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9 **A BILL**

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11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,
12 1976, BY ADDING SECTION 8-13-1313 SO AS TO REQUIRE A
13 PERSON WHO IS NOT A COMMITTEE AND WHO MAKES
14 AN INDEPENDENT EXPENDITURE IN AN AGGREGATE
15 AMOUNT OR VALUE IN EXCESS OF FIVE HUNDRED
16 DOLLARS DURING A CALENDAR YEAR OR MAKES AN
17 ELECTIONEERING COMMUNICATION TO FILE A REPORT
18 OF SUCH EXPENDITURE OR COMMUNICATION WITH THE
19 STATE ETHICS COMMISSION; AND TO AMEND SECTION
20 8-13-1300, AS AMENDED, RELATING TO DEFINITIONS IN
21 REGARD TO CAMPAIGN PRACTICES, SO AS TO DEFINE
22 "ELECTIONEERING COMMUNICATION".
23

24 Be it enacted by the General Assembly of the State of South
25 Carolina:

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27 SECTION 1. Article 13, Chapter 13, Title 8 of the 1976 Code is
28 amended by adding:

29
30 "Section 8-13-1313. A person who is not a committee required
31 to file subject to Section 8-13-1304 and who makes an independent
32 expenditure in an aggregate amount or value in excess of five
33 hundred dollars during a calendar year or makes an electioneering
34 communication must file a report of such expenditure or
35 communication with the State Ethics Commission electronically in
36 the manner prescribed by the commission pursuant to Section
37 8-13-365 within thirty days or if the independent expenditure or
38 electioneering communication is made within thirty days before an
39 election, the report must be filed within forty-eight hours. The report
40 must include:

- 1 (1) a detailed description of the use of the expenditure or
2 communication and the amount of the expenditure or the cost of the
3 communication;
- 4 (2) the full name, primary occupation of the reporting person,
5 as well as the physical address and phone number for the residence
6 or place of business for the reporting person;
- 7 (3) the identification of the chief executive officer or for all
8 controlling individuals if the reporting person is a business or
9 another organization that is not an individual, to include name, title,
10 employer, and address;
- 11 (4) the name of the candidate or ballot measure that is the
12 subject of the independent expenditure or electioneering
13 communication and whether the expenditure or communication was
14 made in support of, or opposition to, the candidate or ballot measure;
- 15 (5) the chief executive officer or controlling individual must
16 file, under penalty of perjury, a certification that the independent
17 expenditure is not made in cooperation, consultation, or
18 coordination with, or at the request or suggestion of, any candidate
19 or any authorized committee or agent of such candidate; and
- 20 (6)(a) the identification of the top five donors to the reporting
21 person and for any donor who has donated more than ten thousand
22 dollars to the committee within the previous twelve months, to
23 include name, primary occupation, address, and amount of the
24 donation; and
- 25 (b) if the donor is a business or another organization that is
26 not an individual, then the identification must indicate the name and
27 title of the chief executive officer or the controlling individual of the
28 donor organization.”

29
30 SECTION 2. Section 8-13-1300 of the 1976 Code, as last amended
31 by Act 245 of 2008, is further amended by adding at the end:

32
33 “(35)(a) ‘Electioneering communication’ means a broadcast,
34 cable, or satellite communication or mass postal mailing or
35 telephone bank that has the following characteristics:

- 36 (1) refers to a clearly identified candidate for elected
37 office; and
- 38 (2) that is publicly aired or distributed within sixty days
39 prior to a general election or within thirty days prior to a primary
40 election for that office.

41 (b) ‘Electioneering communication’ does not mean:

- 42 (1) a communication appearing in a news story,
43 commentary, or editorial distributed through the facilities of any

1 broadcasting station, unless those facilities are owned or controlled
2 by a political party, political committee, or candidate;
3 (2) a communication that constitutes an expenditure or
4 independent expenditure pursuant to this article;
5 (3) a communication that constitutes a candidate debate
6 or forum conducted pursuant to rules adopted by a political party or
7 that solely promotes that debate or forum and is made by or on
8 behalf of the person sponsoring the debate or forum; or
9 (4) a communication that meets all of the following
10 criteria:
11 (i) does not mention any election, candidacy, political
12 party, opposing candidate, or voting by the general public;
13 (ii) does not take a position on the candidate's
14 character or qualifications and fitness for office; and
15 (iii) proposes a commercial transaction.”
16
17 SECTION 3. This act takes effect upon approval by the Governor.
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