**South Carolina General Assembly**

120th Session, 2013-2014

**S. 338**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hayes, L. Martin, Cromer, Fair, Alexander, O'Dell, Peeler, Gregory, Courson, Malloy, Lourie and Rankin

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Introduced in the Senate on February 6, 2013

Currently residing in the Senate Committee on **Judiciary**

Summary: Lobbyist and Lobbying

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/6/2013 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h:\SJ%20Archive\2013\02-06-13.docx))

2/6/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 8](file:///h:\SJ%20Archive\2013\02-06-13.docx))

2/7/2013 Senate Referred to Subcommittee: Rankin (ch), Hutto, Malloy, Campsen, Massey

**VERSIONS OF THIS BILL**

[2/6/2013](file:///p:\pprever\2013-14\338_20130206.docx)

**A** **BILL**

TO ESTABLISH THE “2013 ETHICS REFORM ACT”, BY AMENDING CHAPTER 17, TITLE 2, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO LOBBYISTS AND LOBBYING, SO AS TO REQUIRE THAT A LOBBYIST AND LOBBYIST PRINCIPAL PAY A TWO HUNDRED DOLLAR REGISTRATION FEE, AND THAT LOBBYISTS AND LOBBYIST PRINCIPALS’ REPORTS ARE DUE BY JANUARY TENTH AND JULY TENTH; TO AMEND ARTICLE 1, CHAPTER 13, TITLE 8, RELATING TO GENERAL PROVISIONS CONCERNING ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM, BY AMENDING THE DEFINITION OF “ECONOMIC INTEREST”, ADDING A DEFINITION FOR “ELECTED OFFICIAL”; TO AMEND SECTION 8‑13‑130, RELATING TO AN ADMINISTRATIVE FEE FOR PERSONS VIOLATING THE ACT, SO AS TO PROVIDE FOR THE APPROPRIATE ETHICS COMMITTEE TO LEVY AN ENFORCEMENT OR ADMINISTRATIVE FEE; TO AMEND SECTION 8‑13‑320, RELATING TO THE DUTIES OF THE STATE ETHICS COMMISSION, SO AS TO PROVIDE WHICH DOCUMENTS MUST BE RELEASED FOLLOWING A FINDING OF PROBABLE CAUSE; TO AMEND SECTION 8‑13‑360, RELATING TO PUBLIC INSPECTION OF REPORTS FILED WITH THE COMMISSION, SO AS TO PROVIDE THAT THE COMMISSION MUST MAKE FILED STATEMENTS AND REPORTS ELECTRONICALLY ACCESSIBLE TO THE PUBLIC; TO AMEND SECTION 8‑13‑365, RELATING TO PUBLIC ACCESSIBILITY TO THE ELECTRONIC FILING SYSTEM, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 8‑13‑510, RELATING TO THE LEGISLATIVE ETHICS COMMITTEES, SO AS TO PROVIDE THAT THE RESPECTIVE HOUSE OF REPRESENTATIVES AND SENATE ETHICS COMMITTEES WILL BE GOVERNED ACCORDING TO THE APPROPRIATE LEGISLATIVE BODY’S RULES AND STATUTES; TO AMEND SECTION 8‑13‑530, RELATING TO DUTIES OF THE HOUSE AND SENATE ETHICS COMMITTEES, TO PROVIDE THAT IF A PERSON ALLEGES MISCONDUCT OF CHAPTER 13, TITLE 8, RULE OR CHAPTER 27, TITLE 2, BY A CANDIDATE FOR THE HOUSE OR SENATE WITHIN FIFTY DAYS BEFORE AN ELECTION, THE PERSON MAY PETITION THE COURT OF COMMON PLEAS; TO ADD SECTION 8‑13‑535, SO AS TO PROVIDE THE LEGISLATIVE ETHICS COMMITTEES MAY COMPEL BY SUBPOENA; TO AMEND SECTION 8‑13‑540, RELATING TO CONDUCT OF ETHICS COMMITTEE INVESTIGATIONS AND HEARINGS, SO AS TO PROVIDE THAT INVESTIGATIONS ARE CONFIDENTIAL UNTIL A FINDING OF PROBABLE CAUSE; TO AMEND SECTION 8‑13‑550, RELATING TO CONSIDERATION OF A LEGISLATIVE ETHICS COMMITTEE REPORT, SO AS TO PROVIDE THE SPEAKER OR PRESIDENT PRO TEMPORE SHALL CALL OPEN SESSION UPON RECOMMENDATION OF EXPULSION OR AN APPEAL; TO AMEND SECTION 8‑13‑560, RELATING