



## 2020 South Dakota Legislature

# House Bill 1055

HOUSE ENGROSSED

*Introduced by: The Committee on Local Government at the request of the Office of the Secretary of State*

1 **An Act to revise certain provisions regarding the termination of a political committee**  
 2 **under certain circumstances.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1.** That § 12-27-29.2 be AMENDED:

5 **12-27-29.2. Order assessing penalty--Contents--Appeal--Termination of**  
 6 **committee.**

7 Any civil penalty imposed pursuant to § 12-27-29.1 shall be assessed against the  
 8 violator by an order of the secretary of state. The order shall state the date and facts of  
 9 each violation addressed under the penalty assessed and the citations to the provisions of  
 10 each law alleged to be violated. The secretary of state shall serve the order and  
 11 assessment by certified mail. The order shall contain a statement that the violator may  
 12 appeal the order within thirty days after receipt of the order by filing a written request for  
 13 a contested case hearing with the Office of Hearing Examiners. If no contested case  
 14 hearing is requested within ~~thirty-sixty~~ days of receipt of the order service by certified  
 15 mail, a civil penalty constitutes a judgment and may be executed by delivery of a true and  
 16 correct copy certified by the secretary of state in the manner provided for the execution  
 17 of money judgments provided in chapter 15-18.

18 An appeal from the Office of Hearing Examiners to circuit court may be taken by the  
 19 parties to the appeal and intervenors before the Office of Hearing Examiners. The appeal  
 20 shall be taken and conducted pursuant to the provisions of chapter 1-26. The venue of  
 21 the appeal shall be in Hughes County.

22 ~~Notwithstanding whether a committee pays the penalty, if~~ If the secretary of state  
 23 does not receive the payment of the penalty and the delinquent report within thirty thirty-  
 24 five days after receipt of the date of the order, the secretary of state may terminate that  
 25 committee. If a committee is terminated, the secretary of state shall mail a termination  
 26 letter to the last address on record for the treasurer.