

## SECTION VII: FOR YOUR INFORMATION

Issues Mobilization Committee Bylaws and Procedures

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REALTOR® Dues Form

Affiliate Member Dues Form

# SOUTH DAKOTA ASSOCIATION OF REALTORS®

## BYLAWS FOR THE ISSUES MOBILIZATION COMMITTEE

Amended October 2010

### ARTICLE I - NAME AND DEFINITION

- Section 1. Name. The name of this committee is the Issues Mobilization Committee, hereinafter referred to as the Committee.
- Section 2. Definition. It is a voluntary, non-profit Committee of individual REALTORS® and others, and is not affiliated with any political party.

### ARTICLE II - PURPOSES

- Section 1. The committee shall be organized and operated primarily for the purpose of collecting contributions to support or oppose federal, state, and local issues that impact real property in South Dakota. It shall also support grassroots lobbying and education efforts related thereto. Committee funds shall not be used to support candidates or for any other purpose prohibited by federal, state, or local law. The Committee shall be organized and operated according to the statutes of South Dakota.
- Section 2. The Committee seeks to improve public policy by encouraging and stimulating REALTORS® and others to take a more active and effective part in governmental decision making and the legislative process. Committee decisions shall be consistent with the current South Dakota Association of REALTORS® Statement of Policy.

### ARTICLE III - CONTRIBUTIONS AND FUND ALLOCATIONS

- Section 1. Contributions. Contributions to the Committee may be made by REALTOR® and Affiliate Members of the South Dakota Association of REALTORS®. Both personal and corporate checks are acceptable under South Dakota State Law. Contributions to the Committee from other persons may be approved by the Committee for special projects and/or programs authorized and approved by the Committee.
- Section 2. Participation Recognition. Recognition and award programs for contributors may be determined by the Committee.
- Section 3. Allocation of Funds. The Committee shall serve as the depository for all funds contributed to or collected in the name of the Committee. All funds collected will be allocated on the following percentage basis:
  - Sixty percent (60%) of each dollar received will be used for issues that have statewide significance unless released by the committee to Member Boards Issues Mobilization accounts for local use. The State Issues Mobilization Committee or other body as designated by the South Dakota State Association of REALTORS® shall have authority over the use of state funds.
  - Forty percent (40%) of the funds collected by the Committees of the Member Boards of the South Dakota Association of REALTORS®, or by the Member Boards in the name of the Committee, shall remain in allocation for local use for a 2 year carry over period unless released by the Member Board to the State Association Issues Mobilization account..
  - Upon dissolution of a Member Board, any funds remaining in its Issues Mobilization account or allocation shall be distributed to the State Issues Mobilization account or other depository designated by the State Association.
  - An annual report will be sent to each Member Board and the State Association at the annual General Membership Meeting indicating how contributions to the Issues Mobilization Fund were spent and the balance of funds available for use on issues advocacy activities.

#### ARTICLE IV - COMMITTEE STRUCTURE

- The supervision and control of the activities of the Committee shall be vested in the members of the Committee.
- Section 1. Composition. The Committee shall consist of not less than 11 (eleven) members representing each local board of the South Dakota Association of REALTORS® and the following ex-officio members who shall not vote: the State President, the Government Affairs Committee Chairperson, PSF Fundraising Committee Chairperson, the RPAC Trustees Committee Chairperson or their designated representative.
- Section 2. Appointments. Appointments to the Committee shall be made in accordance with the customs and practices of the South Dakota Association of REALTORS® from names submitted from Member Boards, individual requests, and from recommendations of the Committee. Appointments shall be for terms of three (3) years, except in the inception of the Committee when one-third shall serve for terms of one, two and three years respectively. Committee members may serve a maximum of two consecutive three year terms.
- Section 3. Duties. Members of the Committee shall have general supervision and control over the affairs and funds of the Committee, and shall establish and carry out all policies and activities of the Committee. The members shall serve without compensation.
- Section 4. Vacancies. Any vacancy shall be filled by the Committee, subject to the approval by a majority of the Issues Mobilization Committee Members. Any appointees would serve until the completion of the unexpired term to which they are appointed. Any Committee member may be removed for cause by a vote of a two-thirds majority of the entire Committee. Two consecutive unexcused absences from Committee meetings will be construed as a resignation.

#### ARTICLE V - MEETINGS

- Section 1. Annual Meeting of the Committee. The annual meeting of the Committee will be held during the annual General Membership meeting of the South Dakota Association of REALTORS® or at the November/December SDAR Business Meeting at a time and place designated by the Committee.
- Section 2. Other Meetings. Other meetings of the Committee may be held as determined by the Committee or the South Dakota Association of REALTORS®.
- Section 3. Quorum. The number of Committee members constituting a quorum shall be a majority of the voting Committee members.

#### ARTICLE VI - SUBCOMMITTEES

- Section 1. Subcommittees. The Committee may have such subcommittees as it determines necessary and desirable for carrying out its purposes and objectives.

#### ARTICLE VII - BOOKS, RECORDS, FINANCES AND ADMINISTRATION

- Section 1. Books and Records. The Committee shall keep complete books and records of accounts. The Committee's books and records of accounts may be audited at the direction of the Committee or the governing body of the South Dakota Association of REALTORS®.
- Section 2. Fiscal and Elective Year. The fiscal and elective year of the Committee shall be the same as the fiscal and elective year of the South Dakota Association of REALTORS®, with the fiscal year being the calendar year and the elective year being December 1 through November 30.
- Section 3. Deposits. The funds of the Committee shall be deposited to the credit of the Committee in one or more banks or other depositories, or invested in securities which are insured or guaranteed by the federal government, and as permitted under state law. Income generated from invested funds shall inure to the committee account.
- Section 4. Requests for Issues Campaign Funds.
  - Written requests for Issues Campaign Funds may be received at any regular Issues Mobilization Committee Meeting. Such requests may be approved by the Issues Mobilization Committee during the meeting in which said request is made.

- Written requests for Issues Campaign Funding may be received via Facsimile Transmission or by regular mail from local boards or the SDAR Executive Committee. Such requests for issues campaign funds will be approved in accordance with the Issues Mobilization Committee policies and procedures.

