was issued, or to any candidate who has not yet been certified as a participating candidate, loses status as a participating candidate, or becomes unqualified for the position sought. A candidate or registered representative of the candidate may seek assignment in person, by mail (including by providing to voters prepaid and preaddressed envelopes through which to deliver voter's assigned democracy credits), or by assisting a voter to access the secure online system implemented by the commission. A valid assignment is irrevocable. A person may assign any number of the person's democracy credits to the same candidate in a given year. Assignment or transfer of a democracy credit for cash or any consideration is prohibited. Offering to purchase, buy or sell a democracy credit is prohibited. Any person who offers to purchase or buy a democracy credit is guilty of a Class 1 misdemeanor. No person may gift a democracy credit to another person, except by assigning it to a candidate as provided pursuant to sections 43 to 62, inclusive, of this Act. A democracy credit has no cash value and is not an asset, income or property of the holder. A democracy credit may not be assigned by proxy, power of attorney or by an agent.

**Section 49.** A democracy credit expires if the holder is not a registered voter and resident in the state, or is not eligible to make political contributions under state or federal law, if such circumstances take place prior to the assignment to a participating candidate. The holder of a democracy credit assumes the risk that holder may change holder's mind after assignment, or that the democracy credit may not have use or be redeemed due to any contingency, including but not limited to unavailability of Program funds; the assignee candidate becoming ineligible to further redeem democracy credits for reasons including, but not limited to, the candidate's reaching the applicable redemption limits pursuant to sections 59 and 60 of this Act; a candidate's death, disqualification, withdrawal, failure to redeem or use the democracy credit; or otherwise as determined by commission rule.

**Section 50.** Only a candidate who has filed with the commission for participation in the Program may receive assignment of a democracy credit. Only a candidate certified as a participating candidate by the commission may redeem a democracy credit. Only a person eligible for and seeking legislative office in South Dakota is eligible to file for Program participation in the years 2017 and 2018. After the year 2018, only a person eligible for and seeking statewide or legislative office in South Dakota is eligible to file for Program participation. The commission shall determine by criteria established by rule if and when candidates running in a special election may participate in the Program.

**Section 51.** To be certified by the commission as a participating candidate, a candidate seeking election to statewide or legislative office shall file with the commission, on or after July first the year before an election year and within two weeks after filing a declaration of candidacy, a sworn statement in a format provided by the commission attesting to the candidate's intent to participate in the Program, asserting that the candidate shall timely file or has filed a declaration of candidacy for the office indicated, and that the candidate shall comply with Program requirements and applicable campaign laws. The Program requirements are that the candidate:

May not expend, contribute, or lend to the candidate's own controlled committee personal funds in excess of two thousand dollars if the person is a candidate for statewide office, or one thousand dollars if he or she is a candidate for legislative office;

May not solicit, accept, direct, or otherwise coordinate receipt or spending of funds in connection with the candidate's election other than democracy credits and Qualified Contributions;

May not make contributions using funds received through redemption of democracy credits to another political committee or

a political party; and

Must, if the candidate is a candidate for Governor, agree to withdraw from the Program and return any unspent funds received through democracy credits within three weeks of official selection of the candidate's lieutenant governor running mate if that lieutenant governor running mate does not before those three weeks have elapsed agree to Program requirements (1), (2), and (3) of this section.

**Section 52.** No candidate for lieutenant governor may become a participating candidate unless the candidate's Governor candidate running mate has already become a participating candidate. Any democracy credit assigned to and redeemed by a participating candidate for lieutenant governor is considered to be redeemed by that candidate's participating candidate running mate for Governor.

**Section 53.** To become certified by the commission as a participating candidate eligible to solicit, accept, and redeem democracy credits, a candidate for statewide or legislative office shall demonstrate to the commission that the candidate has not spent any funds directed at an upcoming election that were raised from contributions that are not Qualified Contributions. The candidate shall also demonstrate, using a form prescribed by the commission, that the candidate has received the following number of Qualified Contributions of at least ten dollars each, each contributed by a separate person, as well as the signature, full name, address, city and state of the person making each Qualified Contribution: if the candidate is running for the South Dakota legislature, at least twenty-five; for statewide office other than the office of Governor, at least one hundred; and for Governor, at least two hundred.

**Section 54.** A candidate loses status as a participating candidate by publicly announcing withdrawal, abandoning the race, or if the commission finds sufficient material violations of election laws or Program requirements such as violation of contribution limits, or fraudulent or attempted fraudulent assignment of democracy credits.

**Section 55.** The commission shall maintain an interactive, easily searchable and current list of participating candidates, sortable by name, office sought, district, and party, and make it readily accessible to the public, including by publishing it in a conspicuous location on the commission's website. This list shall be designed to facilitate viewing on the full range of common screen sizes of internet devices, including mobile devices.

**Section 56.** A participating candidate is permitted to solicit and collect democracy credits that have been properly assigned to the candidate. A registered representative is permitted to solicit and collect democracy credits that have been properly assigned to the participating candidate of whom the person is a registered representative. Only a volunteer may become a registered representative of a participating candidate, and no person may be compensated to solicit and collect democracy credits as a registered representative. In order to become a registered representative of a participating candidate, a person shall file with, and affirm understanding of the regulations and penalties associated with the Program to, the commission in a manner to be specified by commission regulation. The commission shall give to any person who successfully becomes a registered representative a standardized and personalized form of documentation, able to be carried upon their person, confirming that person's registered representative status. A registered representative shall carry this documentation on their person when soliciting or collecting democracy credits, and present it upon request to persons from whom registered representative is soliciting or accepting democracy credits.

The following may not be considered soliciting or accepting a democracy credit: discussing democracy credits or the Program; suggesting that another person can or should assign a democracy credit to a certain participating candidate; assisting another with learning about the Program or the proper method to assign a democracy credit; or any other speech or discussion about democracy credits or the Program that does not involve or relate to any coercion as well as

any gift, advance, distribution, deposit, or payment of money or any other valuable consideration.

**Section 57.** The treasurer of a candidate committee shall make and keep copies of all physical democracy credits received. The commission shall by rule set forth the manner in which participating candidates, candidate committees and treasurers, and registered representatives may send or deliver to the commission a physical democracy credit assigned to the candidate that has been received by the foregoing.

**Section 58.** The commission shall redeem a democracy credit only after verifying the assignment by ensuring the democracy credit was assigned to a participating candidate, and verifying, in a manner that includes at least the verification of signatures and dates of birth, that the democracy credit was assigned by the voter to whom it was issued. The Office of the Secretary of State and each county auditor shall give the commission access to the voter registration lists and other information necessary for purposes of verification. The commission shall strive for prompt verification of assigned democracy credits. The commission shall redeem a democracy credit within three business days of verification by transferring fifty dollars from the democracy credit fund to the campaign committee of the participating candidate who redeems the democracy credit. A democracy credit may not be redeemed by any candidate other than the one to whom it was assigned by the holder originally issued the democracy credit.

**Section 59.** A participating candidate is eligible to receive no more than the following amounts in democracy credit funds during a single election year:

In the case of a candidate for South Dakota Senate or House of Representatives, fifteen thousand dollars;

In the case of a candidate for South Dakota commissioner of school and public lands, fifteen thousand dollars;

In the case of a candidate for South Dakota treasurer, twenty-five thousand dollars;

In the case of a candidate for South Dakota auditor, fifty thousand dollars;

In the case of a candidate for South Dakota public utilities commissioner, seventy-five thousand dollars;

In the case of a candidate for South Dakota secretary of state, seventy-five thousand dollars;

In the case of a candidate for South Dakota attorney general, one hundred and seventy-five thousand dollars; and

In the case of a candidate for Governor of South Dakota, seven hundred thousand dollars.

**Section 60.** A participating candidate running for the following categories of office becomes ineligible to further redeem democracy credits if the total amount redeemed during that year by all candidates running for the same category of office reaches the following amounts:

In the case of all candidates for South Dakota legislative office, six million dollars;

In the case of all candidates, grouped together, for South Dakota commissioner of school and public lands, treasurer, auditor, public utilities commissioner, secretary of state, and attorney general, one million five hundred thousand dollars; and

In the case of all candidates for Governor of South Dakota, four million dollars.

**Section 61.** A candidate may only use democracy credit proceeds for campaign costs or debts for the relevant office and election cycle, and may not use such proceeds after a reasonable period, to be set by commission rule, following the election to pay campaign debts. No candidate may use democracy credit proceeds for any cash payments or in violation of any law; to pay the candidate; to pay any entity in which the candidate or an immediate family member holds in aggregate a ten percent or greater ownership interest; to pay any amount over fair market value for any services, goods, facilities or things of value; or to pay any penalty or fine; nor to pay any inaugural costs or post-election officeholder costs.

**Section 62.** Any candidate who has redeemed a democracy credit, then withdraws, dies, becomes ineligible, loses participating candidate status, is eliminated in a primary election, is eliminated in a special elec-

tion, or is eliminated in or wins a general election, shall within a reasonable period, as set by commission rule, pay all debts and obligations, account to the commission and restore to the commission and the Program "Unspent Democracy Credit Proceeds." The commission shall define "Unspent Democracy Credit Proceeds" by rule.

**Section 63.** The ethics commission shall in January of every odd-numbered year adjust the following dollar amounts to reflect changes in the Consumer Price Index for the Midwest Region, All Items, as computed by the United States Department of Labor. The adjustment for the following shall be made by comparing the most current Consumer Price Index for the Midwest Region, All Items, with that index from November 2015, and:

For those dollar amounts set in chapter 12-7 and this Act in the tens of dollars, rounding to the nearest dollar;

For those dollar amounts set in chapter 12-7 and this Act in the hundreds of dollars, rounding to the nearest ten dollars;

For those dollar amounts set in chapter 12-7 and this Act in the thousands of dollars, rounding to the nearest hundred dollars; and

dollar amounts set in chapter 12-7 and this Act in the tens of thousands of dollars or more, rounding to the nearest thousand dollars.

**Section 64.** That § 2-12-1 be amended to read as follows:

2-12-1. Any person who employs any other person to act as a lobbyist to seek the introduction 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 for the purpose of influencing state legislation, executive action, regulation, or governmental processes, shall register the name and address 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. The registration shall be completed electronically in a standardized and machine readable manner provided by 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.

**Section 65.** That § 2-12-8.2 be amended to read as follows:

2-12-8.2. No elected officer, appointed officer, state agency or division director, or the highest paid aide, employee, or staff person reporting to any of the foregoing may be compensated to act or register as a lobbyist, other than a public employee lobbyist, during a period of one year two years after the officer's that person's termination of service in the state government. A violation of this section is a Class 1 misdemeanor.

**Section 66.** That § 2-12-9 be amended to read as follows:

2-12-9. It is a Class 1 misdemeanor—Class 5 felony—to threaten, to harm, to offer or make bribes of money or other inducements, to offer or to give 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.

**Section 67.** That § 2-12-11 be amended to read as follows:

2-12-11. On or before July first of each year, each registered lobbyist and each employer 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 state legislation, executive action, regulation or governmental processes.

The report shall be submitted in writing or electronically in a standardized and machine readable 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 and available online to the public free of charge in an open format that is machine readable, downloadable and bulk downloadable, employs a descriptive and uniform naming system, and presents data in an itemized view if possible. 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).

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

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

**Section 68.** There is hereby appropriated from the general fund, on July 1, 2017, and every July first of each year thereafter, the sum of nine dollars, to be adjusted every year for inflation based on the Consumer Price Index for the Midwest Region, All Items, as determined by the United States Department of Labor, per South Dakota registered voter as most recently determined by the Secretary of State, to the democracy credit fund for the identified purposes of that fund.

**Section 69.** The chair of the ethics commission shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

**Section 70.** Sections 21, 22, 23, 28, 29, 30, 64, and 67 are effective on January 1, 2018.

## Initiated Measure 23

**Title:** An initiated measure to give certain organizations the right to charge fees

**Attorney General Explanation:**

The measure gives corporate organizations and non-profit organizations the right to charge a fee for any service provided. This measure takes effect on July 1, 2017.

A vote "Yes" is for allowing certain organizations the right to charge fees.

A vote "No" is against the measure.

Full Text of Initiated Measure 23:

Section 1. Notwithstanding any other provisions of law, an organization, corporate or non-profit, has the right to charge a fee for any service provided by the organization.

Section 2. The effective date of this Act is July 1, 2017

## Referred Law 19

**Title:** An Act to revise State laws regarding elections and election petitions

**Attorney General Explanation:**

Currently, primary election candidates for certain offices must circulate and submit nominating petitions between January 1 and the last Tuesday in March. Referred Law 19 changes that timeframe to between December 1 and the first Tuesday in March. The referred law also changes other election-related submission deadlines, adjusting them from the last Tuesday in March to the first Tuesday in March.

Certain election-related documents, including nominating petitions, are currently considered timely submitted if sent by registered mail before the deadline. The referred law changes this to require that these documents

be received by the submission deadline. It also changes the method for calculating the number of signatures required on nominating petitions for certain elective offices.

The referred law prohibits a person registered with a recognized political party from signing an independent candidate's nominating petition. The current law does not contain that prohibition.

Under the referred law, an independent governor candidate cannot appear on the ballot if the corresponding lieutenant governor candidate withdraws and a replacement is not certified by the second Tuesday in August. It also restricts the circumstances under which a political party may replace a candidate who has withdrawn from consideration after the primary election.

A vote "Yes" is for revising State laws regarding elections and election petitions.

A vote "No" is against the referred law.

**Full Text Referred Law 19:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding elections and election petitions.

Section 1. That § 12-6-4 be amended to read as follows:

12-6-4. Except as provided by § 12-5-4 and as may be otherwise provided in chapter 12-9, no candidate for any office to be filled, or nomination to be made, at the primary election, other than a presidential election, may have that person's name printed upon the official primary election ballot of that person's party, unless a petition has been filed received in the office of the person in charge of that election on that person's behalf prior to January December first of the year preceding the election, and not later than the last first Tuesday of March at five p.m. prior to the date of the primary election. If the petition is mailed by registered mail by the last Tuesday of March at five p.m. prior to the primary election, the petition shall be considered filed. A nominating petition for national convention delegates and alternates as provided in § 12-5-3.11 shall be filed in accordance with the provisions of this section. Nominating petitions for all party and public offices except legislative and judicial offices shall be filed received in

the office of the county auditor of the county in which the person is a candidate. Nominating petitions for legislative and judicial office whether elected in one or more counties, and all other party and public offices to be voted on in more than one county shall be filed received in the Office of the Secretary of State.

Section 2. That § 46A-3B-4 be amended to read as follows:

46A-3B-4. A director candidate may be nominated by a petition signed by at least twenty-five registered voters in the director area to be represented by the candidate. Nominating petitions shall be made available at the water development district office, the secretary of state's office, and the respective county auditors' offices on forms prescribed by the state election board and filed with the secretary of state received in the Office of the Secretary of State not prior to eight a.m.; January December first of the year preceding the election, and not later than five p.m., the last first Tuesday of March prior to the date of the primary election. If a petition is mailed to the secretary of state's office by registered mail by five p.m., the last Tuesday of March prior to the primary election, it is considered filed. For the initial election, director nominating petitions shall be made available by the Department of Environment and Natural Resources and shall be filed with received by the department not later than five p.m., the first Tuesday of August before the general election or in the case of a special election under pursuant to § 46A-3B-1, not later than thirty days before the date set for the special election.

