

Session 114 - (2001-2002)

S 0919 General Bill, By Hayes, Alexander, J.V. Smith, Thomas and Gregory

Summary: Campaign practices, ethics, and lobbyists

A BILL TO AMEND SECTION 2-17-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LOBBYIST'S REPORTING OF LOBBYING ACTIVITIES, SO AS TO CHANGE THE TIME FOR FILING REPORTS; TO AMEND SECTION 2-17-35, AS AMENDED, RELATING TO LOBBYISTS' PRINCIPALS' REPORTING OF LOBBYING EXPENDITURES, SO AS TO CHANGE THE TIME FOR FILING REPORTS; TO AMEND SECTION 2-17-40, AS AMENDED, RELATING TO THE STATE AGENCY OR DEPARTMENT REPORT OF LOBBYING ACTIVITIES, SO AS TO CHANGE THE TIME FOR FILING THE REPORTS; TO AMEND SECTION 2-17-90, AS AMENDED, RELATING TO ACTS PROHIBITED OF LOBBYISTS' PRINCIPALS, ACTS PROHIBITED OF PUBLIC OFFICIALS AND EMPLOYEES, EXCEPTIONS, AND DISCLOSURE REQUIREMENTS, SO AS TO EXCLUDE CABINET OFFICERS; TO AMEND SECTION 8-13-100, AS AMENDED, RELATING TO DEFINITIONS USED IN THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT, SO AS TO DELETE WITHIN THE DEFINITION OF "APPROPRIATE SUPERVISORY OFFICE" REFERENCES TO THE SENATE AND HOUSE ETHICS COMMITTEES AND DELETE WITHIN THE DEFINITION OF "ELECTION", A BALLOT MEASURE; TO AMEND SECTION 8-13-320, AS AMENDED, RELATING TO THE DUTIES AND POWERS OF THE STATE ETHICS COMMISSION, SO AS TO PROVIDE A PROCEDURE FOR A PERSON TO PETITION THE COURT OF COMMON PLEAS ALLEGING THE VIOLATIONS COMPLAINED OF AND PRAYING FOR APPROPRIATE RELIEF DURING THE FIFTY-DAY PERIOD BEFORE AN ELECTION AND TO REQUIRE A NOTICE OF WAIVER BE FORWARDED TO THE STATE ETHICS COMMISSION AFTER A COMPLAINT HAS BEEN DISMISSED WHEN IT DOES NOT ALLEGE FACTS SUFFICIENT TO CONSTITUTE A VIOLATION; BY ADDING SECTION 8-13-365 SO AS TO REQUIRE THE ETHICS COMMISSION TO ESTABLISH A SYSTEM OF ELECTRONIC FILING, REQUIRE DISCLOSURES AND FILINGS BE FILED ELECTRONICALLY, AND RECEIPTS OR EXPENDITURES BE REPORTED ELECTRONICALLY WITH CERTAIN TIMES; TO AMEND SECTION 8-13-530, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE SENATE AND HOUSE OF REPRESENTATIVES ETHICS COMMITTEES, SO AS TO INCLUDE LEGISLATIVE CAUCUS COMMITTEES WITHIN THE JURISDICTION OF A COMMITTEE AND PROVIDE A PROCEDURE FOR A PERSON TO PETITION THE COURT OF COMMON PLEAS ALLEGING THE VIOLATION COMPLAINED OF PRAYING FOR APPROPRIATE RELIEF DURING THE FIFTY-DAY PERIOD BEFORE AN ELECTION; TO AMEND SECTION 8-13-1300, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE PROVISIONS RELATING TO CAMPAIGN PRACTICES, SO AS TO AMEND THE DEFINITION OF "COMMITTEE" TO INCLUDE AN INDIVIDUAL WHO, TO INFLUENCE THE OUTCOME OF AN ELECTIVE OFFICE, MAKES INDEPENDENT EXPENDITURES AGGREGATING FIVE HUNDRED DOLLARS OR MORE DURING AN ELECTION CYCLE, TO AMEND THE DEFINITION OF "ELECTION" TO DELETE BALLOT MEASURE WITHIN ITS DEFINITION, TO AMEND THE DEFINITION OF "INDEPENDENT EXPENDITURE" TO INCLUDE AN EXPENDITURE MADE UPON CONSULTATION WITH A COMMITTEE OR AGENT OF A COMMITTEE OR A BALLOT MEASURE COMMITTEE OR AN AGENT OF A BALLOT MEASURE COMMITTEE, BY DEFINING "BALLOT MEASURE COMMITTEE" AND "INFLUENCE THE OUTCOME OF AN ELECTIVE OFFICE"; TO AMEND SECTION 8-13-1302, RELATING TO MAINTENANCE OF RECORDS OF CONTRIBUTIONS BY A CANDIDATE, SO AS TO INCLUDE A BALLOT MEASURE COMMITTEE AND REQUIRE THE OCCUPATION AND EMPLOYER BE MAINTAINED BY THE CANDIDATE, COMMITTEE, OR BALLOT MEASURE COMMITTEE; TO AMEND SECTION 8-13-1304, RELATING TO THE REQUIREMENT THAT COMMITTEES RECEIVING AND SPENDING FUNDS MUST FILE A STATEMENT OF ORGANIZATION, SO AS TO REQUIRE A BALLOT MEASURE COMMITTEE WHICH RECEIVES OR EXPENDS MORE THAN TWO HUNDRED DOLLARS IN THE AGGREGATE DURING AN ELECTION CYCLE TO INFLUENCE THE OUTCOME OF A BALLOT MEASURE TO FILE A STATEMENT OF ORGANIZATION AND DELETE THE REQUIREMENT FOR THE STATEMENT TO BE FILED BY A COMMITTEE WHICH RECEIVES OR EXPENDS MORE THAN TWO HUNDRED DOLLARS; TO AMEND SECTION 8-13-1306, RELATING TO THE CONTENTS OF A STATEMENT OF ORGANIZATION, SO AS TO INCLUDE BALLOT MEASURE COMMITTEE WHERE APPLICABLE; TO AMEND SECTION 8-13-1308, AS AMENDED, RELATING TO THE FILING OF CERTIFIED CAMPAIGN REPORTS BY CANDIDATES AND COMMITTEES, SO AS TO INCLUDE THE MAKING OF INDEPENDENT EXPENDITURES WITHIN THE REQUIREMENTS OF THE SECTION, AND REQUIRE A CERTIFIED CAMPAIGN REPORT TO BE FILED UPON THE RECEIPT OF ANYTHING OF VALUE TOTALING, IN AN ACCUMULATED AGGREGATE, TWO THOUSAND FIVE HUNDRED DOLLARS OR MORE; BY ADDING SECTION 8-13-1309, SO AS TO REQUIRE A BALLOT MEASURE COMMITTEE REQUIRED TO FILE A STATEMENT OF ORGANIZATION MUST FILE AN INITIAL CERTIFIED CAMPAIGN REPORT; TO AMEND SECTION 8-13-1310, AS AMENDED, RELATING TO THE RECIPIENTS OF CERTAIN CAMPAIGN REPORTS AND COPIES OF THEM AND THE STATE ETHICS COMMISSION REVIEW, SO AS TO ELIMINATE THE REQUIREMENT TO SEND CAMPAIGN REPORTS TO