#### ARTICLE VIII - AMENDMENTS

- Section 1. These Bylaws may be amended by a majority vote of the total membership of the Committee, provided the members have received ten (10) days advance written notice of the substance of such amendments and provided further that such amendments shall be approved by the Board of Directors of the South Dakota Association of REALTORS®. Additionally, amendments to these bylaws may be approved by a majority vote of the total membership of the Committee via Facsimile Transmission.

## SOUTH DAKOTA ASSOCIATION OF REALTORS® ISSUES MOBILIZATION COMMITTEE POLICY AND PROCEDURES

Amended 2010

#### FUNDRAISING PROCEDURES

- The RPAC/PSF/ISSUES MOBILIZATION Fundraising Guide is updated annually prior to the Kick-Off of the yearly fundraising campaign. The guide is disseminated to all local board fund-raisers, local board Executive Officers and RPAC and ISSUES Trustees.
- Local Board Annual Goals are determined by the October 31<sup>st</sup> membership figures. The Fundraising Guide also includes the guidelines for submitting contributions to the SDAR office in Pierre under the state and federal Political Campaign requirements.
- The PSF Fundraising Book contains general information on:
  - How To Raise Funds
  - Questions regarding RPAC and Issues Mobilization
  - Local Board Charts of the Yearly allocation of funds available for contribution to candidates for local elections. The local board RPAC and Issues Mobilization allocation charts are recalculated each year on January 1st. Copies of Local Board funds available are given to each local board at the beginning of each fundraising year.
  - Guidelines for fundraising other than personal (direct) contributions such as raffles and auctions in order to comply with Federal and State election laws

#### ISSUES MOBILIZATION TRUSTEES MEETINGS

- The regular meetings of the Issues Mobilization Trustees will be held during the time scheduled for the SDAR committee and Directors meetings during February, May/June, and October/November. Issues Mobilization Trustee Chair or Vice Chair, in the absence of the Chair, provides a report at each meeting of the SDAR Board of Directors. Special meetings of the Issues Mobilization Trustees may also be scheduled at any time if needed.
- Guests may be present at any Issues Trustees meetings or part of any Trustees meetings where issues funding requests are not being awarded. The Issues Trustees will meet in executive session, limited to the Issues Trustees (11) and present SDAR staff, when determining the granting and amount of issues funding requests.
- Issues Mobilization Trustees who are unable to attend any regular or special meeting must submit a letter of request for an excused absence in writing to the SDAR office in Pierre prior to the meeting date.
- Issues Mobilization Trustees who are currently serving in an elected position on the SDAR Board of Directors will not be reimbursed for travel expenses to regular Issues Mobilization Trustees meetings. They will be reimbursed for travel to any special Issues Mobilization Trustees meeting. Trustees who do not serve

in an elected position on the SDAR Board of Directors will be reimbursed for travel expenses to all Issues Mobilization Trustees meetings in an amount set annually by the SDAR Budget committee.

**STATEWIDE ISSUES CAMPAIGN REQUESTS**

- All requests for funding from the State Issues Mobilization Fund must be submitted to the Trustees in writing on the Application for Funding Request Form as approved by the Issues Trustees. The request may be initiated by any SDAR committee (usually the Government Affairs or Executive Committee) and approved by the SDAR Board of Directors. The SDAR President will sign and present the request to the Trustees at a regular or special meeting.
- A detailed proposed budget of money to be expended should accompany the formal written request. The State request should also indicate whether SDAR will be presenting a formal request for matching of additional funds from the National Association of REALTORS® Issues Mobilization fund and the target date for when that request will be made.

**LOCAL ISSUES CONTRIBUTION REQUESTS**

- Application: All requests for funding from the local board issues mobilization monies must be submitted to the Issues Mobilization Trustees in writing on the Application for Funding Request Form as approved by the Issues Trustees. Local Board funding requests must be submitted to the SDAR office two weeks prior to the next scheduled meeting. The request may be initiated by any local board committee and approved by the local Board of Directors. The Local Board President and Local Board Issues Trustee will sign the request form.
- Presentation to Committee: A detailed proposed budget of money to be expended should accompany the formal written request. The Local Board President; Local Board Issues Trustee and/or Local Board Executive Officer shall present the request to the committee at their meeting
- Approval of Local Board Monies Requests: Requests for funding from the local board issues mobilization monies will be approved during a regular or special meeting of the Issues Mobilization Trustees. If needed and deemed necessary, as approved by the Chair, the local board request for funding may be approved by facsimile transmission between regular meeting times.
- Approval of Local Board Requests for State Funds: Requests from local boards that include a request for additional funds from the state Issues Mobilization fund, which is in addition to their local board monies available, must be approved and granted at a regular or special meeting of the Issues Mobilization Trustees. Voting by facsimile is not an authorized means to approve a local board’s request for additional funds from the state issues mobilization account.

**CATEGORIES OF PARTICIPATION**

The following categories of participation have been established by the National and State RPAC. Contributors who qualify for two or more sustaining awards in one year will receive the highest eligible award and be recognized in that category from there forward.

NAR’s “Washington Society” Program - NAR is responsible for recognition and awards in the following categories:

Golden “R”	\$5,000.00 initial annual contribution \$2,000.00 annually thereafter to sustain (after 2002) \$1,000.00 annually thereafter to sustain (prior 2002)
*If member joins President’s Circle-	\$4000.00 initial annual contribution \$1,000.00 annually thereafter to sustain
Crystal “R”	\$2,500.00 initial annual contribution \$1,000.00 annually thereafter to sustain
*If member joins President’s Circle-	\$2,000.00 initial annual contribution \$1000.00 annually thereafter to sustain

Sterling "R"	\$1,000.00 in a single calendar year
President's Circle	\$2,000.00 direct contributions to REALTOR® friendly candidates, in addition to Major Donor Investment
NAR Hall of Fame - 3 Tiers	Total Lifetime Aggregate of at least \$25,000 Total Lifetime Aggregate of at least \$50,000 Total Lifetime Aggregate of at least \$100,000

SDAR is responsible for the recognition and awards for the following categories:

President's Club	\$500 - \$999 in a single calendar year
Capitol Club	\$250 - \$499 in a single calendar year
99 Club	\$99 - \$249 in a single calendar year

Sustaining Awards include:

Gold Member	\$250 for 4 consecutive years = \$1,000
Silver Member	\$200 for 5 consecutive years = \$1,000
Bronze Member	\$99.00 for 10 consecutive years = \$1,000

SDAR Hall of Fame - Total Aggregate Contributions of at least \$10,000.00

Recognition for contributions in the above amounts are determined annually by the RPAC/Issues Mobilization Trustees and the RPAC/Issues Mobilization Fundraising committee. The cost of awards for recognition of sustaining and large contributions shall be funded on a prorated basis from the Issues Mobilization account and from the RPAC Soft funds account as needed.