Section 3. That § 12-11-3 be amended to read as follows: 12-11-3. Each party nomination and independent petition shall be filed with the secretary of state received in the Office of the Secretary of State not less than forty-five sixty-five days preceding any election which that is not combined with a primary or general election. If the election is conducted with a primary election, each party nomination and independent petition shall be filed received by

the last first Tuesday in March. Each nomination shall be certified in a like manner as any other nomination for the purpose of a general election. The election shall be conducted, canvassed, and the results certified as in a general election. If the election is conducted with a general election, each party nomination and independent petition shall be filed received by the second Tuesday in August.

Section 4. That § 12-6-4.1 be amended to read as follows:

12-6-4.1. No petition or certificate of nomination covered by subject to the provisions of this chapter may be circulated prior to the first day of January December of the year in which the election will be held preceding the election.

Section 5. That § 12-6-7 be amended to read as follows:

12-6-7. A nominating petition may be composed of several sheets, which shall have identical headings printed at the head thereof. The of each sheet. The petition for party office or political public office shall be signed by not less than one percent of the voters who cast their vote for that party's gubernatorial candidate at the last gubernatorial election registered for the candidate's political party at the last general election in the county, part of the county, district, or state electing a candidate to fill the office.

Section 6. That § 12-6-7.1 be amended to read as follows:

12-6-7.1. Notwithstanding the provisions of § 12-6-7 a nominating petition for a candidate for office in the State Legislature, county political public office, and county party office shall be signed by not less than fifty voters or not less than one percent of the voters who cast their vote for the party's gubernatorial candidate registered for the candidate's political party at the last general election, whichever is less. The petition shall clearly designate the senatorial or representative district for which said individual the person is a candidate.

Section 7. That § 12-6-8 be amended to read as follows:

12-6-8. No person may sign the nominating petition of a candidate before January first in the year in which the election is to be held December first of the year preceding the election, nor for whom the person is not entitled to vote, nor for a political candidate of a party of which the person is not a member, nor of more than the number of candidates required to be nominated for the same office. There shall be added by either the signer or the circulator, the signer's place of residence, and the date of signing. The signer's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class. A formal declaration of the candidate shall be signed by the circulator prior to the circulation of petitions. The signed declaration of the candidate, or a facsimile thereof, may accompany and be a part of the petition. The original signed declaration shall accompany the group of petitions upon filing being received by the office of the person in charge of that election. The petition shall be verified under oath by the persons circulating the petition. The verification by the person circulating the petition may not be notarized by the candidate whom the petition is nominating. The provisions of this section may not prohibit a person registered with party affiliation a recognized political party from signing either a petition nominating an independent or a nonpolitical candidate for office if the person has not previously signed a petition for that office to be filled. The provisions of this section do not prohibit a person registered with a recognized political party from signing a petition nominating a nonpolitical candidate for office.

Section 8. That § 12-7-1 be amended to read as follows: 12-7-1. Any candidate for nonjudicial public office, except as provided in § 12-7-7, who is not nominated by a primary election may be nominated by filing submitting with the secretary of state or county auditor as prescribed by pursuant to § 12-6-4, not prior to January December first at 8:00 a.m. of the year preceding the election and not later than the last Tuesday of April at 5:00 p.m. prior to the election, a certificate of nomination which shall be executed as provided in chapter 12-6. If the certificate of nomination is mailed by registered mail by the last Tuesday of April

at 5:00 p.m. prior to the election, it is timely submitted. The certificate of nomination shall be signed by registered voters within the district or political subdivision in and for which the officers are to be elected. The number of signatures required may not be less than one percent of the total combined vote cast for Governor at the last certified gubernatorial election number of registered voters having no party affiliation or voters registered as other, at the last general election within the district or political subdivision. 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. The candidate and the candidate's selection for lieutenant governor or vice president shall sign the certification before it is filed prior to it being received by the Office of the Secretary of State. If the independent candidate for lieutenant governor declares that he or she is not running, then the independent candidate for lieutenant governor shall withdraw pursuant to § 12-6-55. If an independent candidate for lieutenant governor withdraws, no independent candidate for governor may have his or her name printed upon a ballot unless a replacement selection for lieutenant governor is certified to the secretary of state by the second Tuesday in August.

The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certificate of nomination and the certification for lieutenant governor.

Section 9. That § 12-5-3.8 be amended to read as follows:

12-5-3.8. If a political party chooses to have a primary for selection of its the party's delegates and alternates to the national convention, the party shall certify the candidate names or the delegate and alternate slates which are to be listed on the primary ballot to the secretary of state by the last first Tuesday in March preceding the primary by five p.m. Only candidates or slates certified may be placed on the ballot by the secretary of state and the position of the candidates or slates on the primary ballot shall be chosen by lot by the secretary of state. The certification shall be deemed to be filed if mailed by registered mail by five p.m. on the last Tuesday in March.

Section 10. That § 12-5-3.14 be amended to read as follows:

12-5-3.14. Any candidate, committee, or group supporting a candidate in any presidential primary, shall, by five p.m. on the last first Tuesday in March prior to the presidential primary election, notify the secretary of state of an intention to have the name of the candidate placed on the presidential primary election ballot or submit a slate of candidates or both.

Section 11. That § 23-3-43.1 be amended to read as follows:

23-3-43.1. Any candidate for election to the office of county sheriff shall file with submit to the county auditor by the last first Tuesday of March of the election year a certification of qualification issued by the law enforcement officers standards commission that the candidate meets the qualifications provided in § 23-3-43. However, any candidate appointed to fill a vacancy by a party central committee pursuant to § 12-6-56 shall file with submit to the county auditor a certification of qualification by the second Tuesday in August. Any candidate who files submits an independent nominating petition shall file with submit to the county auditor a certification of qualification by the first last Tuesday after the first Monday of June in April. A sheriff appointed to fill a vacancy by the county commission shall file with submit to the county auditor a certification of qualification within thirty days of the appointment. Failure to file submit a certification shall prevent the candidate's name from being placed on the ballot.

Section 12. That § 12-5-1 be amended to read as follows:

12-5-1. A new political party may be organized and participate in the primary election by filing with submitting to the secretary of state not later than the last first Tuesday of March at five p.m. prior to the date of the primary election, a written declaration signed by at least

at 5:00 p.m. prior to the election, it is timely submitted. The certificate of nomination shall be signed by registered voters within the district or political subdivision in and for which the officers are to be elected. The number of signatures required may not be less than one percent of the total combined vote cast for Governor at the last certified gubernatorial election number of registered voters having no party affiliation or voters registered as other, at the last general election within the district or political subdivision. 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. The candidate and the candidate's selection for lieutenant governor or vice president shall sign the certification before it is filed prior to it being received by the Office of the Secretary of State. If the independent candidate for lieutenant governor declares that he or she is not running, then the independent candidate for lieutenant governor shall withdraw pursuant to § 12-6-55. If an independent candidate for lieutenant governor withdraws, no independent candidate for governor may have his or her name printed upon a ballot unless a replacement selection for lieutenant governor is certified to the secretary of state by the second Tuesday in August.

The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certificate of nomination and the certification for lieutenant governor.

Section 9. That § 12-5-3.8 be amended to read as follows:

12-5-3.8. If a political party chooses to have a primary for selection of its the party's delegates and alternates to the national convention, the party shall certify the candidate names or the delegate and alternate slates which are to be listed on the primary ballot to the secretary of state by the last first Tuesday in March preceding the primary by five p.m. Only candidates or slates certified may be placed on the ballot by the secretary of state and the position of the candidates or slates on the primary ballot shall be chosen by lot by the secretary of state. The certification shall be deemed to be filed if mailed by registered mail by five p.m. on the last Tuesday in March.

Section 10. That § 12-5-3.14 be amended to read as follows:

12-5-3.14. Any candidate, committee, or group supporting a candidate in any presidential primary, shall, by five p.m. on the last first Tuesday in March prior to the presidential primary election, notify the secretary of state of an intention to have the name of the candidate placed on the presidential primary election ballot or submit a slate of candidates or both.

Section 11. That § 23-3-43.1 be amended to read as follows:

23-3-43.1. Any candidate for election to the office of county sheriff shall file with submit to the county auditor by the last first Tuesday of March of the election year a certification of qualification issued by the law enforcement officers standards commission that the candidate meets the qualifications provided in § 23-3-43. However, any candidate appointed to fill a vacancy by a party central committee pursuant to § 12-6-56 shall file with submit to the county auditor a certification of qualification by the second Tuesday in August. Any candidate who files submits an independent nominating petition shall file with submit to the county auditor a certification of qualification by the first last Tuesday after the first Monday of June in April. A sheriff appointed to fill a vacancy by the county commission shall file with submit to the county auditor a certification of qualification within thirty days of the appointment. Failure to file submit a certification shall prevent the candidate's name from being placed on the ballot.

Section 12. That § 12-5-1 be amended to read as follows:

12-5-1. A new political party may be organized and participate in the primary election by filing with submitting to the secretary of state not later than the last first Tuesday of March at five p.m. prior to the date of the primary election, a written declaration signed by at least

two and one-half percent of the voters of the state as shown by the total vote cast for Governor at the last preceding gubernatorial election, which declaration shall contain:

- (1) The name of the proposed party; and
- (2) A brief statement of the principles thereof; whereupon the party shall, under the party name chosen, have all the rights of a political party whose ticket was on the ballot at the preceding general election. No signature on a declaration is valid if the declaration was signed more than one year prior to filing of the declaration.

A political party loses the right to participate in the primary election for failure to meet the definition of political party as defined in § 12-1-3.

The national and state chairperson of a recognized political party may request in writing, subscribed and sworn to by each chairperson before any officer qualified to administer oaths and take acknowledgments, to no longer be recognized as a political party. The political party shall also comply with the requirements for dissolution pursuant to chapter 12-27.

Section 13. That § 12-6-8.1 be amended to read as follows:

12-6-8.1. Any person may have his or her name withdrawn from the primary election by making a written request under oath. The request shall be filed with submitted to the officer with whom the nominating petition was filed submitted pursuant to § 12-6-4, not later than two days after the last first Tuesday in March at five p.m. If the request is mailed by registered mail not later than two days after the last Tuesday in March at five p.m., the request is properly filed. No name that is withdrawn pursuant to this section may be printed on the ballots to be used at the election.

Section 14. That § 12-5-4 be amended to read as follows:

12-5-4. A candidate for party precinct committeeman or committeewoman shall file submit a statement in writing, with the county auditor of the county in which he or she is a candidate, not later than the last first Tuesday in March before the primary election. The statement shall state that the candidate:

- (1) Is a resident of the precinct;
- (2) Is registered as a member of the political party named in the statement;
- (3) Is a candidate for precinct committeeman or committeewoman, as the case may be;
- (4) Is desirous of serving in that position; and
- (5) If elected, will qualify and serve in the office.

The statement, when properly filed submitted, shall operate as a nominating petition for that office.

Section 15. That § 9-13-7 be amended to read as follows:

9-13-7. No candidate for elective municipal office may be nominated unless a nominating petition is filed with submitted to the finance officer no later than five p.m. on the last Friday in February preceding the day

of election. The petition shall be considered filed if it is mailed by registered mail by five p.m. on the last Friday in February before the election. The petition shall contain the name, residence address, and mailing address of the candidate and the office for which the candidate is nominated and shall be on the form prescribed by the State Board of Elections. The signer's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class. The finance officer may only accept nominating petitions that are on the prescribed form and were circulated and submitted pursuant to the provisions in chapters 9-13 and 12-6. If the nominating petition meets the statutory requirements, the filing of the petition constitutes nomination.

Section 16. That § 13-7-6 be amended to read as follows:

13-7-6. No candidate for elective school board membership may be nominated unless such person is a resident voter of the school district and unless a nominating petition has been filed submitted on such person's behalf with the business manager of the school district. The nominating petition shall be filed submitted no later than five p.m. on the Friday thirty-nine days before the date of the election. The petition is considered filed if it is mailed by registered mail by five p.m. on the Friday thirty-nine days before the election. A formal declaration of a candidate shall be signed by the candidate before the circulation of the petition. The petition shall be signed by not less than twenty voters of the school district or if the school district is divided into school board representation areas, the petition shall be signed by not less than twenty voters who reside within the school board representation area. No petition may be circulated until ten weeks prior to the election. There shall be added by either the signer or the circulator the signer's place of residence and date of signing. The petition shall be verified under oath by the person circulating it. The filing of the nominating petition shall constitute nomination and will entitle the candidate to have the candidate's name placed on the ballot for the term the candidate specifies on the petition only upon verification signed by the business manager that the nominating petition contains the minimum number of signatures and that the candidate is a resident voter.

Section 17. That § 13-7-10.2 be amended to read as follows:

13-7-10.2. If the joint election provided for in § 13-7-10.1 is held on the second Tuesday in April, no candidate for elective school board membership may be nominated unless the candidate is a resident voter of the school district and unless a nominating petition has been filed submitted on the candidate's behalf with the business manager of the school district no later than the last Friday in February at five p.m. prior to the date of the election. If the petition is mailed by registered mail by the last Friday in February at five p.m. before the election, it shall be considered filed. A

formal declaration of a candidate shall be signed by the candidate before the circulation of the petition. The petition shall be signed by not less than twenty voters of the school district. No petition may be circulated until the last Friday in January before the election.

There shall be added by either the signer or the circulator the signer's place of residence and date of signing. The petition shall be verified under oath by the person circulating the petition. The filing of the nominating petition shall constitute nomination and will entitle the candidate to have the candidate's name placed on the ballot for the term the candidate specifies on the petition only upon verification signed by the business manager that the nominating petition contains the minimum number of signatures and that the candidate is a resident voter.

Publication of the notice of the election provided for in § 13-7-10.1 shall be in accordance with § 13-7-8.

Section 18. That § 46A-3B-4 be amended to read as follows:

46A-3B-4. A director candidate may be nominated by a petition signed by at least twenty-five registered voters in the director area to be represented by the candidate. Nominating petitions shall be made available at the water development district office, the secretary of state's office, and the respective county auditors' offices on forms prescribed by the state election board and filed submitted with the secretary of state not prior to eight a.m., January first December first of the year preceding the election, and not later than five p.m., the last first Tuesday of March prior to the date of the primary election. If a petition is mailed to the secretary of state's office by registered mail by five p.m., the last Tuesday of March prior to the primary election, it is considered filed. For the initial election, director nominating petitions shall be made available by the Department of Environment and Natural Resources and shall be filed with received by the department not later than five p.m., the first Tuesday of August before the general election or in the case of a special election under § 46A-3B-1, not later than thirty days before the date set for the special election.

Section 19. That § 12-7-7 be amended to read as follows:

12-7-7. Any candidate for President or Vice President of the United States who is not nominated by a primary election may be nominated by filing submitting with the secretary of state, not prior to January December first at 8:00 a.m. and not later than the first Tuesday in August at 5:00 p.m. prior to the election, a certificate of nomination which shall be executed as provided in chapter 12-6. If the certificate of nomination is mailed by registered mail by the first Tuesday in August at 5:00 p.m. prior to the election, it is timely submitted. The number of signatures required may not be less than one percent of the total combined vote cast for Governor at the last certified gubernatorial election number of registered voters having no party affiliation and voters registered as other, the day following the official state canvass at the

last general election within the state. An independent candidate for President shall file submit a declaration of candidacy and a certification of the candidate's selection for Vice President with the secretary of state prior to circulation of the candidate's nominating petitions. The candidate and the candidate's selection for Vice President shall sign the certification before it is filed submitted. The State Board of Elections shall promulgate rules pursuant to chapter 1-26 prescribing the forms for the certificate of nomination and the certification for Vice President.