THE STATE ELECTION COMMISSION; TO AMEND SECTION 8-13-1316, RELATING TO RESTRICTIONS ON CAMPAIGN CONTRIBUTIONS RECEIVED FROM POLITICAL PARTIES, SO AS TO PROHIBIT A POLITICAL PARTY FROM RECEIVING CONTRIBUTIONS THROUGH ITS PARTY COMMITTEES OR LEGISLATIVE CAUCUS COMMITTEES WHICH TOTAL CERTAIN AGGREGATE AMOUNTS AND PROVIDE THAT A CONTRIBUTION GIVEN IN VIOLATION OF SUBSECTION (A) OF THIS SECTION MAY NOT BE KEPT BY THE RECIPIENT, BUT WITHIN TEN DAYS REMIT IT TO THE CHILDREN'S TRUST FUND; TO AMEND SECTION 8-13-1324, RELATING TO ANONYMOUS CAMPAIGN CONTRIBUTIONS, SO AS TO PROHIBIT THESE CONTRIBUTIONS TO A BALLOT MEASURE COMMITTEE; TO AMEND SECTION 8-13-1332, RELATING TO UNLAWFUL CONTRIBUTIONS AND EXPENDITURES, SO AS TO INCLUDE A BALLOT MEASURE COMMITTEE AS WELL AS A COMMITTEE AND DELETE FROM THE PROHIBITION AN ORGANIZATION OR COMMITTEE OF AN ORGANIZATION TO SOLICIT CONTRIBUTIONS TO THE ORGANIZATION COMMITTEE FROM A PERSON OTHER THAN ITS MEMBERS AND THEIR FAMILIES; BY ADDING SECTION 8-13-1333 SO AS TO AUTHORIZE NOT-FOR-PROFIT CORPORATIONS AND COMMITTEES FORMED BY NOT-FOR-PROFIT CORPORATIONS TO SOLICIT CONTRIBUTIONS FROM THE GENERAL PUBLIC; TO AMEND SECTION 8-13-1366, RELATING TO THE PUBLIC AVAILABILITY OF CERTIFIED CAMPAIGN REPORTS, SO AS TO ELIMINATE THE STATE ELECTION COMMISSION AS A LOCATION OF THESE REPORTS; TO AMEND SECTION 8-13-1368, RELATING TO TERMINATION OF CAMPAIGN FILING REQUIREMENTS, SO AS TO INCLUDE BALLOT MEASURE COMMITTEES WITH THE REQUIREMENTS OF THE SECTION; TO AMEND SECTION 8-13-1370, RELATING TO THE USE OF UNEXPENDED CONTRIBUTIONS BY A CANDIDATE AFTER AN ELECTION, SO AS TO INCLUDE BALLOT MEASURE COMMITTEE WITHIN THE REQUIREMENTS OF THE SECTION; TO AMEND SECTION 8-13-1372, RELATING TO TECHNICAL VIOLATIONS OF RULES ON CAMPAIGN REPORTS, SO AS TO SUBSTITUTE THE STATE ETHICS COMMISSION FOR THE STATE ELECTION COMMISSION AS THE AGENCY RESPONSIBLE FOR DETERMINING ERRORS OR OMISSIONS ON CAMPAIGN REPORTS; TO AMEND SECTION 8-13-1510, RELATING TO THE PENALTY FOR LATE FILING OF OR FAILURE TO FILE A REPORT OR STATEMENT, SO AS TO DELETE THE FIVE HUNDRED DOLLAR MAXIMUM FINE; AND TO AMEND SECTION 8-13-1520, RELATING TO A VIOLATION OF CHAPTER 13 OF TITLE 8, SO AS TO MAKE CERTAIN VIOLATIONS OF ARTICLE 13 OF CHAPTER 8 A MISDEMEANOR AND PROVIDE PENALTIES FOR VIOLATIONS.

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