TO SUSPENSION, REMOVAL, OR REINSTATEMENT OF A MEMBER, SO AS TO PROVIDE THAT THE SPEAKER OR PRESIDENT PRO TEMPORE SHALL CONTINUE THE SUSPENSION OF A LEGISLATOR WHO WAS REELECTED WHILE SUSPENDED; TO AMEND SECTION 8‑13‑710, RELATING TO REPORTING OF PARTICULAR GIFTS RECEIVED BY PUBLIC EMPLOYEE, OFFICIAL, OR MEMBER ON STATEMENT OF ECONOMIC INTERESTS, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 8‑13‑750, RELATING TO EMPLOYMENT, PROMOTION, ADVANCEMENT, OR DISCIPLINE OF FAMILY MEMBER OF PUBLIC OFFICIAL, MEMBER, OR EMPLOYEE, SO AS TO PROVIDE THAT NO PUBLIC OFFICIAL, PUBLIC MEMBER, OR PUBLIC EMPLOYEE MAY CAUSE THE EMPLOYMENT, APPOINTMENT, PROMOTION, TRANSFER, OR ADVANCEMENT OF A FAMILY MEMBER TO A STATE OR LOCAL OFFICE OR POSITION WITHIN THE PUBLIC OFFICIAL’S, PUBLIC MEMBER’S OR PUBLIC EMPLOYEE’S OFFICIAL RESPONSIBILITY; TO AMEND SECTION 8‑13‑760, RELATING TO EMPLOYMENT BY A GOVERNMENT CONTRACTOR OF FORMER PUBLIC OFFICIAL, MEMBER, OR EMPLOYEE WHO WAS ENGAGED IN PROCUREMENT, SO AS TO PROVIDE A PUBLIC OFFICIAL, MEMBER, OR EMPLOYEE DIRECTLY PARTICIPATING IN PROCUREMENT MAY NOT ACCEPT EMPLOYMENT WITH A PERSON AWARDED THE CONTRACT FOR THE DURATION OF THE CONTRACT; TO AMEND SECTION 8‑13‑775, RELATING TO THE PROHIBITION OF ECONOMIC INTERESTS IN CONTRACT, SO AS TO PROVIDE A PUBLIC OFFICIAL, PUBLIC MEMBER OR PUBLIC EMPLOYEE MAY NOT AWARD A CONTRACT NOR PARTICIPATE IN ANY DISCUSSION CONCERNING A BUSINESS OR INDIVIDUAL WITH WHICH HE OR A MEMBER OF HIS IMMEDIATE FAMILY IS ASSOCIATED; TO AMEND SECTION 8‑13‑780, RELATING TO REMEDIES FOR BREACHES OF ETHICAL STANDARDS BY PUBLIC OFFICIALS, MEMBERS, OR EMPLOYEES, SO AS TO PERMIT ETHICS COMMITTEES TO ISSUE WRITTEN WARNINGS AND DELETE THE OPTION OF ISSUING AN ORAL WARNING; TO AMEND SECTION 8‑13‑790, SO AS TO REQUIRE THE RECOVERY OF THE VALUE OF ANYTHING TRANSFERRED IN VIOLATION OF ETHICAL STANDARDS; TO AMEND ARTICLE 11, CHAPTER 13, TITLE 8, RELATING TO DISCLOSURE OF ECONOMIC INTERESTS; TO AMEND SECTION 8‑13‑1110, RELATING TO PERSONS REQUIRED TO FILE STATEMENT OF ECONOMIC INTERESTS, SO AS TO REQUIRE THAT A FILING CONFORM WITH THE PROVISIONS OF SECTION 8‑13‑365; BY AMENDING SECTION 8‑13‑1120, SO AS TO REQUIRE ADDITIONAL INCOME DISCLOSURE; TO AMEND SECTION 8‑13‑1130, RELATING TO REPORT ON NAMES OF, AND PURCHASES BY, LOBBYISTS, SO AS TO REQUIRE REPORTING ON EMPLOYMENT; TO AMEND SECTION 8‑13‑1140, RELATING TO FILING OF AN UPDATED STATEMENT, SO AS TO REQUIRE A STATEMENT OF ECONOMIC INTERESTS TO BE FILED BY MARCH THIRTIETH; BY ADDING SECTION 8‑13‑1145, SO AS TO REQUIRE THE APPROPRIATE SUPERVISORY OFFICE TO SEND ELECTRONIC NOTICE OF OBLIGATION TO REPORT; TO AMEND SECTION 8‑13‑1150, REGARDING A CONSULTANT FILING A STATEMENT; TO AMEND SECTION 8‑13‑1170, RELATING TO TECHNICAL VIOLATIONS OF DISCLOSURE REQUIREMENTS AND EXTENSIONS OF TIME FOR FILING STATEMENTS, SO AS TO ELIMINATE THE CONFIDENTIALITY OF TECHNICAL VIOLATIONS; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 8, RELATING TO CAMPAIGN PRACTICES DEFINITIONS, SO AS TO MAKE CONFORMING CHANGES IN THE DEFINITIONS OF “BUSINESS”, “COMMITTEE”, “CONTRIBUTION”, “INDEPENDENT EXPENDITURE”, “NONCANDIDATE COMMITTEE”, “INFLUENCE THE OUTCOME OF AN ELECTIVE OFFICE”, “BALLOT MEASURE COMMITTEE”, AND TO ADD “PUBLIC