

## **CHAPTER 20:81:10**

### **BOUT REVIEW**

#### **Section**

**20:81:10:01**      **Bout review – Procedure for requesting.**

**20:81:10:02**      **Review process.**

**20:81:09:03**      **Formal proceedings.**

DISCUSSION ONLY

**20:81:10:01. Bout review -- Procedure for requesting.** A contestant may challenge the result of a bout by requesting a review of the bout within five days of the bout. The request for a review must be made in writing and detail the reasons the contestant alleges the original result was not correct and any alleged errors. Evidence supporting the allegations must be provided by the contestant requesting the review. The burden of proving the original bout result was in error is on the contestant requesting the review.

The Commission shall notify the other contestant in the bout about the request for a review of the result of the bout. The other contestant may provide information to the Commission to support the original result. Any information provided by the other contestant must be provided not less than five days after being notified of the request for a bout review.

The Commission may on its own initiate a review of a bout to determine if a bout result was in error or if a contestant or official failed to abide by SDCL chapter 42-12 of any rules promulgated thereto. If the Commission initiates a bout review, the Commission shall notify each contestant in the bout of the review and provide each contestant the opportunity to provide information about the original bout result. If the alleged error regards an official, the Commission shall notify the official of the review and provide the official the opportunity to provide information about the original bout result. Any information provided by the contestant must be provide not less than five days after being notified of the bout review. The Commission may initiate a bout review at any time.

**Source:**

**General Authority: SDCL 42-12-10.**

**Law Implemented: SDCL 42-12-10.**

DISCUSSION ONLY

**20:81:10:02. Review process.** The Commission must assign a Commissioner or Commission designee to review a bout. The reviewer may consider the information filed with the request for the bout review, the information provided by the other contestant in the bout, any video documentation of the vote, any information available from the officials of the bout, and any other information relevant to the bout and the result in question. The assigned reviewer shall make a recommendation to the Commission about the original result of the bout.

After the recommendation is received, the Commission may affirm the original result of the bout, amend the original result of the bout, declare a no contest for the bout, or take any action consistent with the findings of the review of the bout. The Commission may commence formal proceedings to make a final determination on the bout review request, as necessary.

**Source:**

**General Authority: SDCL 42-12-10.**

**Law Implemented: SDCL 42-12-10.**

**20:81:10:03. Formal proceedings.** If the Commission decides to conduct a formal hearing after a request to review a bout has been filed, the Commission shall mail a notice of hearing to the contestants of the bout. The notice shall be given at least ten days prior to the formal hearing.

Each contestant of the bout may be present during the review of all evidence during the hearing, may have reasonable opportunity to inspect all documentary evidence, may examine and cross-examine witnesses, and may present evidence in support of the contestant's interest. The Commission shall keep a transcript of all formal proceedings if requested by one of the contestants.

After hearing the evidence and reaching a decision, the Commission may affirm the original result of the bout, amend the original result of the bout, declare a no contest for the bout, or take any action consistent with the findings of the review of the bout. Written findings of fact, conclusions of law, and an order must be entered after the decision. The Commission may allow or require briefs of law before making its decision. The Commission's decision shall be made and entered with notice of the decision in accordance with the provisions of SDCL 1-26-23 to 1-26-25, inclusive.

**Source:**

**General Authority:** SDCL 42-12-10.

**Law Implemented:** SDCL 42-12-10.