Section 20. That § 12-6-56 be amended to read as follows:

12-6-56. If a vacancy occurs by reason of a death or a withdrawal as authorized by section 21 of this Act after a primary election, a party candidate for public office may be replaced by a new nominee if a meeting of the appropriate party central committee is held and the results are certified to the appropriate official within the times prescribed by § 12-8-6. If the vacancy is a party candidate for presidential elector or statewide office, the vacancy shall be filled by the State Party Central Committee. If the vacancy is a party candidate for public office other than presidential elector or statewide office, the vacancy shall be filled by a vote of county party central committee members in attendance who reside in the affected district.

Section 21. That chapter 12-6 be amended by adding thereto a NEW SECTION to read as follows:

If a party candidate for public office withdraws after filing petitions with the secretary of state, the appropriate party central committee may make a replacement nominee only if:

- (1) The party candidate:
  - (a) Withdraws because of personal illness or illness of an immediate family member and the illness prevents the candidate from performing the duties of the office sought; and
  - (b) Submits with the withdrawal request a form signed by a licensed physician verifying that the provisions of subsection (a) apply to the candidate;
- (2) There is no other nominee for the office sought by the withdrawing candidate as of the time of the withdrawal;
- (3) The party candidate has been elected or appointed to fill a vacancy in another elective office which duties conflict by law with the duties of the office sought, has become the nominee for another elective office, it has been determined that the party candidate's employment conflicts by law with the duties of the office sought, or is deceased; or
- (4) The party candidate permanently moves from his or her physical address stated in the nominating petition filed with the secretary of state, and requests in writing, subscribed and sworn to by the candidate before any officer qualified to administer oaths and take acknowledgments that the candidate has not resided in the district for a period of thirty consecutive calendar days and has no intention of resuming residency in the district.

Section 22. That § 12-1-3 be amended by adding thereto NEW SUBDIVISIONS to read as follows:

"Independent" or "no party affiliation," any voter who writes Independent, I, Ind, the field is blank, no party affiliation, no party, no choice, nonpartisan, or line crossed off in the Choice of Party field on the voter registration form;

"Independent candidate," any registered voter who is not registered as a member of a recognized political party and who is a candidate for office;

"Other," any voter who writes any other nonrecognized political party in the Choice of Party field on the voter registration form.

Section 23. That § 12-8-6 be amended to read as follows:

12-8-6. Nominations by a party committee to may fill vacancies occurring in nominations a vacancy created by a nomination made in a primary election and certificates of election. The party committee shall certify the nomination to be filed with the secretary of state and those to be filed with the or the county auditor shall be filed not later than the second Tuesday in August at five p.m. or mailed by registered mail by that date and time prior to the election.

Section 24. That § 12-5-1.4 be amended to read as follows:

12-5-1.4. If a political party qualifies for the primary ballot

under § 12-5-1, each candidate intending to participate in a primary election shall file a nominating petition pursuant to § 12-6-4. In each primary election following the qualification of a political party and prior to the next gubernatorial election, each:

- (1) State and federal candidate for that party shall file a petition bearing signatures of at least not less than two hundred fifty registered voters in that party or not less than one percent of the registered voters having no party affiliation including any registered voters of the new political party and voters registered as other in the state at the last general election; and
- (2) Legislative and county candidate for that party shall file a petition bearing signatures of at least five registered voters in that party not less than fifty voters in that party or not less than one percent of the registered voters having no party affiliation including any registered voters of the new political party and voters registered as other in that county or district.

## Referred Law 20

**Title:** An Act lowering the State minimum wage for non-tipped employees under age 18  
**Attorney General Explanation:**

State law requires employers to pay all non-tipped employees a minimum wage, with limited exceptions. Currently, that amount is \$8.55 per hour. State law also requires that the minimum wage be adjusted, effective on January 1 of each year, by any increase in the cost of living as measured by the U. S. Department of Labor's Consumer Price Index.

Referred Law 20, if approved, would lower the existing State minimum wage to \$7.50 per hour for non-tipped employees under age 18. In addition, no annual cost-of-living wage adjustment would be required for the youth minimum wage.

The referred law would also prohibit employers from taking any action to displace an employee or reduce an employee's hours, wages, or benefits, in order to hire someone at the youth minimum wage.

A vote "Yes" is for lowering the minimum wage to \$7.50 per hour for non-tipped employees under age 18.

A vote "No" is against the referred law.

**Full Text Referred Law 20:**  
FOR AN ACT ENTITLED, An Act to establish a youth minimum wage. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 60-11-3 be amended to read as follows:

60-11-3. Every employer shall pay to each employee wages at a rate of not less than eight dollars and fifty cents an hour. Violation of this section is a Class 2 misdemeanor. The provisions of this section do not apply to certain employees being paid an opportunity wage pursuant to § 60-11-4.1, babysitters, employees under age eighteen, or outside salespersons. The provisions of this section also do not apply to employees employed by an amusement or recreational establishment, an organized camp, or a religious or nonprofit educational conference center if one of the following apply:

- (1) The establishment, camp, or center does not operate for more than seven months in any calendar year; or
- (2) During the preceding calendar year, the average receipts of the establishment, camp, or center for any six months of the calendar year were not more than thirty-three and one-third percent of its average receipts for the other six months of the year.

Section 2. That chapter 60-11 be amended by adding thereto a NEW SECTION to read as follows:

An employer shall pay an employee under the age of eighteen at least seven dollars and fifty cents an hour. This wage is not subject to the annual minimum wage adjustment pursuant to § 60-11-3.2. No employer may take any action to displace an employee, including a partial displacement through a reduction in hours, wages, or employment benefits, in order to hire an employee at the wage authorized in this Act.

Published once at the approximate cost of \$1609.54. 12994

## Voter Registration Notice

NOTICE OF DEADLINE FOR VOTER REGISTRATION

Voter registration for the General Election to be held on November 8th, 2016, will close on October 24th, 2016. Failure to register by this date will cause forfeiture of voting rights for this election. If you are in doubt about whether you are registered, check the Voter Information Portal at [www.sdsos.gov](http://www.sdsos.gov) or call the county auditor at (605) 626-7110.

Registration may be completed during regular business hours at the county auditor's office, municipal finance office, secretary of state's office, and those locations which provide driver's licenses, SNAP, TANF, WIC, military recruitment, and assistance to the disabled as provided by the Department of Human Services. You may contact the county auditor to request a mail-in registration form or access a mail-in form at [www.sdsos.gov](http://www.sdsos.gov).

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor for information and special assistance in voter registration.

Maxine Fischer, County Auditor  
Brown County, South Dakota (1005.1012)

Published twice at the total approximate cost of \$22.59. 12980

## Brown County Fonder Rezoning Notice

Application has been made by Matt Fonder to the Brown County Board of Commissioners for a change of zoning. Hearing to be held in the Commissioner's Chambers, Courthouse Annex, Brown County, South Dakota on October 18, 2016 at 8:45 A.M. for the purpose of rezoning the following property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.07 Mini-Agricultural District (M-AG): Lots 1 & 2, Biegler Richmond Lake Third Subdivision in the SW ¼ of Sec 13-T124N-R65W of the 5th P.M., Brown County, SD. (126694 & 126998 East Shore Drive)

The public is invited to attend the hearing and to present comments and testimony regarding the amendment to Second Revision Brown County Ordinances pertaining to rezoning the described property. At the conclusion of the hearing, the Brown County Commission may adopt first reading of Ordinance No. 105.

ATTEST:  
Maxine Fischer, Brown County Auditor (1005.1012)

Published twice at the total approximate cost of \$21.02. 12984

## Brown County Rohr Rezoning Notice

NOTICE OF HEARING OF THE ABERDEEN CITY COUNCIL AND THE BROWN COUNTY COMMISSION REGARDING A PETITION TO REZONE CERTAIN PROPERTY

A public hearing will be held by the Aberdeen City Council and the Brown County Commission on the 25th day of October 2016, beginning at 8:45 a.m. in the Brown County Commission Chambers, 25 Market Street, to consider the petition filed by Todd Rohr, to amend Ordinance No. 1164 to rezone the following described property from its present zoning designation of (A-1) Agricultural District to (M-AG) Mini-Agricultural District, said property being described as follows:

Proposed Lots 1 and 2, Rohr Third Subdivision in the SW ¼ of Sec 36-T124N-R64W of the 5th P.M., Brown County, SD (12989 and 12993 Rohr Drive)

The public is invited to attend the hearing and to present testimony and comments pertaining to the petition to amend Ordinance No. 1164 to rezone the above described property. At the conclusion of the hearing, each board may adopt first reading of Ordinance #16-10-02/460 granting petition to amend Ordinance No. 1164 and granting the petition to rezone said property. Dated this 1st day of August 2016.

ATTEST: Karl Alberts, Finance Officer

Maxine Fischer, Brown County Auditor (1012.1019)

Published twice at the total approximate cost of \$26.28. 12995

### Clip and Use

Yes No

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**Constitutional Amendment R**

**Constitutional Amendment S**

**Constitutional Amendment T**

**Constitutional Amendment U**

**Constitutional Amendment V**

**Initiated Measure 21**

**Initiated Measure 22**

**Initiated Measure 23**

**Referred Law 19**

**Referred Law 20**

## Brown County

Oct. 4

### Meeting Minutes

OCTOBER 4, 2016 – GENERAL MEETING

Meeting called to order by Commission Chair Kippely at 8:45 A.M. in the Commissioner's Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Sutton, Fischbach and Fjeldheim. Commissioner Hansen was absent. Commissioner Fischbach led the Pledge of Allegiance.

MINUTES: Moved by Fjeldheim, seconded by Sutton to approve the Joint Frederick City/County Meeting Minutes and the General Meeting Minutes of September 27, 2016. All members present voting aye. Motion carried.

CLAIMS: Moved by Fischbach, seconded by Sutton to approve the following claims:

Payroll: Commission \$5,069.97; Auditor \$7,780.86; Treasurer \$13,058.59; States Attorney \$19,793.59; SVA-WA Grant \$1,286.81; Blood Draws \$550.00; Maintenance \$7,476.62; Assessor \$13,309.26; Register of Deeds \$9,098.95; Veterans Service Office \$4,088.57; GIS \$2,261.47; Information Technology \$7,773.75; Human Resources \$3,022.21; Sheriff Admin \$36,145.26; Jail \$38,863.77; JDC \$21,549.14; Welfare Office \$3,581.57; Museum \$7,946.50; Parks & Fairgrounds \$5,444.43; Fair Board \$4,837.75; Weed \$7,476.62; Planning and Zoning \$1,826.02; Highway \$52,149.08; Communications \$22,897.76; Emergency Management \$3,918.30; Teen Court \$579.15; 24/7 \$2,516.17; Landfill \$12,619.53.

Matching Benefits: FICA \$19,693.36; Medicare \$4,605.73. Insurance: SD Assoc. of County Commissioners \$7,302.91;

Professional Fees: Avera St. Luke's \$12,422.11; Dick Berreth \$50.00; Kristi Brandt \$217.40; Betty Breck \$50.00; Clark Engineering \$15,472.79; Dacotah Territory Muzzle Loaders \$50.00; Dohrer Law Office \$331.20; Michelle Galkowski \$37.40; John Graves \$50.00; Betty Hilleson \$50.00; Kuck Law Office \$585.75; Allen Lundquist \$50.00; Mark Milbrandt \$59.00; NECOG \$10,500.00; Judith Oliver \$50.00; Prairie Fiber Arts Guild \$50.00; Tom Rawerts \$50.00; Richardson, Wyly, Wise, Sauck \$1,800.00; Safe Harbor \$39,430.80; SD Dept. of Revenue & Regulation \$20,479.40; Christy Griffin-Serr Law Office \$891.36; Daniel Sheldon \$50.00; Siegel, Barnett & Schutz \$524.81; Kristi Spitzer \$495.00; Taliadro Law Firm \$1,280.21; Yankton Co. Treasurer \$692.90. Publishing: Aberdeen American News \$132.90.

Rentals: Pauer Sound \$600.00; Sewer Duck \$150.00.

Repairs & Maintenance: Auto Glass Solutions \$40.00; Butler Machinery \$549.40; Dahme Construction \$458.76; House of Glass \$834.23; J & K Painting \$1,498.27; Jebro \$5,138.78; Ken's Alignment \$737.60; Leidholt Electric \$6,825.00; Midstates Printing \$3,710.00; Pierson-Ford \$148.15; Taylor Laundry \$48.62.

Supplies: Aberdeen Advanced Care \$3,825.00; Butler Machinery \$1,512.06; Cash-Wa \$19.60; DPM Petty Cash \$132.00; Fire Safety First \$175.00; Galls \$491.40; Geffdog \$18.72; Gov-Connection \$1,165.15; Jebro \$59,162.19; Ken's Alignment \$846.26; Sierra Kervin \$12.60; Lar-Jo's \$172.44; Leidholt Tool Sales \$3.14; Medical Waste Transport \$150.20; Menards \$44.94; Midstates Printing \$128.90; Mark Milbrandt \$10.38; NCFE - Warner \$5,416.65; NECOG \$30.23; North Star Energy \$138.04; Pierson-Ford \$5.00; Lora Schaunaman \$70.00; SD Secretary of State \$7.00; Share Corp. \$372.00; TrueNorth Steel \$506.00.

Travel and Conference: Doug Fjeldheim \$147.54; Rachel Kippely \$560.56; Duane Sutton \$330.88; Jerod Blair \$11.00; Don Fischer \$37.00; Chris Hemen \$43.00; Patricia Kendall \$144.76; Jerry Lehrkamp \$11.00; Gene Loeschke \$301.74; Mark Milbrandt \$487.00; Mike Rohrbach \$11.00; Safety Benefits \$130.00; Mike Scott \$37.00; SD Assoc. of Fairs & Celebrations \$85.00; Sarah Swenson \$322.43.

Utilities: AT & T \$225.30; BDM Rural Water \$35.00; CenturyLink \$48.14; Midcontinent \$187.26; Montana-Dakota \$21.85; NWPS \$14,438.21. All members present voting aye. Motion carried.

PERSONNEL: Moved by Fjeldheim, seconded by Sutton to approve the Commission Assistant/HR Office Report, which includes

the following personnel changes:

Employee step increases, effective October 9, 2016: Terrence Evans @ \$23.14 per hour, Nathan Smith @ \$22.19 per hour, Glenn Neumiller @ \$17.87 per hour; Ermelinda Marcuson @ \$16.68 per hour; Kristal Koens @ \$19.02 per hour; Brandon Mills @ \$16.68 per hour; Aaron Gasser @ \$16.28 per hour; Roxanne Hilgenberg @ \$20.06 per hour.

Approve hiring Henry Fulda as part-time 24/7 Coordinator, effective October 3, 2016 @ \$12.92 per hour.

Approve hiring Andrew Wolter as full-time Jail Correctional Officer, effective October 17, 2016 @ \$15.33 per hour.

All members present voting aye. Motion carried.