## SOUTH DAKOTA ASSOCIATION OF REALTORS® REALTORS® POLITICAL ACTION COMMITTEE BYLAWS Approved 2010

### ARTICLE I - Name and Definition

The name of this Committee is South Dakota REALTORS® Political Action Committee, hereinafter, SDRPAC. It is a voluntary, non-profit, incorporated Committee of individual REALTORS® and others, and is not affiliated with any political party. The Committee is an independent, autonomous organization, and is not a branch or subsidiary of any national or other political committee.

### ARTICLE II - Purpose

- The purpose of the Committee is:

To support the South Dakota Association of REALTORS® and National Association of REALTORS® public policy agenda by collecting voluntary political contributions and making expenditures for the purpose of assisting real estate supported candidates to win election to local, state and federal office.

### ARTICLE III - Participation and Contributions

- Section 1 Participation

Any REALTOR® member and State and Local Association Executive Officer of the South Dakota Association of REALTORS®, hereinafter SDAR, shall be eligible for participation in SDRPAC. SDRPAC maintains the right to deny participation to any person by refusing to accept that individual's contribution.

- Section 2 Categories of Participation

Participants shall be classified according to the participant groups established in the Policies and Procedures Manual of SDRPAC.

- Section 3 Acceptance and Use of Contributions

All contributions shall be subject to the approval of the Board of Trustees, which may reject any contribution. The Board of Trustees is required to reject contributions that violate any Federal or South Dakota election law. The Board of Trustees shall reject all corporate contributions. Accepted contributions shall be used at the discretion of the Board of Trustees in accordance with the purposes of SDRPAC as set forth in Article II above.

#### **ARTICLE IV - Board of Trustees**

- Section 1 Composition

The Board of Trustees shall consist of eleven (11) members, one from each of the active Local Boards of REALTORS®.

- Section 2 Selection and Terms

The President of the State Association, subject to confirmation by its Executive Committee, shall appoint the initial trustees. Of the initial Trustees, four (4) shall serve for a three-year term, four (4) shall serve for a two-year term, and three (3) shall serve for a one-year term. Succeeding appointments shall be for three (3) year terms. No Trustee shall serve more than two (2) successive three (3) year terms.

In addition to the Trustees as set out herein, ex-officio, non-voting members shall include the SDAR President, SDAR Government Affairs Chair, SDAR Lobbyist, SDAR representative(s) on NAR's Political Communications Committee, SDAR representative(s) serving as a National RPAC Trustee, NAR Government Affairs Staff and SDAR staff. These members will be properly noticed of all Board of Trustees meetings.

In the event a South Dakota RPAC Trustee files for or serves in a state or federal political office, or becomes a member of the South Dakota Real Estate Commission, or takes any other action or has any involvement that in the opinion of the Trustees constitutes a conflict of interest, the Trustee's term shall terminate.

- Section 3 Duties

The Board of Trustees shall have general supervision and control over the affairs and funds of the Committee and shall establish and carry out all policies and activities of the Committee.

- Section 4 Vacancies

Whenever a vacancy exists or is about to occur, the local board will receive a letter of notification of the vacancy and shall submit a recommendation in writing to the Trustees for the vacant Trustee position. The Board of Trustees shall have the sole authority to accept or reject the recommendation.

If a Trustee voluntarily resigns prior to the end of their term, the Trustee must submit in writing a letter of resignation stating the reason for and the effective date of resignation. The local board shall submit a recommendation in writing to the Trustees to fill the vacated Trustee position. The Board of Trustees shall have the sole authority to accept or reject the recommendation.

All recommended persons for RPAC Trustee must be endorsed by their local board, must be a contributing member to RPAC or PSF in the previous and current calendar years, exhibit a background of political involvement and be willing to become current \$99 Club members.

- Section 5 Cooperation with other PACS

The Board of Trustees may cooperate with national, other state, and local real estate political action committees.

#### **ARTICLE V - Officers**

- Section 1 Designated Officers

The general officers of SDRPAC shall be a Chair, a Vice Chair, a Secretary and a Treasurer.

- Section 2 Election of Officers

The officers shall be elected by the of the Board of Trustees from among the members of the Board at its annual meeting and shall serve for a term not exceeding two years ending at the close of the elective year in even-numbered years. No officer shall serve for more than two (2) successive terms and may not succeed his/her self.

- Section 3 Chair

The Chair shall be the presiding officer of the Committee and shall be a member of the Government Affairs Committee and report directly to the SDAR Board of Directors. The Chair shall preside at meetings of the Board of Trustees.

- Section 4 Vice Chair

The Vice Chair shall preside at the meetings of the Board of Trustees and officiate for the Chair during their absence or at their request.

- Section 5 Secretary

In the absence of the Chair and Vice Chair, the Secretary shall preside at meetings of the Board of Trustees.

- Section 6 Treasurer

The Executive Vice President shall act in the official capacity of the Treasurer. The Executive Vice President of SDAR shall be considered to be and shall register as Treasurer of SDRPAC for purposes of reporting to governmental authorities as required by law. The Executive Vice President shall record all Board of Trustee meeting minutes. The Treasurer shall be the custodian of the funds of the Committee and shall collect all funds of the organization. The Treasurer shall disburse all monies of the Committee in accordance with the instructions of the Board of Trustees. The Treasurer shall keep full and accurate accounts, shall present financial statements, shall prepare, sign and file all reports to governmental authorities required by law or directed to be filed by the Board of Trustees.