MEMBER”, “ELECTIONEERING COMMUNICATION”, AND “INDEPENDENT EXPENDITURE‑ONLY COMMITTEE”; TO AMEND SECTIONS 8‑13‑1308 AND 8‑13‑1309, RELATING TO FILING OF CERTIFIED CAMPAIGN REPORTS, SO AS TO REQUIRE THAT FILING CONFORM WITH THE PROVISIONS OF SECTION 8‑13‑365; TO ADD SECTION 8‑13‑1311 REGARDING FILINGS BY AN INDEPENDENT EXPENDITURE‑ONLY COMMITTEE; TO AMEND SECTION 8‑13‑1312, RELATING TO CAMPAIGN BANK ACCOUNTS, SO AS TO MAKE A TECHNICAL CHANGE; TO ADD SECTION 8‑13‑1313 REGARDING A FILING FOR A PERSON WHO IS NOT A COMMITTEE AND MAKES AN INDEPENDENT EXPENDITURE OF FIVE HUNDRED DOLLARS IN A YEAR OR AN ELECTIONEERING COMMUNICATION; TO AMEND SECTION 8‑13‑1318, RELATING TO ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBT, LIMITS, REPORTING REQUIREMENTS, SO AS TO REQUIRE A CONTRIBUTION TO RETIRE CAMPAIGN DEBT TO BE UTILIZED FOR THAT PURPOSE; TO AMEND SECTION 8‑13‑1320, RELATING TO CONTRIBUTIONS WITHIN SPECIFIED PERIOD AFTER PRIMARY, SPECIAL, OR GENERAL ELECTION ATTRIBUTED TO THAT PRIMARY OR ELECTION, SO AS TO ATTRIBUTE CONTRIBUTIONS AFTER A PRIMARY; TO AMEND SECTION 8‑13‑1322 RELATING TO CONTRIBUTION LIMITS, TO EXCLUDE INDEPENDENT EXPENDITURE‑ONLY COMMITTEES REGISTERED WITH THE STATE ETHICS COMMISSION; TO AMEND 8‑13‑1328, RELATING TO LIMITS ON REPAYMENT OF LOANS FROM CANDIDATE OR FAMILY MEMBERS TO CAMPAIGN, SO AS TO DELETE THE REFERENCE TO A CANDIDATE’S FAMILY MEMBER; TO ADD SECTION 8‑13‑1337, SO AS TO PROVIDE AN ELECTIVE OFFICIAL OR THE ELECTIVE OFFICIAL’S AGENT MAY NOT KNOWINGLY SOLICIT A CONTRIBUTION FROM AN EMPLOYEE IN THE ELECTIVE OFFICIAL’S AREA OF OFFICIAL RESPONSIBILITY; TO ADD SECTION 8‑13‑1339 TO PROHIBIT A POLITICAL ACTION COMMITTEE ORGANIZED ON OR BEHALF OF THE GOVERNOR, LIEUTENANT GOVERNOR, ANY STATEWIDE CONSTITUTIONAL OFFICER, A MEMBER OF THE GENERAL ASSEMBLY, PUBLIC OFFICIAL OF A COUNTY OR MUNICIPALITY, OR A DIRECTOR OR DEPUTY DIRECTOR OF A STATE DEPARTMENT APPOINTED BY THE GOVERNOR; TO AMEND SECTION 8‑13‑1340, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER, SO AS TO INCLUDE FEDERAL CANDIDATES AND TO MAKE CONFORMING CHANGES; TO AMEND SECTION 8‑13‑1344, RELATING TO CONTRIBUTIONS BY PUBLIC UTILITIES, SO AS TO PROHIBIT A CANDIDATE, COMMITTEE OR POLITICAL PARTY FROM OFFERING CONSIDERATION FOR AN ENDORSEMENT; TO AMEND SECTION 8‑13‑1352, RELATING TO CONTRIBUTIONS, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 8‑13‑1356 RELATING TO THE FILING OF STATEMENT OF ECONOMIC INTERESTS BY CANDIDATES, SO AS TO PROVIDE FOR ELECTRONIC FILING AND THE TIME IN WHICH CANDIDATES MUST FILE; TO AMEND SECTION 8‑13‑1360, RELATING TO CONTRIBUTION AND EXPENDITURE REPORTING, SO AS TO CONFORM WITH THE PROVISIONS OF SECTION 8‑13‑365; TO AMEND SECTION 8‑13‑1364, RELATING TO NOTIFICATION, SO AS TO PROVIDE THAT AN ELECTRONIC NOTICE OF OBLIGATION TO REPORT NO LESS THAN THIRTY DAYS BEFORE THE FILING DATE FOR EACH REPORTING PERIOD TO THE E‑MAIL ADDRESS PROVIDED BY THE CANDIDATE OR COMMITTEE; TO AMEND SECTION 8‑13‑1372, RELATING TO ERRORS AND OMISSIONS, SO AS TO DELETE THE PROVISION THAT TECHNICAL VIOLATIONS MUST REMAIN CONFIDENTIAL UNLESS REQUESTED TO BE MADE PUBLIC BY THE CANDIDATE FILING THE REPORT; AND TO REPEAL SECTIONS 8‑13‑520, 8‑13‑1160, 8‑13‑1180, 8‑13‑1310, 8‑13‑1350, 8‑13‑1358, 8‑13‑1362, AND 8‑13‑1366.

