



2020 South Dakota Legislature

House Bill 1055

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 days of receipt of the order, a civil penalty constitutes a
 15 judgment and may be executed by delivery of a true and correct copy certified by the
 16 secretary of state in the manner provided for the execution of money judgments provided
 17 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 a committee does not
 23 submit the delinquent report or pay the penalty ~~within thirty~~ thirty-five days ~~after receipt~~
 24 of the date of the order, the secretary of state may terminate that committee. If a
 25 committee is terminated, the secretary of state shall mail a termination letter to the last
 26 address on record for the treasurer.