## ARTICLE VI - Meetings

- Section 1 Annual Meeting

Each year the annual meeting of the Board of Trustees shall be held during the last regularly scheduled business and committee meetings of the South Dakota Association of REALTORS®. The chair or any four (4) Trustees may call a meeting.

- Section 2 Regular Meetings

The Board of Trustees shall meet at a minimum of two meetings per year, in addition to the annual meeting.

- Section 3 Special Meetings

Special meetings of the Board of Trustees shall be called by the Chair on his/her own initiative or upon the written request of three (3) of the members of the Board. Any call for a special meeting shall state the purpose, date, time and place of the meeting, and shall be issued at least fifteen (15) days in advance and may be done by conference call.

- Section 4 Quorum

Six (6) members of the Board of Trustees shall constitute a quorum.

- Section 5 Compensation

The members shall serve and be compensated according to the Policies and Procedures of the Board of Trustees.



#### **ARTICLE VII - Committees**

The SDRPAC shall have such committees as the Board of Trustees determines are necessary and desirable for carrying out its purpose and objectives. The Chair and members of such committees shall be appointed by the Chair subject to the approval of the Board of Trustees.

#### **ARTICLE VIII - Books, Records, and Finances**

- Section 1 Books and Records

The Committee shall keep correct and complete books and records of account. The Committee's books of account shall be audited at least once a year.

- Section 2 Fiscal Year

The fiscal year of the Committee shall be from January 1 to December 31. The contribution year shall be from November 1 to October 31.

- Section 3 Deposits

The funds of the Committee shall be deposited to the credit of the Committee in such banks or other depositories as the Board of Trustees may select according to the rules and regulations of the Federal and State Election Commissions.

#### **ARTICLE IX - Amendments to Bylaws**

- These bylaws may be amended or repealed and new bylaws may be adopted at any meeting of the Board of Trustees by the affirmative vote of at least six (6) of the members of the Board of Trustees, provided that at least 30 days prior written notice of the substance of the proposed amendments, or of intent to repeal and adopt new Bylaws, shall have been given each member of the Board of Trustees.

## **SOUTH DAKOTA REALTORS® POLITICAL ACTION COMMITTEE POLICY AND PROCEDURES**

Amended 2010

#### **FUNDRAISING PROCEDURES**

- The RPAC/PSF/ISSUES MOBILIZATION Fundraising Guide is updated annually prior to the Kick-Off of the yearly fundraising campaign. The guide is disseminated to all local board fund-raisers, local board Executive Officers and RPAC and ISSUES Trustees.
- Local Board Annual Fundraising Goals are determined by the October 31\* membership figures.
- PSF Fundraising Book contains general information on:
  - How To Raise Funds
  - Guidelines for submitting contributions according to the state and federal political campaign requirements
  - Questions regarding RPAC and Issues Mobilization
  - Previous year's fundraising campaign reports and charts
  - Local Board Charts of the Yearly allocation of funds available for contribution to candidates for local elections

\*\*The local board RPAC allocation charts are recalculated each year on November 1st. The amount of funds available to each local board for contributions to local candidates (city, county, school board) are based upon 20% of the previous year's collections plus any amount remaining from the carryover

column for one additional year. If the amount remaining is a negative amount, this negative figure will be carried forward in the calculations made each November 1st.

Copies of funds available are sent to each local board at the beginning of the year at the February Board meetings.

- Guidelines for fundraising other than personal (direct) contributions such as raffles and auctions in order to comply with Federal and State election laws

### **RPAC TRUSTEE MEETINGS**

- The regular meetings of the RPAC Trustees will be held during the regularly scheduled quarterly SDAR Committee and Board of Directors meetings. RPAC Trustee Chair or Vice Chair, in the absence of the Chair, provide a report at each meeting of the SDAR Board of Directors. A special meeting of the RPAC Trustees will also be scheduled during the summer of the even numbered/election years. Additional special meetings may be called as necessary.
- Special meetings of the Board of Trustees shall be called by the Chair on his/her own initiative or upon written request of three (3) of the members of the Board. Any call for a special meeting shall state the purpose, date, time and place of meeting, and shall be issued at least fifteen (15) days in advance and may be done by conference call
- Attendance at any meeting, which is held for the consideration of campaign contributions to candidates, will be limited to the RPAC Trustees (11), who will meet in executive session. The following persons are invited to attend this meeting in an ex-officio, non-voting capacity:
  - Current SDAR Lobbyist,
  - Current SDAR President,
  - Current SDAR Government Affairs Chair,
  - Current SDAR Staff Members,
  - Current SDAR representative(s) serving on NAR's Political Communications Committee,
  - Current SDAR representative(s) serving as National RPAC Trustee, and
  - Current staff of NAR Government Affairs Division.

Guests may be present at all other RPAC Trustees meetings where campaign contributions to candidates are not being considered.

- RPAC Trustees who are unable to attend any regular or special meeting must submit a letter of request for an excused absence in writing to the SDAR office in Pierre prior to the meeting date. If the absence is to be from a meeting where candidate contributions are to be considered, the Trustee must submit in writing recommendations for support of any candidate from his/her assigned area to the Chairman of the RPAC Trustees. The Trustee's written recommendations will then be taken into consideration at the meeting.
- Your position as an RPAC Trustee requires attendance at all meetings. Excused absences will be considered on an individual basis by the RPAC Trustees with prior written notification to the State Executive Vice President. Valid excuses are personal illness, family crises, or State/National Association Business. Unexcused absences will be construed as resignation from the office of State RPAC Trustee and the position may be declared vacant by the RPAC Trustees.

### **RPAC TRUSTEE MEETING COMPENSATION**

- RPAC Trustees who are currently serving in an elected position on the SDAR Board of Directors will not be reimbursed for travel expenses to regular RPAC Trustees meetings. They will be reimbursed for travel to any special RPAC Trustees meeting. Trustees who do not serve in an elected position on the SDAR Board of Directors will be reimbursed for travel expenses to all RPAC Trustees meetings in an amount set annually by the SDAR Budget committee.