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

PART I

LOBBYISTS AND LOBBYIST PRINCIPALS

SECTION 1. Section 2‑17‑20(A) of the 1976 Code is amended to read:

“(A) ~~Any~~ A person who acts as a lobbyist ~~must~~, within fifteen days of being employed, appointed, or retained as a lobbyist, shall register with the State Ethics Commission as provided in this section. Each person registering ~~must~~ shall pay a fee of ~~one~~ two hundred dollars and present to the State Ethics Commission a communication reflecting the authority of the registrant to represent the person by whom he is employed, appointed, or retained. If a partnership, committee, association, corporation, labor organization, or any other organization or group of persons registers as a lobbyist, it ~~must~~ shall identify each person who will act as a lobbyist on its behalf during the covered period. There is no registration fee for a lobbyist who is a full‑time employee of a state agency and limits his lobbying to efforts on behalf of that particular state agency.”

SECTION 2. Section 2‑17‑25(A) of the 1976 Code is amended to read:

“(A) ~~Any~~ A lobbyist’s principal ~~must~~, within fifteen days of employing, appointing, or retaining a lobbyist, shall register with the State Ethics Commission as provided in this section. Each person registering ~~must~~ shall pay a fee of ~~one~~ two hundred dollars. If a partnership, committee, an association, a corporation, labor organization, or any other organization or group of persons registers as a lobbyist’s principal, it ~~must~~ shall identify each person who will act as a lobbyist on its behalf during the covered period. If the State is a lobbyist’s principal, the State is exempt from paying a registration fee and filing a lobbyist’s principal registration statement.”