SET HEARING DATE: Moved by Fischbach, seconded by Sutton to set public hearing to consider the Petition filed by Todd Rohr to amend Ordinance No. 1164 to rezone the following, as described property from its present zoning designation of (M-AG) Mini-Agricultural District/(A-1) Agricultural District to (M-AG) Mini-Agricultural District: Proposed Lots 1 and 2, Rohr Third Subdivision in the SW ¼ of Sec 36-T124N-R64W of the 5th P.M., Brown County, South Dakota (12989 and 12993 Rohr Drive), to be held in the Brown County Commission Chambers, 25 Market Street on October 25, 2016 at 8:45 A.M. All members present voting aye. Motion carried.

LEASE AGREEMENT: Moved by Fjeldheim, seconded by Sutton to approve and authorize the Chair to sign the following agreement: Sherri Stahl for lease of the Richmond Youth Camp on September 26, 2016. All members present voting aye. Motion carried.

CAPITAL ASSET POLICY: Moved by Sutton, seconded by Fischbach to adopt the following Capital Asset Policy, effective October 4, 2016: BROWN COUNTY CAPITAL ASSET POLICY: Governmental Funds, Non-Governmental Funds and Enterprise Fund. SDCL 5-24 requires all county departments to file a property inventory with the county auditor by January 10th of each year, which shall include all items in the following categories over the stated original cost. Land and Land Rights - all purchases included; Buildings - \$50,000; Improvements other than buildings - \$50,000; Machinery and Equipment - \$50,000; Supplies and Materials - \$25,000. Bridges - Structures greater than 20' (SDCL 31-14); Roads - composite method: entire system including base, culverts and gravel surface

Paved Road New Construction - composite method, with definition of new construction being 2" overlay or greater for distance exceeding one mile. Personal Property Listings - All county departments are required to file an additional personal property list, to be used for tracking items with an original cost of less than \$5,000 for purposes of theft and/or disaster recovery and insurance coverage. All members present voting aye. Motion carried.

RELIEF LIEN: Commissioner Sutton offered the following Resolution: RESOLUTION #78-16. WHEREAS, Brown County has filed a Relief Lien in total amount of \$1,216.95, dated Dec 29, 2015 - May 24, 2016; and an Indigent Council Lien in total amount of \$1,573.00, dated Mar 8, 1985 - Mar 28, 2016, and WHEREAS, Brown County has determined it to be in the best interest of the taxpayers to release certain property from the effect of said lien, on condition the lien balance remain filed against the individual. NOW, THEREFORE BE IT RESOLVED that the following real property, described as follows: Lot 7, Block 19, Hecla, according to the plat thereof of record, Brown County, South Dakota

is hereby released from the effect and force of said lien, on condition that the lien balance remain filed against the individual. Dated this 4th day of October 2016. Seconded by Commissioner Fischbach. Roll call vote: Commissioners Hansen-absent, Sutton-aye, Fischbach-aye, Fjeldheim-aye, Kippely-aye. Resolution adopted.

TEMPORARY MALT BEVERAGE LICENSE: Moved by Sutton, seconded by Fjeldheim to approve and authorize the Chair sign the following Temporary Malt Beverage License in conjunction with a special event, submitted by The Aberdeen Downtown Association, effective October 6, 2016 - Brown County Fairgrounds (Clubhouse) SW ¼- Sec 1-T123N-R64W (map indicating

specific area licensed on file with applications. All members present voting aye. Motion carried.

HIGHWAY FIVE-YEAR PLAN PUBLIC HEARING: Time and place, as advertised for public hearing on the Brown County Highway Five-Year Plan (2017 - 2021). Handouts were distributed to those in attendance.

APPLICATION FOR OCCUPANCY: Moved by Sutton, seconded by Fjeldheim to approve and authorize the Chair sign application, submitted by Web Water Development Assoc. Inc for occupancy of Brown County #6 in Sec 18-T123N-R64W of the 5th P.M., Brown County, SD to provide potable water line. All members present voting aye. Motion carried.

ADJOURNMENT: Moved by Fjeldheim, seconded by Sutton to adjourn the Brown County Commission at 9:30 A.M. All members present voting aye. Motion carried.

Maxine Fischer, Brown County Auditor

Published once at the total approximate cost of \$81.18. 12996

## Brown County

Oct. 4 Frederick

### Meeting Minutes

OCTOBER 4, 2016 - JOINT FREDERICK CITY/BROWN COUNTY MEETING

The Brown County Commission and the Frederick City Council met in joint session at 8:45 A.M. in the Brown County Commission Chambers, 25 Market Street, Aberdeen, SD. Present from Frederick City were Council Members Gary Schlosser, Troy Millard and Mayor Scott Campbell. Present from County were Commissioners Sutton, Fischbach, Fjeldheim and Kippely. Commissioner Hansen was absent.

ORD #104/199: On motion by Schlosser, seconded by Millard, Frederick City unanimously voted to adopt Ordinance #104/199.

Moved by Fjeldheim, seconded by Fischbach to adopt Ordinance #104/199, An Ordinance to amend Title 4 - Zoning, Second Revision Brown County Ordinances, to rezone the following described property from its present zoning designation of Chapter 4.06 (AG-P) Agricultural Preservation District to Chapter 4.14 (HC) Highway Commercial District: Lots 3 & 4 Schlosser/Sumption Addition in the W ½ NW ¼ of Sec 11-T127N-R64W of the 5th P.M., Brown County, SD (38604 Brown County 10A and 38609 107th Street, Frederick). Roll call vote: Commissioners Hansen-absent, Sutton-aye, Fischbach-aye, Fjeldheim-aye, Kippely-aye. Ordinance adopted.

The Frederick City Council adjourned and the County Commission continued in regular session. Maxine Fischer, Brown County Auditor

Published once at the total approximate cost of \$13.92. 12997

## Frederick Town

Oct. 3

### Meeting Minutes

Town of Frederick October Minutes 2016

Frederick Town Board opened their meeting Monday evening, October 3, 2016, with the Pledge of Allegiance led by Board Chairman R. Scott Campbell. Attendance included Campbell, Troy Millard and Gary Schlosser, Board Members, Finance Officer Diane Bruns, Utility Manager Richard Bakeberg, Margaret Sumption, Richard Osborn, Theresa Cox, Heidi Marttila-Losure and later, Krysti Mikkonen with Kristi Wagner and Paula Jensen of Dakota Resources.

Minutes of September meeting were read and approved with one correction, omit one line, "and a once a year double-header race" which no other member had heard. Motion made by Millard/Schlosser. Motion carried.

Minutes of 2nd Reading for Ordinance #200, Budget and Appropriation 2017, on Tuesday, September 20, 2016, was approved with a motion by Campbell/Millard. Motion Carried.

The September Financial Report was approved with a motion by Millard/Schlosser. Motion Carried.

The Accounts Payable, including the Rausch Brothers invoice, were approved with motion by Schlosser/Millard. Motion Carried.

ACCOUNTS PAYABLE: Badger Meter meter charges Water \$112.14; Community Store supplies CC/Water \$48.26; Dependable Sanitation, Inc. 3rd Qtr Garbage Pick-up Garbage

\$4091; Diane Bruns wages CC \$111.28; Diane Bruns wages FO \$1112.72; DSG manhole covers, Supplies Sewer \$736.05; Edgar Head wages Landfill \$159.36; FDC economic development Economic Development \$1000; Gary Schlosser, Board Member wages \$92.35; GDI legal General \$111.67; Green Iron Equipment mower parts General \$81.10; Heartland Heating and Cooling new LP Boiler Library \$7427.83; James Moore mowing General \$193.93; JVT phones + services General/FO/EBL/Water (repeat last month) \$212.17; Mavis Cox, Librarian wages EBL \$538.80; MDU electricity Streets/Lagoon/EBL/Simmons Park/Ball Park/CC/Water Tower/Fire Siren/Pump House/FO \$1286.57; Menard's paint Water \$15.44; R. Scott Campbell, Chairman wages General \$92.35; Rausch Granite fireplace S. Park \$660; Rich Bakeberg expenses Sewer \$13.45; Richard Bakeberg, UT Manager wages Streets/Water/Sewer \$625.67; Rich Bakeberg vehicle allowance Streets/Water/Sewer \$75; Sam's Way Trucking haul gravel Streets \$200; SD Dept of Health samples Water/Sewer \$437; SD State Treasurer sales tax April, September Garbage \$175.80; Thorpe Excavating service call Sewer \$135; Troy Millard mileage General \$37.80; Troy Millard, Board Member wages General

\$92.35; US Treasurer 941 3rd Quarter taxes Cemetery/UT/FO/CC/General/Landfill/Emma Burnham Library \$2493.06; USDA-RD loan payment AP Water \$475; WEB Water 725, 600 gallons/August Water \$2416.23. TOTAL OCTOBER A/P \$25,259.38.

OLD BUSINESS:

Utility Manager Bakeberg is continuing to send samples from Lagoon as he has permission from DENR to discharge, and will be for a couple weeks yet. He has replaced a couple manhole covers and is painting water hydrants around Frederick. Has been doing smoke tests in lines and found a blockage between Main and 4th Street on Railroad Avenue. Difference in gallons between Frederick/Beacon total gallons charged out and WEB gallons charged to city, were discussed.

No representation from the Historical Society Museum. Their Halloween Party is October 23rd at the Museum.

Osborn inquired about the apartment in the back of Emma Burnham Library. They will raise the money to open up between the front and back and use cameras for security reasons. They have numerous ideas for utilizing the back. The City Board gave their blessing.

One comment from Frederick Development Corporation member said the new Cardrol Station may be up and running around the 1st of November.

OTHER OLD BUSINESS:

Chairman Campbell will call attorney about Quick Claim Deed for city lot transfer; Advised by Attorney Frohling, race track is not a city issue and should involve communication between Mr. Kopecky and his neighbors. Campbell will forward a copy of letter to Kopecky. A motion was made to not enforce Resolution unless an official complaint would be presented to board. Motion was made by Campbell/Schlosser. Motion Carried; Contractor Hofer will begin construction on Napton water line this week after the 48 hour 1 Call is up; 3 mower quotes were discussed and tabled for more investigation until next meeting.

At this time Mikkonen, with Jensen and Wagner, Community Coaches from Dakota Resources, entered and gave their presentation on the attributes and future possibilities for Frederick. We don't realize how many great things there are about Frederick and what there can be until you have a room of 'Frederickites' listing them all. Jensen and Wagner are facilitators for a grant written by Marttila-Losure and applied for by Frederick Forward. Jensen and Wagner will be hosting a community gathering in the Frederick School gym on November 17, 2016, 6 PM, including a light lunch, to inform and involve the community. Every-one is welcome.

Resume OTHER OLD BUSINESS:

Update on 5th Street project, it may have to be advertised for next year; NECOG Grant has been approved; Will wait to hear from Helms and Associates.

NEW BUSINESS:

After discussion about the difference in final numbers on the 3rd Quarter Emma Burnham Library Report, city has available balance, EBL is current balance,

both reports were accepted with a motion by Millard/Schlosser. Motion Carried. City report will show both balances in future quarterly reports.

A Special Event Temporary On Sale license for beer, wine and liquor, will be issued to the Frederick Fire Department for their Annual Fundraiser Saturday, October 15, 2016, in the Frederick Community Center. Buy a ticket from any volunteer Firefighter/EMT, or at the door. Motion was made by Millard/Schlosser. Motion Carried.

CORRESPONDENCE/Questions/Comments:

Mikkonen and Cox commented on the many grants they are applying for through Frederick Forward and distributed information about the fitness/play equipment for children and adults, that they are striving to invest in for Simmons Park. They are still looking for more grants. Mikkonen also gave Kudos to the Community, and to the Board for doing a good job for the community. This came from all the positive listening, and listing the finer points of Frederick, by the Dakota Resources Coaches.

Over due water bills were discussed and some actions will be taken.

A letter from Black Mountain Software about new Cloud Auditor was looked at. No action.

A Certificate of Liability is needed from Hofer.

ADJOURNMENT:

There being no further business to discuss the meeting was adjourned with a motion by Millard/Schlosser. Motion Carried.

Diane Bruns  
Frederick Finance Officer

Published once at the total approximate cost of \$63.05. 12998

## Westport Town

Oct. 3

### Meeting Minutes

Town of Westport General Meeting

October 3rd, 2016

The Town of Westport met on October 3rd, 2016 with Tim Selzler, Shane Storm, Mike Wilson, Doreen Hertel, and 4 community members present.

The following expenses were presented:

City General  
NWPS (\$222.21), Groton Independent (\$16.03), EDDIE's Northside- Gas (\$69.00), Brown County Treasurer -Mosquito spraying (\$622.40), US treasury (\$677.91), SD Unemployment Ins (\$8.04).

Sewer  
NWPS (\$41.10), NRWA -loan repayment (\$210.13)

Water  
WEB (\$985.07), Dept. of Revenue (\$15.00) & Water Maintenance District (\$321.43).

Tim Selzler made motion to pay all bills; second by Mike Wilson.

The following deposits were presented:

City General  
Brown County Collections (\$211.39), State of SD (\$1,857.61), Building Permits (\$20.00) & Interest (\$17.68).

Sewer  
Resident Payments - (\$1,710.00).

Water  
Resident Payments - (\$3,281.07) & (\$400.00).

NEW BUSINESS:

Christa Weber introduced Kristi Wagner and Paula Jensen from Dakota Resources Community Grant. They visited with the members present about the community innovation grant obtained by Frederick Forward on how to improve the community of Westport.

The insurance coverage for the City of Westport was approved.

Mike will make some inquiries on snow removal prices for this next winter season.

Doreen Hertel, Finance Officer  
Published once at the total approximate cost of \$16.55. 12999

## Groton School

Notice of

### CO Certificates

EXTRACT OF MINUTES OF MEETING OF THE

SCHOOL BOARD OF GROTON AREA SCHOOL DISTRICT 06-6 BROWN, DAY, MARSHALL, CLARK AND SPINK COUNTIES, SOUTH DAKOTA

Pursuant to due call and notice thereof, a meeting of the Groton Area School District 06-6, Brown, Day, Marshall, Clark and Spink Counties, State of South Dakota, was held on September 27, 2016, at 7:00 o'clock p.m.

The following members were

present: President Steve Smith, Vice-President Kelly Kjelden, Clint Fjelstad, Deb Gengerke, Merle Harder, Grant Rix and Marty Weismantel and the following were absent: none

Thereupon the President declared that a quorum was present and the meeting opened for transaction of business.

Member Kjelden introduced the following resolution and moved its adoption:

**RESOLUTION**

**RESOLUTION AUTHORIZING THE EXECUTION, TERMS, ISSUANCE, SALE AND PAYMENT OF LIMITED TAX GENERAL OBLIGATION CERTIFICATES IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED SEVEN MILLION FIVE HUNDRED DOLLARS (\$7,500,000), PLUS COSTS OF ISSUANCE, OF THE GROTON AREA SCHOOL DISTRICT 06-6 OF BROWN, DAY, MARSHALL, CLARK AND SPINK COUNTIES, SOUTH DAKOTA.**

WHEREAS, the Groton Area School District 06-6 is authorized by the provisions of SDCL §13-16-6.2 to issue Limited Tax General Obligation Certificates to fund the acquisition or construction of real property, plant and equipment; and

WHEREAS, the School Board has determined that it is necessary and in the best interest of the School District to issue Limited Tax General Obligation Certificates of the School District for the purpose of providing funds to pay: (1) to construct the 2017 Groton Area Elementary School comprehensive infrastructure and space improvements, the student commons addition and furnish and equip the same, and (2) the costs of issuing the Certificates.