## **CAMPAIGN CONTRIBUTION REQUESTS**

- **Candidates for Federal office:** The procedures for submittal of request for funding from the NAR Political Action Committee for funding of South Dakota candidates for the U.S. House of Representatives and U.S. Senate are established each year by the NAR RPAC Trustees. The Trustees at the state level are required to interview personally all candidates and to submit their requests according to NAR's guidelines and timetable. Several types of funding requests may be made, In-state receptions, Washington DC receptions, special recognition, direct contributions and "in kind" funding. The forms used for submittal of funding for federal candidates are supplied each year by NAR.

All contributions for federal races require approval in a regular or special meeting with a quorum present.

- **Candidates for State office:** Contributions for candidates for state legislative office will be considered during the elective years for Primary races, the General Election, Special Election and also for campaign deficit funding following the General Election. The candidate or the candidate's campaign manager submits the request for funding in writing on candidate forms provided by SDAR to the SDAR office prior to the RPAC Trustees meetings. All contested races are considered by the Trustees and each local board Trustee is assigned the candidates from the legislative districts within their local board jurisdiction. The local board Trustee should be in communication with their local board leadership as to which candidate to support in the campaign.
  - **Criteria for Candidate Support:**
  - Dedication to the right to own private property
  - Ability to win
  - Voting record
  - Recommendation from member boards
  - Future leadership potential
  - Recommendation from other interest groups
  - Name recognition

All contributions for state races require approval in a regular or special meeting with a quorum present.

Contributions to candidates are in support of the candidates' campaign and are not, in any way, to be considered as an endorsement of the candidate. Each Local Board will be notified of all contributions made to candidates within their assigned districts after the checks have been disbursed (within 30 days). Any member may contact the local board or State Office for this information. It is the local board's discretion as to how they relay this information to their members.

- **Candidates for Local Office:** Candidate contributions will be considered for county, city, school district and special service district offices. All requests for candidate contributions must be made in writing on a special form provided by SDAR and submitted by the local board State RPAC Trustee. The other RPAC Trustees will be notified of the request for local candidate funding by FAX MEMO, and the trustees will respond by sending their vote to the SDAR office via facsimile transmission or by 1<sup>st</sup> class mail, as soon as possible.

## **AWARDS AND RECOGNITION**

- The following awards and recognition will be made for continuous support of the RPAC/PSF/Issues Fundraising by members. Members who have achieved these awards will be recognized each year during the fourth quarterly business meeting of the South Dakota Association of REALTORS®.
- Recognition for contributions in the above amounts is determined annually by the RPAC Trustees and the RPAC Fundraising committee. The cost of awards for recognition of sustaining and large contributions may be funded from the RPAC Soft funds account as needed.

## CATEGORIES OF PARTICIPATION

- The following categories have been established by SDRPAC. Contributors who qualify for two or more *sustaining* awards in one year will receive the highest eligible award and be recognized in that category from there forward.

*NAR Major Donor Program - NAR is responsible for recognition and awards in the following categories:*

Golden "R"	\$5,000.00 initial annual contribution \$2,000.00 annually thereafter to sustain (after 2002) \$1,000.00 annually thereafter to sustain (prior 2002)
* If member joins President's Circle-	\$4000.00 initial annual contribution \$1,000.00 annually thereafter to sustain

Crystal "R"	\$2,500.00 initial annual contribution \$1,000.00 annually thereafter to sustain
* If member joins President's Circle-	\$2,000.00 initial annual contribution \$1000.00 annually thereafter to sustain

Sterling "R"	\$1,000.00 in a single calendar year
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President's Circle	\$2,000.00 direct contributions to REALTOR® friendly candidates, in addition to Major Donor Investment
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Hall of Fame - 3 Tiers	Total Lifetime Aggregate of at least \$25,000 Total Lifetime Aggregate of at least \$50,000 Total Lifetime Aggregate of at least \$100,000
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*SDAR is responsible for the recognition and awards for the following categories:*

President's Club	\$500 - \$999 in a single calendar year
Capitol Club	\$250 - \$499 in a single calendar year
99 Club	\$99 - \$249 in a single calendar year

*Sustaining Awards include:*

Gold Member	\$250 for 4 consecutive years = \$1,000
Silver Member	\$200 for 5 consecutive years = \$1,000
Bronze Member	\$99.00 for 10 consecutive years = \$1,000

SDAR Hall of Fame - Total Aggregate of \$10,000.00 Given in Lifetime

# South Dakota Association of REALTORS®

## Legal Action Defense Fund Policy and Procedures

- The South Dakota Association of REALTORS® hereby establishes a Legal Action Defense Fund as a restricted fund of the Association for the purposes set forth herein.

### RESERVES

- The Association shall maintain a fund for legal and special operating purposes. One dollar up to five dollars per member of the annual dues shall be placed in the fund. Said fund shall be a segregated fund placed at interest, with any interest earned remaining in the fund. Said one dollar (\$1.00) shall be contributed to the fund each year until the fund attains a total of twenty thousand dollars (\$20,000.00). At that time, any interest earned which raises the fund above the twenty thousand (\$20,000.00) shall be used by the Association as income to the current operating budget. If the fund is depleted to less than twenty thousand (\$20,000.00) the one dollar (\$1.00) per member contribution shall be reinstated at the inception of the next budget year.
- Expenditures from the fund may be made only upon approval of the Executive Committee or Board of Directors as follows:
- The Executive Committee may approve expenditures, for purposes described in "Purpose & Use", up to five thousand dollars (\$5,000.00) per instance, not to exceed ten thousand (\$10,000.00) aggregate in any budget year. Such expenditures must be reported to the Board of Directors.
- Expenditures over five thousand (\$5,000.00) per instance or over the aggregate of ten thousand (\$10,000.00) in any budget year must be approved by the Board of Directors.
- The specific amount of expenditures shall be determined by the Executive Committee in compliance within existing Policy.