SECTION 3. Section 2‑17‑30(A) of the 1976 Code is amended to read:

“(A) Each lobbyist, no later than ~~June thirtieth~~ July tenth and ~~January thirty‑first~~ January tenth of each year, must file a report with the State Ethics Commission covering that lobbyist’s lobbying during that filing period. The filing periods are from January first to ~~May thirty‑first~~  June thirtieth for the ~~June thirtieth~~ July tenth report, and are from ~~June~~ July first to December thirty‑first for the January ~~thirty‑first~~ tenth report. Any lobbying activity not reflected on the ~~June thirtieth~~ July tenth report and not reported on a statement of termination pursuant to Section 2‑17‑20(C) must be reported no later than January ~~thirty‑first~~ tenth of the succeeding year. Each report must be in a form prescribed by the State Ethics Commission and be limited to and contain: (1) the full name, address, and telephone number of the reporting lobbyist;

(2) an identification of each person on whose behalf the reporting lobbyist engaged in lobbying during the covered period;

(3) the official name, number, or description, designated by the House or Senate or by an agency, of legislation, covered agency actions, or covered gubernatorial actions for which the reporting lobbyist engaged in lobbying during the covered period;

(4) the identification of each person from whom income attributable to the lobbyist’s lobbying is paid or promised and the amount of the income attributable to the lobbyist’s lobbying paid or promised;

(5)(a) a complete and itemized account of the totals of all amounts expended by a lobbyist in the performance of his lobbying during the covered period. The totals must be segregated by the amounts expended for office expenses, rent, utilities, supplies, and compensation of support personnel attributable to lobbying covered under the provisions of this chapter;

(b) any expenditure directly or indirectly related to lobbying if expended while engaged in the general course of lobbying and if reimbursed by the lobbyist’s principal;

(6) the name of each member of the judiciary on whose behalf a lobbyist initiated or made expenditures and a complete and itemized account of the amount expended by the lobbyist for each member of the judiciary;

(7) a statement detailing any direct business association of a lobbyist with any current member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees. For the purposes of this item, direct business association does not include:

(a) ownership interests held by a lobbyist or a lobbyist’s principal and a member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees in the same corporation or partnership unless the interest of each exceeds five percent of the total shares outstanding or partnership interests in such entity;

(b) an interest held by a member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees in a partnership or corporation represented by a lobbyist or a lobbyist’s principal if the interest is less than five percent of the total shares outstanding or partnership interests in such entity; or

(c) any commercial transaction between a lobbyist or a lobbyist’s principal and a member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees in which the fair market value of the goods transferred or services rendered is paid.”

SECTION 4. Section 2‑17‑35(A) of the 1976 Code is amended to read:

“(A)Except as otherwise provided by Section 2‑17‑90(E), each lobbyist’s principal, no later than ~~June thirtieth~~ July tenth and ~~January thirty‑first~~ January tenth of each year, must file a report with the State Ethics Commission covering that lobbyist’s principal’s expenditures attributable to lobbying during that filing period. The filing periods are from January first to ~~May thirty‑first~~ June thirtieth for the ~~June thirtieth~~ July tenth report, and are from ~~June~~ July first to December thirty‑first for the January ~~thirty‑first~~ tenth report. Any lobbying activity not reflected on the ~~June thirtieth~~ July tenth report and not reported on a statement of termination pursuant to Section 2‑17‑25(C) must be reported no later than January ~~thirty‑first~~ tenth of the succeeding year. Each report must be in a form prescribed by the State Ethics Commission and be limited to and contain:

(1) the full name, address, and telephone number of the reporting lobbyist’s principal;

(2) an identification of each person who acted as a lobbyist on behalf of the reporting lobbyist’s principal during the covered period;

(3) the official name, number, or description, designated by the House or Senate or by an agency, of legislation, covered agency actions, or covered gubernatorial actions for which its lobbyist engaged in lobbying during the covered period;

(4) the identification of each person to whom income attributable to the lobbyist’s lobbying is paid or promised and the amount of the income attributable to the lobbyist’s lobbying paid or promised;

(5)(a) a complete and itemized account of all amounts expended by a lobbyist’s principal for lobbying during the covered period. The totals must be segregated by the amounts expended for office expenses, rent, utilities, supplies, and compensation of support personnel attributable to lobbying covered under the provisions of this chapter;

(b) any expenditure directly or indirectly related to lobbying if expended while a lobbyist’s principal or his lobbyist is engaged in the general course of lobbying;

(c) the name of each public official on whose behalf a lobbyist’s principal initiated or made expenditures pursuant to Section 2‑17‑90 and a complete and itemized account of the amount expended by the lobbyist’s principal for each public official;

(d) any reimbursements of or expenditures for actual expenses as allowed in Section 2‑17‑100;

(6) the name of each member of the judiciary on whose behalf a lobbyist’s principal initiated or made expenditures and a complete and itemized account of the amount expended by the lobbyist’s principal for each member of the judiciary;