**NOW THEREFORE, BE IT RESOLVED BY THE SCHOOL BOARD OF THE GROTON AREA SCHOOL DISTRICT 06-6 OF BROWN, DAY, MARSHALL, CLARK AND SPINK COUNTIES, AS FOLLOWS:**

ARTICLE I

DEFINITIONS

**Section 1.1. Definition of Terms.**

In addition to the words and terms elsewhere defined in this Resolution, the following words and terms as used herein, whether or not the words have initial capitals, shall have the following meanings, unless the context or use indicates another or different meaning or intent, and such definitions shall be equally applicable to both the singular and plural forms of any of the words and terms herein defined:

"Act" means collectively SDCL Chapter 6-8B and Title 13, as amended.

"Authorized Officer of the School District" means the President of the School Board and the Business Manager, or, in the case of any act to be performed or duty to be discharged, any other member, officer, or employee of the School District then authorized to perform such act or discharge such duty.

"Bond Counsel" means Meierhenry Sargent LLP, a firm of attorneys recognized as having experience in matters relating to the issuance of state or local governmental obligations.

"Book-Entry Form" or "Book-Entry System" means a form or system, as applicable, under which physical bond certificates in fully registered form are issued to a Depository or to its nominee as Registered Owner, with the certificated bonds being held by and "immobilized" in the custody of such Depository, and under which records maintained by persons, other than the School District or the Registrar, constitute the written record that identifies, and records the transfer of the beneficial "book-entry" interests in those Certificates.

"Business Manager" means the Business Manager of the School District appointed pursuant to the provisions of South Dakota Codified Laws Title 13 or, in the absence of such appointment or in the event the person so appointed is unable or incapable of acting in such capacity, the person appointed by the School Board to perform the duties otherwise performed by the Business Manager, or his or her designee.

"Capital Outlay Fund" means the District's capital outlay fund provided by SDCL §13-16-6.

"Certificates" means not to exceed \$7,500,000, plus costs of issuance, in aggregate principal

Continues on next page

amount of Limited Tax General Obligation Certificates, Series 2016, dated the Closing Date, or such other designation or date as shall be determined by the School Board pursuant to Section 8.1 hereof, authorized and issued under this Resolution.

**"Certificate Payment Date"** means each date on which interest, or both principal and interest, shall be payable on the Certificates so long as any of the Certificates shall be outstanding.

**"Certificate Purchase Agreement"** means the agreement between the School District and the Underwriter for the purchase of the Certificates.

**"Certificate Resolution"** means this Resolution, duly adopted by the School Board on the date hereof, as it may be amended from time to time.

**"Certificateholder," "Holder" and "Registered Owner"** means the registered owner of a Certificate, including any nominee of a Depository.

**"Closing Date"** means the date the Certificates are exchanged for value.

**"Code"** means the Internal Revenue Code of 1986, as amended, and the applicable regulations of the United States Department of Treasury promulgated thereunder as in effect on the date of issuance of the Certificates.

**"Depository"** means any securities depository that is a clearing agency under federal laws operating and maintaining, with its participants or otherwise, a Book-Entry System, including, but not limited to DTC.

**"District"** means the Groton Area School District 06-6.

**"DTC"** means the Depository Trust Company, a limited purpose company organized under the laws of the State of New York, and its successors and assigns.

**"DTC Participant(s)"** means securities brokers and dealers, banks, trust companies and clearing corporations that have access to the DTC system.

**"Improvements"** means the construction of 2017 Groton Area Elementary School comprehensive infrastructure and space improvements and student commons addition and furnish and equip the same.

**"Interest Payment Dates"** means each date on which interest shall be payable on the Certificates so long as any of the Certificates shall be outstanding.

**"Official Statement"** and **"Preliminary Official Statement"** means that Official Statement and Preliminary Official Statement described in Section 8.2 hereof pertaining to the sale of the Certificates.

**"Original Issue Discount or OID"** means an amount by which the par value of a security exceeds its public offering price at the time of its original issuance.

**"Original Issue Premium or OIP"** means the amount by which the public offering price of a security at the time of its original issuance exceeds its par value.

**"Outstanding," "Certificates Outstanding," or "Outstanding Certificates"** means, as of a particular date all certificate-lease-purchase obligations payable from the Capital Outlay Fund, collectively referred to as "certificates" for purposes of this definition, issued and delivered except: (1) any certificates paid or redeemed or otherwise canceled by the School District at or before such date; (2) any certificate for the payment of which cash, equal to the principal amount thereof with interest to date of maturity, shall have theretofore been deposited prior to maturity by the School District for the benefit of the Owner thereof; (3) any certificate for the redemption of which cash, equal to the redemption price thereof with interest to the redemption date, shall have theretofore been deposited with the Registrar and for which notice of redemption shall have been mailed in accordance with this Resolution; (4) any certificate in lieu of or in substitution for which another certificate shall have been delivered pursuant to this Resolution, unless proof satisfactory to the School District is presented that any certificate, for which a certificate in lieu of or in substitution therefor shall have been delivered, is held by a bona fide purchaser, as that term is defined in Article 8 of the Uniform Commercial Code

of the State, as amended, in which case both the Certificate in lieu of or in substitution for which a new certificate has been delivered and such new certificate so delivered therefor shall be deemed Outstanding; and, (5) any certificate deemed paid under the provisions of Article VII of this Resolution, except that any such certificate shall be considered Outstanding until the maturity or redemption date thereof only for the purposes of being exchanged, transferred, or registered.

**"Paying Agent"** means a commercial bank or regulated financial institution which is serving as the Registration Agent under Sections 3.2, 4.3(c), 4.5, and 4.6, and Article VI of this Resolution.

**"Person"** means an individual, partnership, corporation, trust, or unincorporated organization, or a governmental entity or agency or political subdivision thereof.

**"President"** means the president of the School Board elected pursuant to the provisions of SDCL 13-8 or his or her designee acting on his or her behalf.

**"Purchase Agreement"** means the Certificate Purchase Agreement authorized pursuant to and described in Section 8.1 hereof by and between the School District and the Underwriter.

**"Rating Agency"** means one or more of the following rating agencies: S&P Global Ratings, Moody's Investors Service Inc. and Fitch IBCA, Inc.

**"Record Date"** means the close of business on the fifteenth/first day (whether or not a business day) of the calendar month next preceding an interest payment date.

**"Registrar"** means the Business Manager or any Registrar appointed by the Business Manager its successor or successors hereafter appointed in the manner provided in Article VI hereof.

**"Resolution"** means this Resolution.

**"Schedule"** means the schedule which indicates the principal and interest payments on the Certificates.

**"School Board"** means the School Board of the School District elected pursuant to the provisions of the SDCL Title 13.

**"School District"** means the Groton Area School District 06-6.

**"Underwriter"** means Dougherty & Company LLC, acting for and on behalf of it and such securities dealers as it may designate.

**"Vice-President"** means the Vice-President of the School Board who may act for the President in the absence of the President.

Section 1.2. References to Resolution.

The words "hereof", "herein", "hereunder", and other words of similar import refer to this Resolution as a whole.

Section 1.3. References to Articles, Sections, Etc.

References to Articles, Sections, and other subdivisions of this Resolution are to the designated Articles, Sections, and other subdivisions of this Resolution as originally adopted.

Section 1.4. Headings.

The headings of this Resolution are for convenience only and shall not define or limit the provisions hereof.

## ARTICLE II

### FINDINGS

#### Section 2.1.

It is hereby found and determined by the School Board as follows:

(a) The principal amount of the Certificates does not exceed one and one half percent (1 1/2%) of the assessed valuation of the District;

(b) The District has developed and maintained a five-year plan on the annual projected revenues and annual projected expenditures for the capital outlay fund;

(c) The School District hereby determines that all limitations upon the issuance of Certificates have been met and the Certificates are being authorized, issued and sold in accordance with the provisions of the Act and this Resolution.

## ARTICLE III

### AUTHORITY, PLEDGE, AND LEVY

#### Section 3.1. Authority.

The School District is authorized pursuant to and in accordance with, the provisions of the Act, this Resolution, and other applicable provisions of law, to issue, Limited Tax General Obligation Certificates, Series 2016 of the School District in the aggregate principal amount of not

to exceed \$7,500,000, plus costs of issuance, upon such terms as are set forth in the Purchase Agreement.

#### Section 3.2. Pledge.

The taxing powers, not to exceed three dollars per thousand of taxable valuation, of said School District shall be and they are hereby irrevocably pledged to the prompt and full payment of the principal of and interest on each and all of the Certificates as such principal and interest respectively become due. Pursuant to SDCL § 13-16-10, the School District does hereby pledge and provide for an annual tax sufficient to pay principal and interest on the Certificates when due.

#### Section 3.3. Levy of Taxes.

The District does hereby provide for an annual levy, not to exceed three dollars per thousand of the taxable valuation of the School District, to produce collected taxes, taking into consideration an amount necessary to provide for delinquencies, reasonable reserve and mandatory early redemption, to pay principal and interest on the Certificates when due. The Business Manager is directed to provide the County Auditors of Brown, Day, Marshall, Clark and Spink Counties with the Schedule. The Schedule is made a part of this Resolution as if stated in full and shall be open to public inspection at the office of the Business Manager. Said levies shall be irrevocable so long as any of the Certificates or interest thereon shall remain unpaid, except that the School Board of the District and the Auditors shall have the power to reduce the levy as provided by SDCL §13-16-11.

## ARTICLE IV

### FORM, TERMS, EXECUTION, AND TRANSFER OF CERTIFICATES

#### Section 4.1. Authorized Certificates.

The aggregate principal amount of Certificates that may be issued under this Resolution shall not exceed Seven Million Five Hundred and No/100 Dollars (\$7,500,000), plus costs of issuance.

Section 4.2. Form of Certificates; Execution.

(a) The Certificates are issuable only as fully registered Certificates, without coupons, in denomination one single Certificate may represent installments of principal maturing on more than one date. All Certificates issued under this Resolution shall be substantially in the form set forth in Exhibit A attached hereto, and by this reference incorporated herein as fully as though copied.

(b) The Certificates shall be executed in such manner as may be prescribed by applicable law in the name and on behalf of the School District with the manual or facsimile signature of the President of the School Board, attested by the manual or facsimile signature of the Business Manager, and approved as to form and countersigned by a Resident Attorney by his manual or facsimile signature.

(c) In the event any officer whose manual or facsimile signature shall appear on any Certificate shall cease to be such officer before the delivery of such Certificate, such manual or such facsimile signature shall nevertheless be valid and sufficient for all purposes as if he or she had remained in office until such delivery. Any Certificate may bear the facsimile signature of, or may be manually signed by, such individuals who, at the actual time of the execution of such Certificate, were the proper officers of the School District to sign such Certificate, although on the date of the adoption by the School District of this Resolution, such individuals may not have been such officers.

#### Section 4.3. Maturities, Interest Rates, and Certain Other Provisions of Certificates.

(a) The Certificates shall become due and payable as set forth in the Certificate Purchase Agreement.

The Certificates shall be designated "Limited Tax General Obligation Certificates, Series 2016," or such other designation as shall be determined by the School Board pursuant to Section 8.1 hereof. The Certificates shall bear interest from their date or from the most recent interest payment date to which interest has been paid or duly provided for, until the principal amount of the Certificates is paid, such interest (computed upon the basis of a 360-day year of twelve 30-day months) being payable on Interest Payment Dates. Interest on each Certificate shall be paid by wire transfer, check or draft of the Paying Agent, payable in lawful money of the United States of America, to the person in whose name such Certificate is registered at the close of business on the Record Date. The principal of the Certificates shall be payable in lawful money of the United States of America at the principal office of the Paying Agent on the Certificate Payment Date. Each Certificate shall state that it is issued pursuant to SDCL 6-8B.

The Registrar and Paying Agent shall make all interest payments with respect to the Certificates on each interest payment date directly to the registered owners as shown on the registration records maintained by the Registrar as of the close of business on the Record Date by wire transfer, check or draft mailed to such owners at their addresses shown on said registration records, without, except for final payment, the presentation or surrender of such registered Certificates, and all such payments shall discharge the obligations of the School District in respect of such Certificates to the extent of the payments so made. Payment of principal of and premium, if any, on the Certificates shall be made upon presentation and surrender of such Certificates to the Registrar and Paying Agent as the same shall become due and payable.

**Additional Certificates.** This Resolution authorizing the issuance of the Certificates permits the issuance of additional capital outlay certificates payable from the Capital Outlay Fund of the District, provided that the School Board first determines that a Capital Outlay Fund tax levy of not more than \$3 per \$1,000 of taxable valuation, or for taxes payable in 2021 and thereafter, not more than the lesser of \$3 per \$1,000 of taxable valuation or the Maximum Enrolled Student Amount as defined hereafter, (collectively the "Levy Limit") will afford debt service coverage for all outstanding capital outlay certificates, plus the additional capital outlay certificates proposed to be issued, of at least 1.25 times. The "Maximum Enrolled Student Amount" is \$2,800 for 2021 and for 2022 and subsequent years, the maximum amount for each enrolled student shall increase by the lesser of three percent or the index factor, as defined in SDCL 10-13-38. The property tax levy for any such additional certificates, together with the levy for then all outstanding capital outlay certificates described herein and any other Capital Outlay Fund purposes, would be limited to the Levy Limit. Such additional certificates would have a parity claim with all the then outstanding capital outlay certificates, including the Certificates, against property tax revenues received into the Capital Outlay Fund of the District.

Section 4.4. Negotiability of Certificates.

All Certificates issued under this Resolution shall be negotiable, subject to the provisions for registration and transfer contained in this Resolution and in the Certificates.

**Section 4.5. Registration, Transfer and Exchange of Certificates.**

(a) The Certificates are transferable only by presentation to the Registrar and Paying Agent by the registered owner, or his legal representative duly authorized in writing, of the registered Certificate(s) to be transferred with the form of assignment on the reverse side thereof completed in full and signed with the name of the registered owner as it appears upon the face of the Certificate(s) accompanied by appropriate documentation necessary to prove the legal capacity of any legal representative of the registered owner. Upon receipt of the Certificate(s) in such form and with such documentation, if any, the Registrar and Paying Agent shall issue a new Certificate or Certificates to the assignee(s) in \$5,000 denominations, or integral multiples thereof, as requested by the registered owner requesting transfer. The Registrar shall not be required to transfer or exchange any Certificate during the period commencing on a Record Date and ending on the corresponding interest payment date of such Certificate, nor to transfer or exchange any Certificate after the publication of notice calling such Certificate for redemption has been made, nor to transfer or exchange any Certificate during the period following the receipt of instructions from the School District to call

such Certificate for redemption; provided, the Registrar, at its option, may make transfers after any of said dates. No charge shall be made to any registered owner for the privilege of transferring any Certificate, provided that any transfer tax relating to such transaction shall be paid by the registered owner requesting transfer. The person in whose name any Certificate shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the School District nor the Registrar and Paying Agent shall be affected by any notice to the contrary whether or not any payments due on the Certificates shall be overdue. Certificates, upon surrender to the Registrar and Paying Agent, may, at the option of the registered owner, be exchanged for an equal aggregate principal amount of Certificates of the same maturity in any authorized denomination or denominations.