### PURPOSE & USE

- The purpose and uses of the Legal Action Defense Fund are:
  - Assistance by the South Dakota Association of REALTORS®, Inc. to the counsel of member Boards on matters relating to threatened or pending litigation or threatened or pending action by any State administrative agency against a Member Board.
  - Defray legal defense costs, including attorney and expert witness fees, in cases where the South Dakota Association of REALTORS®, Inc. or one or more Member Boards are made defendants in which the interests of the South Dakota Association of REALTORS®, Inc. or of all members of the South Dakota Association of REALTORS®, Inc. are placed in jeopardy or where principles of importance to all Member Boards of REALTORS® are involved.
  - Provide legal assistance to individual members on matters relating to threatened or pending litigation or threatened or pending action by any State administrative agency where there is a substantial question involving the rights, obligations, or liabilities of real estate professionals the decision of which will affect all REALTORS®.
  - Provide for the retention of outside legal counsel, if necessary, to intervene in court cases as amicus curiae or otherwise in order to promote the policies of the South Dakota Association of REALTORS®, Inc. or to protect all of its members.
  - Provide for defense in the form of legal counsel and/or legislative lobbying efforts in the event of legislative action that may be offensive to the real estate industry. This fund cannot be used to finance the annual SDAR budgeted lobbying efforts. The fund is to be used to finance "extra efforts" when the need to do so has been identified by the South Dakota Association and/or the lobbyist for the association.

*Note: "amicus curiae" is a Latin term defined as "a person with no interest in a case who is called in to advise the judge. Friend of the court.*

## PROCEDURE

- Any request for legal assistance by a REALTOR® must first be supported by the local Board. All requests, whether from a REALTOR® or a local Board, must be submitted in writing to the Executive Vice President of the South Dakota Association of REALTORS®, setting forth the purpose of the request in as much detail as possible prior to any action being under taken.
- The Executive Committee shall hear and decide on all requests for legal assistance. No funds may be expended without the Executive Committee making determination that the matter is of such nature as to adversely affect REALTORS® within the state of South Dakota. The Executive Committee may decide that all costs and legal fees or a portion thereof, be paid from the Reserve Fund. The Fund is for legal costs and fees and may not in any case be used to pay judgements for damages or fines, or to pay any liability resulting from settlement before or after trial of any lawsuit, or pay any costs or fees of opposing counsel.
- The President shall, at the next meeting of the Board of Directors, following a commitment for the use of funds for legal assistance, report to the Directors as to the amount of monies committed or expended. The President shall not discuss at a regular Directors' Meeting the nature of the individual case, the REALTOR® or the local Board involved. Any Director may, however, review the file on the matter in the Association headquarters in the presence of the Executive Vice President.
- In the event any REALTOR® or local Board is dissatisfied with the action of the Executive Committee with regards to their request, the REALTOR® or local Board may appear before the Board of Directors and a two-thirds (2/3) vote of the Board of Directors present and voting may reverse or amend the action of the Executive Committee.
- As a condition of receiving assistance from the Legal Action Defense Fund, a member or member Board must agree to submit regular status reports on their case. Said reports shall be submitted to the South Dakota Association of REALTORS® and shall be filed two weeks prior to each South Dakota Association of REALTORS® meeting and as developments in the case necessitates.

## DISBURSEMENT OF FUNDS

- If the Executive Committee determines a case is worthy of support, disbursement of monies from the Legal Action Defense Fund, up to the amount authorized, shall take place in the following fashion:
  - The Member Board shall submit copies of all invoices for legal fees and other costs associated with the case to the Executive Vice President. Statements for legal services must include detailed time sheets.
  - The Executive Vice President shall issue check(s) to those who were authorized to represent the South Dakota Association of REALTORS®. No checks shall be issued to members of the Association.
  - When the amount of funds authorized by the Board of Directors is exhausted in cases of protracted litigation, additional funds may be requested. Such request shall be submitted by the Member Board President to the South Dakota Association of REALTORS® as described under the "Procedures". The request shall also include:
    - A summary of the current status of the case.
    - A statement of all expenses incurred to date and an estimate of additional expenses anticipated to carry the case to satisfactory conclusion.
    - A specific statement regarding the amount of funds the Member Board is requesting from the Legal Action Defense Fund.

## ADOPTION AND FUTURE

- This policy and Procedure was adopted by the Board of Directors of the South Dakota Association of REALTORS® on September 13, 2001. Changes to this policy and procedure can be made at the annual meeting of the South Dakota Association of REALTORS® by a majority vote.

# BOARD OF DIRECTORS HANDBOOK

Welcome to the Board of Directors of the South Dakota Association of REALTORS®!

- Now that you have been elected a director, you may be wondering how you are going to handle the responsibility of governing the Association.
- If this is your first time as a member of the Association's Board of Directors, we think you may be interested in some of the pointers we have gleaned from the bylaws, the statements of policy and other directors. Our objective is to bring you "up to speed" as quickly as possible to help make the role you play in the growth and development of the Association a rewarding one!
- If you need assistance, please call the South Dakota Association of REALTORS® office at 1-800-227-5877.

## QUESTIONS MOST OFTEN ASKED BY SDAR DIRECTORS:

### About your responsibilities:

- What are the governing responsibilities and authority of the Board of Directors?
  - The Board of Directors is responsible for governing the Association (see Article V, Sections I through V in the SDAR Bylaws). Among other duties, the Board of Directors has the responsibility to:
    - Approve annual budget & expenditures of the Association
    - Set SDAR Annual Dues
    - Set public policy as it pertains to the real estate industry
    - Establish governing policies of the Association
    - Approve member programs, products, and services
    - Approve amendments to the Bylaws
    - Approve and maintain accurate records of membership data and meetings
- What are my responsibilities as a director?
  - Know the issues of importance to your local board and bring matters of concern to the attention of the South Dakota Association
  - Know the issues of importance to the South Dakota Association and report matters of concern/action taken by the Association back to your local board
  - Understand how the South Dakota Association works - read and know the Bylaws, Statement of Policy, Strategic Plan, etc.
  - Participate in the meetings! The Association depends on the experience, knowledge, judgment, and spirit you bring to the Board of Directors
- Whom do I represent?
  - As a member of the Board of Directors, you represent each of the members of the South Dakota Association of REALTORS®. This may be challenging because there may be a multitude of viewpoints by the membership on various issues, but if you place the welfare of the Association first, the right decision will be made.
- How should I dress?
  - As the leadership body of a professional association, please dress accordingly. We will be judged by the image we present to our guests and visiting members.
- What is my Liability as a director of SDAR?
  - A well-informed Board of Directors seldom makes mistakes. However, in the unlikely event that any litigation should result from actions taken by the Board, the National Association provides blanket coverage to directors through its errors and omissions liability insurance.
- How will I ever keep up with all the business of the Association?
  - The answer is a great Association staff! You can count on them to keep you informed through the Association's publications and Board of Directors' memos.

