

**South Dakota  
Special Committee  
on Judicial Election  
Campaign  
Intervention**

500 East Capitol Avenue  
Pierre, SD 57501-5070



**Committee Members:**

Retired Chief Justice  
Robert A. Miller (Chair)  
*Pierre, South Dakota*  
Retired Circuit Judge  
Rodney Steele (Vice-Chair)  
*Brookings, South Dakota*  
Honorable Harvey Wollman  
*Frankfort, South Dakota*  
John Blackburn, Esq.  
*Yankton, South Dakota*  
Professor Christine Hutton  
*Vermillion, South Dakota*  
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*Rapid City, South Dakota*  
Dr. Robert Burns  
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**General Legal Counsel:**

Greg Sattizahn, Esq.  
*Pierre, South Dakota*  
  
Suzanne Kappes, Esq.  
*Pierre, South Dakota*

May 21, 2014

OPINION #14-03



Dear [REDACTED]:

You have requested an advisory opinion from the Special Committee on Judicial Election Campaign Intervention:

**Whether an incumbent, who has no opposition, must comply with the campaign finance reporting requirements.**

The Committee answers in the negative.

SDCL 12-27-22 provides guidance on who is required to file a campaign finance disclosure statement. This statute specifically provides that “[a] legislative or county candidate campaign committee without opposition in a primary election” is not required to file a campaign finance disclosure statement. The term “county” is defined as “any elected office at a county in this state” SDCL 12-27-1(7) (emphasis added). Since a judicial election would be included in this definition, a campaign finance report is not required for an incumbent with no opposition.

However, if campaign funds have been received by an incumbent who has no opposition, filing a report would be advisable.

With this letter, the Committee considers this matter concluded and has elected to treat this as a formal opinion. This opinion, however, is advisory in nature and should be regarded as such.

For the Committee,

A handwritten signature in black ink, appearing to be 'R. Miller'.

Robert A. Miller, Retired Chief Justice  
Committee Chair

*The Committee is a non-partisan group dedicated to preserving the dignity and integrity of this state's judicial system. We believe judicial candidates should aspire to the highest ethical standards to promote public trust and confidence in the fairness and impartiality of this state's courts. We do not endorse candidates, and this opinion is not intended to announce support for, or opposition to, any candidate. Instead, we strive to educate the candidates, the media, and the public about judicial campaign conduct.*