(b) Except as otherwise provided in this subsection, the Certificates shall be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Certificates. References in this Section to a Certificate or the Certificates shall be construed to mean the Certificate or the Certificates that are held under the Book-Entry System. One Certificate for each maturity shall be issued to DTC and immobilized in its custody. Unless otherwise provided herein, a Book-Entry System shall be employed, evidencing ownership of the Certificates in authorized denominations, with transfers of beneficial ownership effected on the records of DTC and the DTC Participants pursuant to rules and procedures established by DTC.

Each DTC Participant shall be credited in the records of DTC with the amount of such DTC Participant's interest in the Certificates. Beneficial ownership interests in the Certificates may be purchased by or through DTC Participants. The holders of these beneficial ownership interests are herein referred to as the "Beneficial Owners." The Beneficial Owners shall not receive the Certificates representing their beneficial ownership interests. The ownership interests of each Beneficial Owner shall be recorded through the records of the DTC Participant from which such Beneficial Owner purchased its Certificates. Transfers of ownership interests in the Certificates shall be accomplished by book entries made by DTC and, in turn, by DTC Participants acting on behalf of Beneficial Owners. SO LONG AS CEDE & CO., AS NOMINEE FOR DTC, IS THE REGISTERED OWNER OF THE CERTIFICATES, THE REGISTRAR AND PAYING AGENT SHALL TREAT CEDE & CO., AS THE ONLY HOLDER OF THE CERTIFICATES FOR ALL PURPOSES UNDER THIS RESOLUTION, INCLUDING RECEIPT OF ALL PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE CERTIFICATES, RECEIPT OF NOTICES, VOTING AND REQUESTING OR DIRECTING THE REGISTRAR AND PAYING AGENT TO TAKE OR NOT TO TAKE, OR CONSENTING TO, CERTAIN ACTIONS UNDER THIS CERTIFICATE RESOLUTION.

Payments of principal, interest, and redemption premium, if any, with respect to the Certificates, so long as DTC is the only owner of the Certificates, shall be paid by the Registrar and Paying Agent directly to DTC or its nominee, Cede & Co., as provided in the Letter of Representation. DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners. Neither the School District nor the Registrar and Paying Agent shall be responsible or liable for payment by DTC or DTC Participants, for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants.

In the event that (1) DTC determines not to continue to act as securities depository for the Certificates or (2) the School District determines that the continuation of the Book-Entry System of evidence and transfer of ownership of the Certificates would adversely affect their interests or the interests of the Beneficial Owners of the Certificates, the School District may discontinue the Book-Entry System with DTC. If the School District fails to identify another qualified securities depository to replace DTC, the School District shall cause the Registrar and Paying Agent to authenticate and deliver replacement Certificates

in the form of fully registered Certificates to each Beneficial Owner.

NEITHER THE SCHOOL DISTRICT NOR THE REGISTRAR AND PAYING AGENT SHALL HAVE ANY RESPONSIBILITY OR OBLIGATIONS TO ANY DTC PARTICIPANT OR ANY BENEFICIAL OWNER WITH RESPECT TO (i) THE CERTIFICATES; (ii) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC OR ANY DTC PARTICIPANT; (iii) THE PAYMENT BY DTC OR ANY DTC PARTICIPANT OF ANY AMOUNT DUE TO ANY BENEFICIAL OWNER IN RESPECT OF THE PRINCIPAL OF AND INTEREST ON THE CERTIFICATES; (iv) THE DELIVERY OR TIMELINESS OF DELIVERY BY DTC OR ANY DTC PARTICIPANT OF ANY NOTICE DUE TO ANY BENEFICIAL OWNER THAT IS REQUIRED OR PERMITTED UNDER THE TERMS OF THIS RESOLUTION TO BE GIVEN TO BENEFICIAL OWNERS, (v) THE SELECTION OF BENEFICIAL OWNERS TO RECEIVE PAYMENTS IN THE EVENT OF ANY PARTIAL REDEMPTION OF THE CERTIFICATES; OR (vi) ANY CONSENT GIVEN OR OTHER ACTION TAKEN BY DTC, OR ITS NOMINEE, CEDE & CO., AS OWNER.

SO LONG AS A BOOK-ENTRY SYSTEM OF EVIDENCE OF TRANSFER OF OWNERSHIP OF ALL THE CERTIFICATES IS MAINTAINED IN ACCORDANCE HERewith, THE PROVISIONS OF THIS RESOLUTION RELATING TO THE DELIVERY OF PHYSICAL BOND CERTIFICATES SHALL BE DEEMED INAPPLICABLE OR BE OTHERWISE SO CONSTRUED AS TO GIVE FULL EFFECT TO SUCH BOOK-ENTRY SYSTEM. IF THE PROVISIONS OF THE LETTER OF REPRESENTATION SHALL BE IN CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION AS SAID PROVISIONS RELATE TO DTC, THE PROVISIONS OF THE LETTER OF REPRESENTATION SHALL CONTROL.

#### Section 4.6. Mutilated, Lost, Stolen, or Destroyed Certificates.

(a) In the event any Certificate is mutilated, lost, stolen, or destroyed, the School District may execute, and upon the request of an Authorized Officer of the School District the Registrar and Paying Agent shall authenticate and deliver, a new Certificate of like maturity, interest rate, and principal amount, and bearing the same number (but with appropriate designation indicating that such new Certificate is a replacement Certificate) as the mutilated, destroyed, lost, or stolen Certificate, in exchange for the mutilated Certificate or in substitution for the Certificate so destroyed, lost, or stolen. In every case of exchange or substitution, the Certificateholder shall furnish to the School District and the Registrar and Paying Agent: (1) such security or indemnity as may be required by them to save each of them harmless from all risks, however remote; and, (2) evidence to their satisfaction of the mutilation, destruction, loss, or theft of the subject Certificate and the ownership thereof. Upon the issuance of any Certificate upon such exchange or substitution, the School District and the Registrar and Paying Agent may require the Owner thereof to pay a sum sufficient to defray any tax or other governmental charge that may be imposed in relation thereto and any other expenses, including printing costs and counsel fees, of the School District and the Registrar and Paying Agent. In the event any Certificate which has matured or is about to mature shall become mutilated or be destroyed, lost, or stolen, the School District may, instead of issuing a Certificate in exchange or substitution therefor, pay or authorize the payment of the same (without surrender thereof except in the case of a mutilated Certificate) if the Owner thereof shall pay all costs and expenses, including attorney's fees, incurred by the School District and the Registrar and Paying Agent in connection herewith, as well as a sum sufficient to defray any tax or other governmental charge that may be imposed in relation thereto and shall furnish to the School District and the Registrar such security or indemnity as they may require to save them harmless and evidence to the satisfaction of the School District and the Registrar and Paying Agent the mutilation, destruction, loss, or theft of such Certificate and of the ownership thereof.

(b) Every Certificate issued

Continues on next page

pursuant to the provisions of this section shall constitute an additional contractual obligation of the School District (whether or not the destroyed, lost, or stolen Certificate shall be found at any time to be enforceable) and shall be entitled to all the benefits of this Resolution equally and proportionately with any and all other Certificates duly issued under this Resolution.

(c) All Certificates shall be held and owned upon the express condition that the provisions of this Section are exclusive, with respect to the replacement or payment of mutilated, destroyed, lost, or stolen Certificates, and, to the maximum extent legally permissible, shall preclude all other rights or remedies, notwithstanding any law or statute now existing or hereafter enacted to the contrary.

#### Section 4.7. Authentication.

The Registrar and Paying Agent is hereby authorized to authenticate and deliver the Certificates to the Underwriter or as it may designate upon receipt by the School District of the proceeds of the sale thereof, to authenticate and deliver Certificates in exchange for Certificates of the same principal amount delivered for transfer upon receipt of the Certificate(s) to be transferred in proper form with proper documentation as hereinabove described. The Certificates shall not be valid for any purpose unless authenticated by the Registrar and Paying Agent by the manual signature of an officer thereof on the certificate set forth herein on the Certificate form.

#### Section 4.8. Qualification for DTC.

The Registrar and Paying Agent is hereby authorized to take such actions as may be necessary from time to time to qualify and maintain the Certificates for deposit with DTC, including but not limited to, wire transfers of interest and principal payments with respect to the Certificates, utilization of electronic book entry data received from DTC in place of actual delivery of Certificates and provision of notices with respect to Certificates registered by the DTC (or any of its designees identified to the Registrar and Paying Agent) by overnight delivery, courier service, telegram, teletype or other similar means of communication. No such arrangements with DTC may adversely affect the interest of any of the Owners of the Certificates, provided, however, that the Registrar and Paying Agent shall not be liable with respect to any such arrangements it may make pursuant to this section.

#### Section 4.9. Underwriter.

The President and Business Manager are authorized to retain Dougherty & Company LLC as Underwriter upon such terms as they approve.

#### Section 4.10. Bond Counsel.

The President and Business Manager are authorized to retain Meierhenry Sargent LLP as Bond Counsel upon such terms as they approve.

#### Section 4.11. Rating Agency.

The President and Business Manager are authorized to retain the Rating Agency upon such terms as they approve.

#### Section 4.12. Dissemination Agent.

The District authorizes the Authorized Officer of the District to retain a dissemination agent with regard to the written undertaking authorized in Section 9.7 hereof.

### ARTICLE V REDEMPTION OF CERTIFICATES PRIOR TO MATURITY

#### Section 5.1. Redemption.

The Certificates shall be redeemable as set forth in the Certificate Purchase Agreement.

#### Section 5.2. Notice of Redemption.

(a) Notice of call for redemption, whether optional or mandatory, shall be given in accordance with SDCL Chapter 6-8B.

#### Section 5.3. Payment of Redeemed Certificates.

(a) If notice of redemption shall have been given in the manner and under the conditions provided in Section 5.2 hereof and if on the date so designated for redemption the Registrar shall hold sufficient monies to pay the redemption price of, and interest to the redemption date on, the Certificates to be redeemed as provided in this Resolution, then: (1) the Certificates so called for redemption shall become and be due and payable at the redemption price provided for redemption of

such Certificates on such date; (2) interest on the Certificates so called for redemption shall cease to accrue; and, (3) such Certificates shall no longer be Outstanding or secured by, or be entitled to, the benefits of this Resolution, except to receive payment of the redemption price thereof and interest thereon from monies then held by the Registrar.

(b) If on the redemption date, monies for the redemption of all Certificates or portions thereof to be redeemed, together with interest thereon to the redemption date, shall not be held by the Registrar and Paying Agent so as to be available therefor on such date, the Certificates or portions thereof so called for redemption shall continue to bear interest until paid at the same rate as they would have borne had they not been called for redemption and shall continue to be secured by and be entitled to the benefits of this Resolution.

### ARTICLE VI REGISTRAR AND PAYING AGENT

#### Section 6.1. Appointment and Acceptance of Duties.

The School District hereby authorizes the Business Manager to appoint the Registrar and Paying Agent with respect to the Certificates and authorizes and directs the Registrar to maintain registration records with respect to the Certificates, to authenticate and deliver the Certificates as provided herein, either at original issuance, upon transfer, or as otherwise directed by the School District, to effect transfers of the Certificates, to give all notices of redemption as required herein, to make all payments of principal and interest with respect to the Certificates as provided herein, to cancel and destroy Certificates which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer, to furnish the School District at least annually a certificate of destruction with respect to Certificates canceled and destroyed, and to furnish the School District at least annually an audit confirmation of Certificates paid, Certificates Outstanding and payments made with respect to interest on the Certificates. The President and the Business Manager, or either of them is hereby authorized to execute and the Business Manager is hereby authorized to attest such written agreement between the School District and the Registrar and Paying Agent as they shall deem necessary or proper with respect to the obligations, duties and rights of the Registrar and Paying Agent. The payment of all reasonable fees and expenses of the Registrar and Paying Agent for the discharge of its duties and obligations hereunder or under any such agreement is hereby authorized and directed.

#### Section 6.2. Permitted Acts and Functions.

The Registrar and Paying Agent may become the Owner of any Certificates, with the same rights as it would have if it were not a Registrar. The Registrar and Paying Agent may act as a purchaser or fiscal agent in connection with the sale of the Certificates or of any other securities offered or issued by the School District.

#### Section 6.3. Resignation or Removal of the Registrar and Paying Agent and Appointment of Successors.

(a) The Registrar and Paying Agent may at any time resign and be discharged of the duties and obligations created by this Resolution by giving at least sixty (60) calendar days' written notice to the Business Manager. The Registrar and Paying Agent may be removed at any time by the Business Manager, provided that such removal does not constitute a breach of any contractual agreement with any such Registrar and Paying Agent, by filing written notice of such removal with such Registrar and Paying Agent. Any successor Registrar and Paying Agent shall be appointed by the Business Manager and shall be a trust company or a bank having the powers of a trust company, having a combined capital, surplus, and undivided profits aggregating at least Seventy-Five Million Dollars (\$75,000,000), willing to accept the office of Registrar and Paying Agent on reasonable and customary terms and authorized by law to perform all the duties imposed upon it by this Resolution.

In the event of the resignation or removal of the Registrar and Paying Agent, such Registrar and Paying Agent shall pay over, assign and deliver any monies and securities held by it as

Registrar and Paying Agent, and all books and records and other properties held by it as Registrar and Paying Agent, to its successor, or if there be no successor then appointed, to the Business Manager until such successor be appointed.

#### Section 6.4. Merger or Consolidation of Registrar and Paying Agent.

Any corporation or association into which the Registrar and Paying Agent may be converted or merged, or with which it may be consolidated, or to which it may sell or transfer its trust business and assets as a whole, or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation, or transfer to which it is a party shall be and become successor Registrar and Paying Agent hereunder and shall be vested with all the trusts, powers, discretion, immunities, privileges, and other matters as was its predecessor, without the execution or filing of any instrument or any further act, deed, or conveyance on the part of any of the parties hereto, anything herein contained to the contrary notwithstanding. Upon any such conversion, merger, consolidation, sale or transfer, the Business Manager shall have the right and option, upon notice to such converted, merged, consolidated or acquiring entity, to remove such entity and appoint a successor thereto pursuant to the procedures and requirements set forth in Section 6.3 hereof.

### ARTICLE VII DEFEASANCE OF CERTIFICATES

If the School District shall pay and discharge the indebtedness evidenced by any of the Certificates in any one or more of the following ways, to wit:

(a) By paying or causing to be paid, by deposit of sufficient funds as and when required with the Registrar, the principal of and interest on such Certificates as and when the same become due and payable;

(b) By depositing or causing to be deposited with any trust company or financial institution whose deposits are insured by the Federal Deposit Insurance Corporation or similar federal agency and which has trust powers ("an Agent"; which Agent may be the Registrar) in trust or escrow, on or before the date of maturity or redemption, sufficient money or Federal Obligations, as hereafter defined, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay or redeem such Certificates and to pay premium, if any, and interest thereon when due until the maturity or redemption date (provided, if such Certificates are to be redeemed prior to maturity thereof, proper notice of such redemption shall have been given or adequate provision shall have been made for the giving of such notice);

(c) By delivering such Certificates to the Registrar, for cancellation by it;

and if the School District shall also pay or cause to be paid all other sums payable hereunder by the School District with respect to such Certificates, or make adequate provision therefor, and by resolution of the Governing Body instruct any such Escrow Agent to pay amounts when and as required to the Registrar for the payment of principal of and interest and redemption premiums, if any, on such Certificates when due, then and in that case the indebtedness evidenced by such Certificates shall be discharged and satisfied and all covenants, agreements and obligations of the School District to the holders of such Certificates shall be fully discharged and satisfied and shall thereupon cease, terminate and become void.