### About the Meetings:

- How often does the Board of Directors meet?
  - As a director, you participate in four regular meetings each year:
    1. Winter Conference (January/February)
    2. Spring Conference (May/June)
    3. Annual Convention (September)
    4. Fall Conference (October)
- Must I attend all the Board of Directors Meetings?
  - **Attendance policy approved February 1994:** Your position as a SDAR Director requires attendance at all quarterly meetings. Excused absences will be considered on an individual basis by the Board of Directors with prior written notification to the State Executive Vice President. Valid excuses are personal illness, family crisis, or State/National Association Business. Unexcused absences will be construed as resignation from the office or directorship and the office or directorship may be declared vacant by the Board of Directors.
  - **Meeting Conduct approved February 1994:** All Directors are urged to attend and remain throughout the scheduled meeting in order to assure the necessary quorum is maintained for conducting the Associations.
- As a director, are you obligated to understand the business of the South Dakota Association of REALTORS®? Read and know the following:
  - Bylaws
  - Structural Organization (chart)
  - Policy Manual
  - Strategic Plan
- When and Where do I pick up my Director's materials?
  - Your meeting materials will be in a folder labeled for the Board of Directors found on the association's member-only section of the website. You are responsible for printing the meeting information and bringing it with you to the meetings.
- How should I prepare for the Board of Directors meeting and what should I bring to the meeting? Read and know the following:
  - Minutes from the previous Board of Directors Meeting (received in meeting packet)
  - Financial Statements (mailed one week in advance)
  - Issue Briefing(s) (received in meeting packet)
  - Final Meeting Agenda (received in meeting packet)
  - It is important to your role as a director to participate in all the meetings, share ideas regarding current issues with other members, ask questions, and obtain input. Be recognized for the leader you are!
- Where do I sign in prior to the start of the Board of Directors meeting?
  - A voice roll call by the SDAR Secretary will be taken at the beginning of each meeting. All Directors who did not request an excused absence in writing before the meeting will be listed in the Board of Directors minutes as absent.
- How is seating designated at the Board of Directors' meeting?
  - Seating for the directors is arranged alphabetically by name of local association/board. To assure that the necessary quorum is maintained for conducting the business of the Association, Directors are required to sit with their local association/board representatives for the entire meeting. There is additional seating for non-directors on the side or at the back of the room.
- What are my responsibilities while the Board of Directors meeting is in session?
  - Pay attention to the proceedings. Please conduct any private discussions with other directors outside of the meeting room so as not to disrupt the business at hand.



- Share with the Board of Directors your viewpoints on the issues discussed. All members of the South Dakota Association are allowed to speak on an issue, but only SDAR Directors seated at the Board table may vote or make motions
- Executive Officers may speak on any issue but do not vote or make motions
- How do I present to the Board of Directors a recommendation that has not gone through the normal committee process?
  - All recommendations and ideas to be considered by the Board should be submitted through one of the policy-making committees. You may, however, submit a recommendation to the Board of Directors by presenting it in writing to the executive vice president at least three days prior to the Board of Directors meeting at which you desire the recommendation to be considered.
  - The executive vice president will review the recommendation to determine if there is an appropriate committee that should consider the proposal first.
  - If there is no appropriate committee, the EVP will review the recommendation with the President to determine its relevance to the business of the Association. If they determine that the recommendation is relevant, copies of the recommendation will be distributed during the Board of Directors meeting at the proper time.

#### *About Committees:*

- Do I have the responsibility to serve on SDAR Committees
  - You will be assigned to serve on only one committee since the accomplishment of the mission and objectives of the State Association starts at the committee level. Requests for committee assignments will be honored when possible.
- If I am a director, why is it so important that I serve on a committee?
  - Through committee service you share expertise and gain knowledge, which improves your decision-making capabilities at the Board of Directors' meetings. It also provides leadership opportunities which will help you achieve future roles within the Association. You also gain experience that enhances your leadership capabilities at your local board.
- When and Where do I pick up my Committee meeting materials?
  - Your committee meeting materials will be in a folder labeled for the appropriate committee that you have been appointed to serve on. This information is found on the association's member-only section of the website. You are responsible for printing the meeting information and bringing it with you to the meetings.

#### *About Parliamentary Procedure:*

- What is the parliamentary procedure of the State Association?
  - The latest addition of Robert's Rules of Order is the authority governing all SDAR Association meetings.
  - A designated parliamentarian will be on hand at the Board of Directors meeting, but you should be familiar with the parliamentary procedure in order to help expedite the business of the meeting.
  - As an overview, you will receive at the Board of Directors Orientation, a Parliamentary Procedures Quick Reference chart. Additional information can be found in "Robert's Rules of Order Newly Revised".
- Are the Board of Directors meetings easy to follow?
  - Usually; however, because you have an obligation to understand the business of the Board, please ASK staff or the committee chairperson to explain anything you do not understand or need clarified. You may also INTERRUPT the proceedings, if appropriate. (See "Ask for Point of Information" or "Raise a Question of Privilege" in Robert's Rules of Order.)

# *Installation Ceremony*

Have elected officials stand near the head table facing the audience.  
(President-elect and retiring President should stand at the right side of the installing officer.)

As the elected officials of a prominent organization in your community, you are accepting leadership, which is utmost importance.

You have been elected this year as leaders of the \_\_\_\_\_ Association/Board of REALTORS® and are considered the leaders in real estate and are knowledgeable about problems of industry and taxation through the communities you serve. Therefore, a greater responsibility rests upon you as the officers of the \_\_\_\_\_ Association/Board of REALTORS®.

During the coming year, you will be identified as the official representatives of your Board by the businessmen and women of your community and must, therefore, conduct yourselves accordingly. In accepting, you dedicate yourselves to work for the welfare of your fellow REALTORS®, your community, your State and your nation.

In this coming year of leadership, you will enjoy many new and lasting friendships and will experience personal satisfaction that comes only through service, cooperation, and unselfish interest on behalf of others.

Your reward will be great - a new secret of living - that comes only to those who practice the art of giving.