If the School District shall pay and discharge the indebtedness evidenced by any of the Certificates in the manner provided in either clause (a) or clause (b) above, then the registered owners thereof shall thereafter be entitled only to payment out of the money or Federal Obligations deposited as aforesaid.

Except as otherwise provided in this Section, neither Federal Obligations nor moneys deposited with the Registrar pursuant to this Section nor principal or interest payments on any such Federal Obligations shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal and premium, if any, and interest on said Certificates; provided that any cash received from such principal or interest payments on such

Federal Obligations deposited with the Registrar, (A) to the extent such cash will not be required at any time for such purpose, shall be paid over to the School District as received by the Registrar and (B) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable, be reinvested in Federal Obligations maturing at times and in amounts sufficient to pay when due the principal and premium, if any, and interest to become due on said Certificates on or prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments shall be paid over to the School District, as received by the Registrar. For the purposes of this Section, Federal Obligations shall mean direct obligations of, or obligations, the principal of and interest on which are guaranteed by, the United States of America, or any agency thereof, obligations of any agency or instrumentality of the United States or any other obligations at the time of the purchase thereof are permitted investments under South Dakota Law for the purposes described in this Section, which Certificates or other obligations shall not be subject to redemption prior to their maturity other than at the option of the registered owner thereof.

### ARTICLE VIII SALE OF CERTIFICATES AND DEPOSIT OF PROCEEDS

#### Section 8.1. Sale of Certificates.

The Certificates shall be sold to the Underwriter at a price to be set forth in the Certificate Purchase Agreement. The President and the Business Manager, or either of them, is authorized to make such changes in the structuring of the terms and sale of the Certificates as they shall deem necessary. The form of the Certificate set forth in Exhibit A attached hereto shall be conformed to reflect any changes, if any, as hereinbefore mentioned. The President and the Business Manager, or either of them, are hereby authorized to execute and the Business Manager is authorized to attest the Certificate Purchase Agreement with the Underwriter providing for the purchase and sale of the Certificates. The Certificate Purchase Agreement shall be in form and content acceptable to the President and Business Manager, the execution thereof by either of them to constitute conclusive evidence thereof; provided the Certificate Purchase Agreement effects the sale of the Certificates in accordance with the provisions of this Resolution, and is not inconsistent with the terms hereof. The President and the Business Manager are authorized to cause the Certificates to be authenticated and delivered by the Registrar to the Underwriter and to execute, publish, and deliver all certificates and documents, including the Official Statement, and closing certificates and documents, as they shall deem necessary in connection with the sale and delivery of the Certificates.

#### Section 8.2. Official Statement.

The President, Business Manager, and the Underwriter are hereby authorized and directed to provide for the preparation and distribution of a Preliminary Official Statement describing the Certificates (the "Preliminary Official Statement"). After the Certificates have been sold, the President and Business Manager shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement for purposes of Rule 15c2-12(e)(3) of the Securities and Exchange Commission.

To comply with paragraph (b) (3) of Rule 15c2-12 of the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule") and with Rule G-32 and all other applicable rules of the Municipal Securities Rulemaking Board, the School District agrees to deliver to the Underwriter, the Official Statement (which shall be a final official statement, as such term is defined in the Rule, as of its date) in an electronic format as prescribed by the MSRB.

#### Section 8.3. Disposition of Certificate Proceeds.

The proceeds of the sale of the Certificates shall be deposited in the Capital Outlay Fund and shall be used by the School District to provide funds to: (1) to construct 2017 Groton Area Elementary School comprehen-

sive infrastructure and space improvements and student commons addition and furnish and equip the same and (2) the costs of issuing the Certificates.

#### Section 8.4. Tax Matters.

(a) The School District covenants and agrees with the registered owners from time to time of the Certificates that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Certificates to become includable in gross income for federal income tax purposes under the Code and applicable Treasury Regulations (the "Regulations"), and covenants to take any and all actions within its powers to ensure that the basic interest on the Certificates will not become includable in gross income for federal income tax purposes under the Code and the Regulations.

(b) The President and the Business Manager, being the officers of the District charged with the responsibility for issuing the Certificates pursuant to this Resolution are hereby authorized and directed to execute and deliver to the Underwriter thereof a certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Certificates, it is reasonably expected that the proceeds of the Certificates will be used in a manner that would not cause the Certificates to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

(c) The District further certifies and covenants as follows with respect to the requirements of Section 148 of the Code that the District reasonably expects, as of the Closing Date, that the aggregate face amount of all tax exempt bonds (other than private activity bonds) issued by it and all subordinate entities during the calendar year of 2016 will not exceed \$15,000,000.

(d) The District shall file with the Secretary of the Treasury a statement concerning the Certificates containing the information required by Section 149(e) of the Code.

(e) Pursuant to Section 265(b)(3)(B)(ii) of the Code, the District hereby designates the Certificates as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. The District hereby represents that it does not anticipate that obligations bearing interest not includable in gross income for purposes of federal income taxation under Section 103 of the Code (including refunding obligations as provided in Section 265 (b) (3) of the Code and including "qualified 501 (c) (3) bonds" but excluding other "private activity bonds," as defined in Sections 141(a) and 145(a) of the Code) will be issued by or on behalf of the District and all "subordinate entities" of the District in 2016 in an amount greater than \$10,000,000.

### ARTICLE IX MISCELLANEOUS

#### Section 9.1. Failure to Present Certificates.

(a) Subject to the provisions of Section 4.6 hereof, in the event any Certificate shall not be presented for payment when the principal or redemption price hereof becomes due, either at maturity or at the date fixed for prior redemption thereof or otherwise, and in the event monies sufficient to pay such Certificate shall be held by the Registrar for the benefit of the Owner thereof, all liability of the School District to such Owner for the payment of such Certificate shall forthwith cease, determine, and be completely discharged. Whereupon, the Registrar shall hold such monies, without liability for interest thereon, for the benefit of the Owner of such Certificate who shall thereafter be restricted exclusively to such monies for any claim under this Resolution or on, or with respect to, said Certificates.

(b) If any Certificate shall not be presented for payment within a period of six years following the date when such Certificate becomes due, whether by maturity or otherwise, the Registrar shall, subject to the provisions of any applicable escheat or other similar law, pay to the School District any monies then held by the Registrar for the payment of such Certificate and such Certificate shall (subject to the defense of limitation) thereafter constitute an unsecured obligation of the

School District.

Section 9.2. Payments Due on Saturdays, Sundays, and Holidays.

In any case where the date of maturity or interest on or principal of any Certificates, or the date fixed for redemption of any Certificates, shall be a Saturday or Sunday or shall be, at the place designated for payment, a legal holiday or a day on which banking institutions similar to the Registrar are authorized by law to close, then the payment of the interest on, or the principal, or the redemption price of, such Certificate need not be made on such date but must be made on the next succeeding day not a Saturday, Sunday, or a legal holiday or a day upon which banking institutions similar to the Registrar are authorized by law to close, with the same force and effect as if made on the date of maturity or the date fixed for redemption, and no interest shall accrue for the period after such date.

#### Section 9.3. Miscellaneous Acts.

The appropriate officers of the School District are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, deliver, and, if applicable file or record, or cause to be filed or recorded, in any appropriate public offices, all such documents, instruments, and certifications, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may, in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution, or any of the documents herein authorized and approved, or for the authorization, issuance, and delivery by the School District of the Certificates.

#### Section 9.4. Amendment.

The School Board is hereby authorized to make such amendments to this Resolution as will not impair the rights of the Certificateholders.

#### Section 9.5. No Recourse Under Certificate Resolution or on Certificates.

All stipulations, promises, agreements, and obligations of the School District contained in this Resolution shall be deemed to be the stipulations, promises, agreements, and obligations of the School District and not of any officer, director, or employee of the School District in his or her individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Certificates or for any claim based thereon or this Resolution against any officer, director, or employee of the School District or against any official or individual executing the Certificates.

#### Section 9.6. Partial Invalidity.

If any one or more of the provisions of this Resolution, or of any exhibit or attachment thereto, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Resolution, and the exhibits and attachments thereto, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

#### Section 9.7. Continuing Disclosure.

The School District hereby covenants and agrees that it will provide financial information and material event notices as required by Rule 15c2-12 of the Securities Exchange Commission for the Certificates. The President is authorized to execute at the Closing of the sale of the Certificates, an agreement for the benefit of and enforceable by the owners of the Certificates specifying the details of the financial information and material event notices to be provided and its obligations relating thereto. Failure of the School District to comply with the undertaking herein described and to be detailed in said closing agreement, shall not be a default hereunder, but any such failure shall entitle the owner or owners of any of the Certificates to take such actions and to initiate such proceedings as shall be necessary and appropriate to cause the School District to comply with its undertaking as set forth herein and in said agreement, including the remedies of mandamus and

specific performance. Section 9.8. Conflicting Resolutions Repealed. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

**Section 9.9. Post Issuance Compliance.**

The School District does hereby adopt Meierhenry Sargent Post-Issuance Compliance Policy and Tax-Advantaged Obligations and Continuing Disclosure with regard to the Certificates attached hereto. The School District appoints the Business Manager as its chief post issuance compliance officer.

**Section 9.10. Effective Date.**

This Resolution shall take effect from and after its adoption, the welfare of the School District requiring it.

...Said motion was seconded by Member Fjelstad and upon vote being taken the following voted AYE: Fjelstad, Gengerke, Harder, Kjelden, Rix, Smith and Weismantel.

The addition of signatures to this page verifies these minutes as official.

Published once at the total approximate cost of \$335.62. 13000.

**Groton School Sept. 27**

**Meeting Minutes**

UNOFFICIAL PROCEEDINGS OF BOARD OF EDUCATION GROTON AREA SCHOOL DISTRICT NO. 06-6

REGULAR MEETING September 27, 2016

Vice-president Kelly Kjelden called the meeting to order at 7:00 p.m. in the High School Conference Room. Members present: Fjelstad, Gengerke, Harder, Kjelden, Rix, and Weismantel. Others present were Supt. J. Schwan, Principals A. Schwan and B. Schwan and Asst. Business Official K. Bury. Absent: Business Manager Weber.

Moved by Weismantel, second Rix to approve the agenda. Motion carried.

No new potential conflicts disclosures pursuant SDCL 23-3 were reported.

Members of the public were allowed five minutes to address the board on any topic of their choice. With no public members present to speak, the board proceeded with their remaining agenda items.

The board listened to program presentations on Computer

Education/Technology from Cara Dennert and Aaron Helvig.

Steve Smith arrived at 7:30 pm and presided over the rest of the meeting.

There were no board committee reports given.

Tom Grimmond of Dougherty & Co. presented financing information and documents for the Elementary Building Project. Moved by Kjelden, second by Fjelstad to adopt the resolution to finance the Groton Area Elementary Project. Aye- All.

President Smith appointed the following to the Elementary Building Project Steering Committee: Supt. J. Schwan, Principal B. Schwan, Emily Eichler (Gr. 1 teacher), Joel Guthmiller (Gr. 4 teacher), Head Custodian Mike Nehls, and board members Deb Gengerke, Clint Fjelstad, and Merle Harder. The committee will meet Oct. 5th at 3:30 pm.

The board acknowledged second reading policy changes to BBE - Unexpired Term Fulfillment (Amend); BD - School Board Meetings (amend); BDA - Electronic Communication By Board Members (New); GBAA - Veteran's Preference (Amend); ILB - State Required Assessments (New); JEA - Students Alternative Instruction (Amend); JEC - School Admissions (Amend); JECAA - Admission of New Residents and Students from Unaccredited Schools (Amend); JECAC - Transfer from an Accredited School (New); JHCA - Physical Examinations and Inoculations of Students/Inoculations of Students (Amend). Moved by Harder, second Rix to approve as presented. Motion carried.

The following items were discussed in administrative reports: student enrollment at 588, Food Service inspection, SDSDBF meeting, School Law Seminar, homecoming activities, drama club, SD Supreme Court session, NSU student teacher candidates, OST, My Learning Plan, and elementary PAC.

Moved by Weismantel, second Gengerke to amend and approve the Groton Area School District 2016-17 budget, as published from the budget hearing on July 11, 2016, as follows and authorize the business manager to file the tax request with the county auditors: Revenue - General Fund from \$4,371,732 to \$4,434,298, Special Education from \$778,810 to \$754,250, Capital Projects from \$0 to \$7,500,000 and Total Revenue from \$6,769,292 to \$14,307,298; Expenditures - General Fund from \$5,054,333 to \$5,020,123, Capital Outlay from \$1,077,372 to \$1,128,443, Spe-

cial Education from \$905,437 to \$879,333, Capital Projects from \$0 to \$7,500,000, Capital Outlay from \$1,127,993 to \$1,146,493, Enterprise from \$78,944 to \$78,909 and Total Expenditures from \$7,721,206 to \$15,211,928. Motion carried.

Supt. Schwan presented the District and School Report Cards for 2016.

Moved by Harder, second by Kjelden to hire Darin Zoellner as Head Wrestling Coach at 12 % of base salary. Motion carried.

Fjelstad left the meeting at 9:20 pm.

Moved by Rix, second by Kjelden to hire Kayde Wiedrick as student custodian at \$9.00/hour up to 17.5 hours per week. Motion carried.

Moved by Kjelden, second by Weismantel to amend the work agreement for Joann Donley from \$17,784.38 to \$17,635.63. Motion carried.

The board acknowledged Public School Exemption #17-07 for Grades K, 1, 4, 5, 7, 8, and 10.

Moved by Weismantel, second Kjelden to approve open enrollment application #17-23 for a kindergarten student from the Aberdeen School District and open enrollment application #17-24 for a student in Grade 5 from the Aberdeen School District. Motion carried.

Moved by Kjelden, second by Weismantel to change the date of the October school board meeting from Monday, October 10th to Tuesday, October 11th due to the Columbus Day holiday. Motion carried.

Moved by Rix, second by Kjelden to adjourn at 9:23 pm.

M. J. Weber, Business Manager Steven R. Smith, President

The addition of signatures to this page verifies these minutes as official.

Published once at the total approximate cost of \$30.49. 13001

# Netters go 2-2 at Redfield

Groton Area's volleyball team went to the Redfield/Doland tournmanet held Saturday in Redfield. The Lady Tigers defeated Eureka/Bowdle and Miller and lost to Redfield/Doland and Belle Fourche.

Next action for the team is Tuesday night when the Tigers will host Hitchcock/Tulare. The seventh and eighth graders will play at 4:30 p.m. with the junior varsity at 6 p.m. and the varsity to follow around 7:15 p.m.

**Groton Area 2, Eureka/Bowdle 0**

**Game Scores:** 25-7 and 25-22  
**Serving:** 45-49 5 aces (Jennie Doeden 11-11 2, Payton Maine, Paityn Bonn and Miranda Hanson each had 1 ace serve)  
**Attacks:** 52-56 27 kills (Taylor Holm 10-11 7 kills, Jessica Bjerke 12-12 6 kills)  
**Sets:** 42-43 17 assists (Kaylin Kucker 23-24 10 assists, Katie Koehler 17-17 7)  
**Digs:** 13 (Jessica Bjerke 5, Paityn Bonn 5)  
**Blocks:** 0

**Redfield/Doland 2, Groton Area 1**

**Game Scores:** 19-25, 25-19, 19-25  
**Serving:** 53-57 4 aces (Payton Maine 2 aces, Katie Koehler 1, Paityn Bonn 1)  
**Attacks:** 96-110 29 (Audrey Wanner 33-36 10, Katie Koehler 14-14 6)  
**Sets:** 80-82 21 (Koehler 74-76 21 assists)  
**Digs:** 36 (Payton Maine 9, Jessica Bjerke 8)  
**Blocks:** 5 (Gia Gengerke 4, Taylor Holm 1)

**Groton Area 2, Miller 0**

**Game Scores:** 25-20, 11-25, 25-22  
**Serving:** 45-51 4 aces (Tadyn Glover 14-14 2, Jessica Bjerke 14-14 1)  
**Attacks:** 111-124 36 kills (Audrey Wanner 36-39 15 kills, Gia Gengerke 17-21 6 kills, Taylor Holm 14-16 6 kills)  
**Sets:** 99-100 30 assists (Katie Koehler 89-90 28, Paityn Bonn 7-7 2)  
**Digs:** 51 (Payton Maine 16, Jessica Bjerke 14)  
**Blocks:** 5 (Taylor Holm 3, Gia Gengerke 2)

**Belle Fourche 2, Groton Area 0**

**Game Scores:** 22-25, 14-25  
**Serving:** 34-36 1 ace (Katie Koehler 6-7 1 ace)  
**Attacks:** 57-68 19 kills (Gengerke 14-18 6 kills, Audrey Wanner 13-16 5 kills)  
**Sets:** 57-58 16 assists (Katie Koehler 15, Jennie Doeden 1)  
**Digs:** 33 (Payton Maine 13, Katie Koehler 10)

**Blocks:** 2 (Taylor Holm 2)

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**Gavin Englund got off the hayride trailer and wasted no time setting down his pumpkin as he started to paint it.** (Photo by Paul Kosel)



**Lee Nickenson and Larry Harry were busy grilling hamburgers and hot dogs at the Pumpkin Fest.** (Photo by Paul Kosel)

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# Groton Area take down Cyclones in 3 games

Groton Area's volleyball team had an easy time with Clark/Willow Lake Thursday night at the Groton Arena, winning three games and ending the match at 8:06 p.m.

Audrey Wanner returned to the court after being out since the Roncalli match, having 11 kills on the night.

Groton Area led for most of the first game, taking a 10-5 lead, but the Cyclones rallied to tie the game at 15 and 17 before taking an 18-17 lead. The game was tied at 18 and Clark/Willow Lake held a 19-18 lead. Then the Tigers scored seven straight points to finish off the game and secure the win, 25-19. Jessica Bjerke had two ace serves and Gia Gengerke had one in the first game.

Bjerke started out the serving in the second game

and a combination of Bjerke's two ace serves and two scored blocks by Gia Gengerke propelled the Tigers to an 8-0 lead. Taylor Holm also had a scored block while Katie Koehler and Miranda Hanson each had an ace serve as Groton Area won the second game, 25-12.

Taydon Glover, Paityn Bonn, Jennie Doeden and Katie Koehler each had an ace serve in the third game as the Tigers went on to win, 25-13.

Groton Area was 69 of 76 in serves with 15 ace serves. Jessica Bjerke was 23 of 24 with six ace serves, Miranda Hanson was nine of 10 with three ace serves and Katie Koehler was 10 of 12 with two ace serves. Clark/Willow Lake was 32 of 35 in serves with one ace serve, that by Abbie Bratland. Mikenna Burke was 11 of 11 and Bratland five of six.

In attacks, Groton Area was 81 of 91 with 36 kills. Audrey Wanner was 28 of 30 with 11 kills, Paityn Bonn was 10 of 11 with six kills and Jessica Bjerke was 11 of 12 with six kills. Clark/Willow Lake was 74 of 86 with 17 kills. Mikenna Burke was 15 of 15 with three kills, Abbie Bratland was 26 of 29 with four kills and Janae Kolden was 18 of 24 with eight kills.

Groton Area was 96 of 96 in sets with 34 assists. Katie Koehler had 90 sets and 30 assists and Paityn Bonn had five with three assists. Clark/Willow Lake was 80 of 83 in sets with 16 assists. Jen Hurlburt was 68 of 71 with 13 assists.

Groton Area had 59 digs with Payton Maine having 15 and Jessica Bjerke 11. Clark/Willow Lake had 36 digs with Audrey Ruml having eight and Alyssa Evenson six.

Groton Area had four blocks with Gia Gengerke having two solo blocks and Taylor Holm and Katie Koehler each having an assist on a block.

The game was broadcast live on GDILIVE.COM. The broadcast was sponsored by Harry Implement of Ferney, Leading Edge Industries with Shawn Gengerke, James Valley Seed with Doug Jorgenson and Blocker Construction.

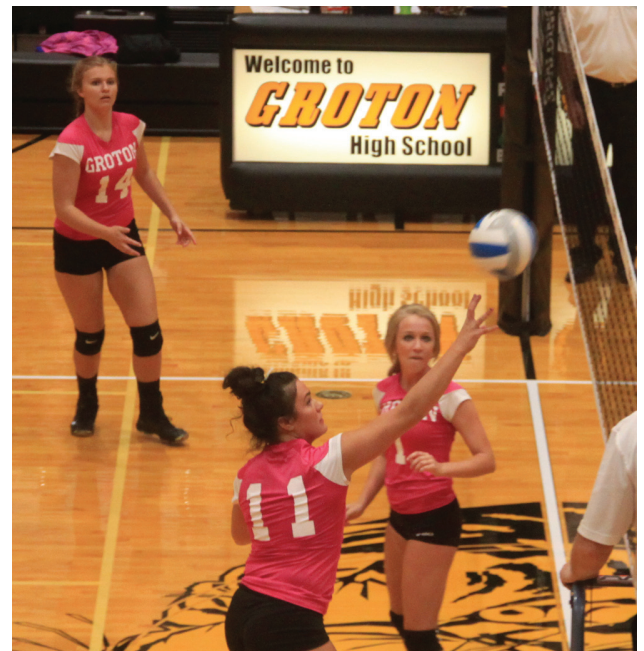
Groton won the junior varsity match, 25-18 and 26-7. The Groton eighth grade team lost its match, 2-1, with game scores of 8-25, 20-25 and 25-22. The seven graders lost its match, 2-1, with game scores of 22-25, 23-25 and 25-8.



**Payton Maine**



**Paityn Bonn**



**Audrey Wanner hits the ball over with Taylor Holm in the back left and Katie Koehler to the right.**

## Roncalli 3, Groton Area 1

Game Scores: 20-25, 25-19, 22-25 and 22-25.

Serving: 83-33, 3 ace (Audrey Wanner 20-20, 2 ace; Katie Koehler 13-15, 1 ace).

Attacks: 170 of 198, 39 kills. (Gia Gengerke 31 of 37 with 13 kills, Audrey Wanner 48 of 56 with 10 kills).

Sets: 178 of 181 with 40 assists. (Katie Koehler 153 of 155 with 35 assists. (Katie Koehler 153 of 155 with 35 assists, Paityn Bonn nine of 10 with three assists).

Digs: 104 (Payton Maine 33, Katie Koehler 22, Audrey Wanner 22).

Blocks: 3 (Gia Gengerke 2, Paityn Bonn 1).

Roncalli won the JV match, 25-15, 20-25 and 15-8.



**Katie Koehler**



**Jessica Bjerke**

## Groton remains in 2nd Place

**By The Associated Press**

SIOUX FALLS, S.D. (AP) — The South Dakota Sportswriters Association high school football poll, with first-place votes in parentheses, records, total points and last week's ranking. With first-place votes in parentheses and total points:

Class 11B

Rank-School	FPV	Rcd	TP	Pvs
1. Winner	(8)	6-0	40	1
2. Groton Area	-	7-0	29	2
3. Tri-Valley	-	4-2	20	3
4. Bridgewater-Emery-Ethan	-	4-3	15	4
5. Chamberlain	-	5-1	9	5

Others receiving votes: Sioux Valley 4, Mobridge-Pollock 2, McCook Central-Montrose 1.



**The new speed limit signs have been installed on Main Street, north of 11th Avenue. The new posted speed limit is now 15 mph from 11th Avenue to US 12.**

## The Life of Twila Ruden



Twila June (Sanborn) Ruden, 86, died on October 9, 2016 at Groton, SD. Funeral services will be held on Friday, October 14, 2016 at 11:00 a.m. at the Groton United Methodist Church, with Pastor Thomas Carlson officiating. Burial will be at Groton Union Cemetery following the church service. Paetznick- Garness Funeral Home of Groton is in charge of arrangements. There will be visitation on Thursday, October 13, 2016 from 4 - 7 p.m. with a prayer service at 7 p.m. at the funeral home.

Twila was born on June 23, 1930, in Adrian Township, rural Beebe, S.D. to Delmar C. Sanborn and Nina Pearl (Benson) Sanborn. Twila was the oldest of four children and lived in South Dakota all of her life. She grew up in Adrian, Huntley, and Rosette Townships in Edmunds County. She attended the Ipswich Congregational Church. She attended grade school in a country school in Rosette Township and in Ipswich Public School and graduated from Ipswich in 1948 as valedictorian of her class. In the 1940's, Twila was a 4-H Club member and earned a trip on her clothing project to the National 4-H Club Congress in 1949.

Following graduation, she spent a summer as a clerk in the Edmunds County Treasurer's Office. She attended South Dakota State University for one year and worked for three years in the business office of the Aberdeen American News. When living in Aberdeen, she attended the Plymouth Congregational Church and assisted with teaching Sunday School. She joined the Brown County Rural Youth Group whose objectives were to specialize, socialize, study, and serve. There she met Earl Ruden who was directing recreational activities, including square dancing. Earl was a farmer in Henry Township, rural Groton. In 1952, they were married at the Plymouth Congregational Church. They farmed in Henry Township for forty years and continued to live on the family farm after they retired. Attending their children's activities, family gatherings and holiday dinners were always a large part of their lives. Twila moved to Primrose Place Assisted Living Center in 2015 and was recently a resident at Groton Golden Living Center where she fell asleep.

Twila was a member of the Groton United Methodist Church for 64 years. She was an active member of the United Methodist Women, was a lay member to Annual Church Conference, a Sunday School Teacher for many years, and served on many committees.

Twila and Earl continued to support 4-H in Brown County through their children's membership in the Putney Putovers and the Lazy Farmers 4-H clubs. They also continued their friendship with Rural Youth Group members through the years. Twila was a member of Putney Ladies Aid for 63 years, Rip 'n Ravel Extension Club for 63 years, Diana Chapter, Order of Eastern Star for 51 years, spending forty of those years as secretary, and the Past Matrons Gavel Club of Diana Chapter. She wrote the Putney News for the Groton newspapers for many years. She was a 35-year member of the Daughters of the American Revolution, McPherson Chapter and, later, Laura Ingalls Wilder Chapter of Clark, serving as a officer for 12 years. She was a member of Chapter AC, P.E.O. in Groton, the Corral of Westerner's International, and the Yellowstone Trail Association. Twila served eight years on the Dacotah Prairie Museum Board of Trustees and six years on the Brown County Fair Board. She was a member of the Brown County and the South Dakota State Historical Societies.

In the years after her children were grown, she was employed at Viv's Bridal Wear and The Sewing Shoppe, both in Aberdeen, before retiring in 2010. She and Earl also had a home business, E and T Projects, a wood working and sewing business.

Twila is survived by two daughters, Laurie and Frank Ewalt of Billings, MT, and Carna (Atherton) and Cliff Pray of Groton, SD, and one son, Bradley and Kay Ruden of Bruce, SD; eight grandchildren, John and Jennie Ewalt, Broomfield, CO, Tony and Laura Ewalt, Great Falls, MT, Kristie (Ewalt) and Jason Hurless, Meridian, ID, Paul and Erin Ewalt, Firestone, CO, Joshua and Merrie Atherton, Webster, SD, Adam and Becca Atherton, Grand Forks, ND, Nathan Atherton and Makenzie McPherson, Grand Forks, ND, and Kaitlin Ruden, Bruce, SD and three step grandchildren, Kevin Pray, Ferney, SD, Lisa Pray and Cody Monson, Aberdeen, SD and Jasper Pray, Boston, MA and 15 great grandchildren. She is also survived by her sisters-in-law, Del Sanborn of Ipswich, SD and Joann Sanborn of Leola, SD, and her brother-in-law, Richard Ruden of Groton, SD and their families.

She is preceded in death by her husband Earl in 2001, her parents, her sister Sharon Sanborn and brothers, Carl and Gerald Sanborn, a son-in-law, Randy Atherton, and one infant son.

## The Life of Richard Johnson



Services for Richard "Herb" Johnson, 73 of Conde was held Sunday, October 9th at St. Paul's Lutheran Church, Ferney. Rev. Lloyd Redhage officiated. Burial followed in St. Paul's Lutheran Cemetery.

Herb fell asleep October 3, 2016 at his home.

Richard Lee "Herb" Johnson was born on July 20, 1943 to Chet and Vernita (Sombke) Johnson. He was baptized and confirmed and was a member of St. Paul's Lutheran Church, Ferney. He attended Groton Area School, graduating in 1961. Herb completed Advanced Individual Military Police training in Fort Gordon, Georgia in August of 1965. He served during the Vietnam War and was honorably discharged in March of 1971. Upon returning to South Dakota, he worked for local elevators. He

later was employed at Harry Implement in Ferney until retiring in 2008. Herb was united in marriage with Barb Purcell on October 6, 1990.

Herb was well known to all area farmers as the go-to guy for combines and planters. He and Barb enjoyed many years of woodworking, crafts, and took great joy in maintaining their yard and flowers. He was especially proud of all of his grandkids. Herb's favorite past time was attending grandsons, Cole & Cody's baseball games as their #1 fan.

Herb will be greatly missed by his step-daughters, Cindy (Rick) Pigors, Janet (HD) Haynie, Mary (John Carrico) Harry, Patty (Todd) Stieha, Kathy (Roni) Dobberpuhl, Alicia (Jeff) Sippel, 12 grandchildren: Eric (Brenda) Pigors, Ashley (Brandon) Smith, Jana, Jasmine and Jayne Haynie, Joey (Shonna) Harry, Justin Harry, Dustin (Monica) Stieha, Adam Stieha, Cole & Cody Sippel and Kaylee Carlson, 9 great-grandchildren: Grady & Gentry Pigors, Liam and Adalynn Stieha, Aubray & Trevor Harry, Marissa, Michael and Christina. Herb is also survived by his brothers, Jim, Glenn, Kenneth, Chuck and sisters, Sheila and Donna and all of their spouses along with many nieces and nephews.

Preceding him in death were his parents, sister Arlys, his wife, Barb and grandson, Mikey Dobberpuhl.

Honorary Casketbearers were Jerry Rossow, Carleen Johnson, Ranae Ball and his many farmer friends.

Casketbearers were Ryan Ball, Chris Pigors, Tyler Stark, Rod "Chip" Hanson, Kent Webb and Dale Washnok.

The six girls would like to leave you with this thought, "When Herb married our mom, he left bachelor life behind and took on us six girls and our families. Thank you for taking care of mom during her illness, and for taking on the role of Dad and Grandpa."

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