# *Oath of Office*

Installing Officer:      Please raise your right hands.

You do solemnly and sincerely swear that you will administer the office to which you have been elected to the best of your ability and judgment, in conformity with the Constitution and Bylaws of your Board.

That you will observe and enforce the Code of Ethics of the REALTOR®.

That you will uphold and support the State Division of Real Estate in its enforcement of the license law.

That you will uphold and support your State and National Associations.

That you will in all your acts be governed by the principles of honesty, justice and fair play, and in every manner possible endeavor to promote and safeguard the best interest of our State, the high purposes of your Board, and the welfare of its membership.

Do you so subscribe!

*You may lower your hands*

By virtue of the authority conferred upon me, I do hereby proclaim each of you to be duly installed into the office to which you have been elected.

*Pass the gavel: Installing officer should hand the gavel to retiring President with the request that he pass it to the new President.*

*Installing officer faces the audience and makes the following comment as the gavel is passed from the old to the new President:*

“The passing of this gavel carries with it the duties and responsibilities of the office to which you have been elected. I congratulate you, REALTOR® \_\_\_\_\_.”

*Shake hands with the new President*



South Dakota Association of REALTORS®, Inc.

2011 Dues and Assessments
New REALTOR® Member



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

Name: \_\_\_\_\_ Firm Name: \_\_\_\_\_

Firm Mailing Address: \_\_\_\_\_ (street) \_\_\_\_\_ (city) \_\_\_\_\_ (state) \_\_\_\_\_ (zip)

Home Address: \_\_\_\_\_ (street) \_\_\_\_\_ (city) \_\_\_\_\_ (state) \_\_\_\_\_ (zip)

Office Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Preferred Phone: (Home) (Office) (Cell) please circle one

Preferred E-mail: \_\_\_\_\_ Preferred Website: \_\_\_\_\_

Gender: \_\_\_\_ Birth Date: \_\_\_\_\_ Real Estate License Number: \_\_\_\_\_ Type of License: \_\_\_\_\_

\*The above information is REQUIRED information that needs to be completed prior to returning to your local board.

Statement to Association Member: All NEW REALTOR® members pay dues pro-rated quarterly for SDAR and monthly of NAR based upon the date of acceptance of their application for membership by the Local Board of REALTORS®. Assessments are not pro-rated.

Table with 4 columns: SDAR Full Year, NAR January, NAR July, State Dues; SDAR 3/4 Year, NAR February, NAR August; SDAR 1/2 Year, NAR March, NAR September, NAR Dues; SDAR 1/4 Year, NAR April, NAR October, NAR Assessment \$35.00\*\*; NAR May, NAR November, Local Dues; NAR June, NAR December, Total.

\*\*Your 2011 dues include a \$35 special assessment by the National Association of REALTORS®. The assessment is billed to all active REALTOR® members through their primary local association and is due and owing to NAR by Jan. 1. This assessment is not prorated. The Public Awareness Campaign special assessment is not charged to Institute Affiliate members, nor is it charged for non-members salespersons. It also is not charged for National REALTOR® Emeritus. New REALTOR® members will owe the full \$35 when joining NAR. (NOTE: Dues payments to the Board or Association are not deductible as charitable contributions for federal income tax purposes. IRS Code Section 6113.) \* Discover Cards require the Verification Code off the back of the card

Make Checks Payable and Remit to your Local Board

( ) Check Enclosed ( ) Visa ( ) MasterCard ( ) Discover \*VC: \_\_\_\_\_

Account #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Exp Date \_\_\_\_\_

Signature (if charging): \_\_\_\_\_

STATEMENT OF DUES FOR 2011
Dues Deductibility: In accordance with disclosure requirements of section 8033 (e) of the Internal Revenue Service Code, the following estimates have been made by NAR and SDAR. For 2011, the percentages and dollar amounts listed below are not deductible on federal income tax forms because of lobbying activities of the Associations on behalf of the members.
ESTIMATED LOBBYING EXPENSES PERCENTAGE/NON-DEDUCTIBLE PORTION FOR INCOME TAX
South Dakota Association of REALTORS® - 23% (Annual Dues \$226.00) = \$51.98
National Association of REALTORS® - 26% (Annual Dues \$80.00) = \$21.00
TOTAL NON-DEDUCTIBLE - NAR & SDAR (1 year dues) \$72.98

Please return this form to SDAR office and keep a copy for the Local Board and the Member.



South Dakota Association of REALTORS®, Inc.  
 204 N. Euclid Ave.  
 Pierre, SD 57501



## New Affiliate Member 2011 DUES

NOTE: Dues payments to the Board or Association are not deductible as charitable contributions for federal income tax purposes. IRS Code Section 6113.

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

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Firm Mailing Address: \_\_\_\_\_

\_\_\_\_\_  
 (City) (State) (Zip)

Phone: Office \_\_\_\_\_ FAX \_\_\_\_\_ E-mail: \_\_\_\_\_

Full Year (1-1-11 to 12-31-11)		3/4 Year (4-1-11 to 12-31-11)		1/2 Year (7-1-11 to 12-31-11)		1/4 Year (10-1-11 to 12-31-11)	
State	\$ 60.00	State	\$ 45.00	State	\$ 30.00	State	\$ 15.00
Local Board	\$ _____	Local Board	\$ _____	Local Board	\$ _____	Local Board	\$ _____
TOTAL	\$ _____	TOTAL	\$ _____	TOTAL	\$ _____	TOTAL	\$ _____

( ) Check Enclosed

*Make Checks Payable to and Return to Your Local Board*

( ) Visa ( ) MasterCard ( ) Discover VC: \_\_\_\_\_ (verification code off back of card is required)

Account #: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Signature (if charging): \_\_\_\_\_

**STATEMENT OF DUES FOR 2011** Certain provisions of the new Tax Act regarding lobbying expenses limit the extent to which your State dues will be deductible in the years 1994 and beyond.

**ESTIMATED LOBBYING EXPENSES PERCENTAGE/NON-DEDUCTIBLE PORTION FOR INCOME TAX**

South Dakota Association of REALTORS® - 23% (Annual Dues \$60.00) = \$ 13.80

Please return this form to SDAR office and keep a copy for the Local Board and the Member.