(7) a statement detailing any direct business association of a lobbyist’s principal with any current member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees. For the purposes of this item, direct business association does not include:

(a) ownership interests held by a lobbyist or a lobbyist’s principal and a member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees in the same corporation or partnership unless the interest of each exceeds five percent of the total shares outstanding or partnership interests in the entity;

(b) an interest held by a member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees in a partnership or corporation represented by a lobbyist or a lobbyist’s principal if the interest is less than five percent of the total shares outstanding or partnership interests in such entity; or

(c) any commercial transaction between a lobbyist or lobbyist’s principal and a member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees in which the fair market value of the goods transferred or services rendered is paid;

(8) any contribution, as defined by Section 8‑13‑1300(7), made by the lobbyist’s principal to any candidate or public official, including an itemization of:

(a) the name and address of the public official or candidate to whom the contribution was made;

(b) the amount of the contribution;

(c) the date of the contribution;

(9) in the case of a voluntary membership organization, dues, fees, or other amounts payable to the organization during any calendar year from a member need be recorded only if the contribution to the organization is more than five hundred dollars and more than twenty percent of the total contributions of the organization during that calendar year.”

PART II

GENERAL PROVISIONS

SECTION 5. Section 8‑13‑100(11) of the 1976 Code is amended to read:

“(11)(a) Economic interest’ means an interest distinct from that of the general public in a purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a public official, public member, or public employee may gain an economic benefit ~~of fifty dollars or more~~.

(b) This definition does not prohibit a public official, public member, or public employee from participating in, voting on, or influencing or attempting to influence an official decision if the only economic interest or reasonably foreseeable benefit that may accrue to the public official, public member, or public employee is incidental to the public official’s, public member’s, or public employee’s position or which accrues to the public official, public member, or public employee as a member of a profession, occupation, or large class to no greater extent than the economic interest or potential benefit could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class.”

SECTION 6. Section 8‑13‑100 of the 1976 Code is amended by adding an appropriately numbered item to read:

“() ‘Elected official’ means an elected official of the state, a county, a municipality, or a political subdivision thereof, including candidates for the office. Elected official does not mean a member of the judiciary except that for the purposes of campaign practices, campaign disclosure, and disclosure of economic interests, a probate judge is considered a public official and meets the requirements of this chapter.”

SECTION 7. Section 8‑13‑130 of the 1976 Code is amended to read:

“Section 8‑13‑130. The State Ethics Commission, Senate Ethics Committee, and House of Representatives Ethics Committee may levy an enforcement or administrative fee on a person who is found in violation, or who admits to a violation, ~~of the “Ethics, Government Accountability and Campaign Reform Act of 1991”~~ pursuant to Title 2 or Title 8, 1976 South Carolina Code of Laws. The fee must be used to reimburse the commission or the appropriate legislative Ethics Committee for costs associated with the investigation and hearing of a violation. The costs associated include:

(1) the investigator’s time;

(2) mileage, meals, and lodging;

(3) the prosecutor’s time;

(4) the hearing panel’s travel, per diem, and meals;

(5) administrative time;

(6) subpoena costs to include witness fees and mileage; and

(7) miscellaneous costs such as postage and supplies.

This fee is in addition to any fines as otherwise provided by law.”

PART III

STATE ETHICS COMMISSION

SECTION 8. Section 8‑13‑320(10)(g) of the 1976 Code, as last amended by Act 387 of 2006, is further amended to read:

“(g) All investigations, inquiries, hearings, and accompanying documents must remain confidential until a finding of probable cause or dismissal unless the respondent waives the right to confidentiality. Documents that must be released following a finding of probable cause or dismissal are the complaint, the response by the respondent, exhibits introduced at any hearing, and the final order. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy. The willful release of confidential information is a misdemeanor, and any person releasing ~~such~~ confidential information, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year.”

SECTION 9. Section 8‑13‑360 of the 1976 Code is amended to read:

“Section 8-13-360. Upon request, the commission shall make statements and reports filed with the commission available for public inspection and copying during regular office hours. The commission shall provide copying facilities at a cost not to exceed the actual cost. A statement may be requested by mail, and the commission shall mail a copy of the requested information to the individual making the request upon payment of appropriate postage, copying costs, and employee labor costs. The commission must also make statements and reports filed with the commission electronically accessible to the public. The commission shall publish and make available to the public and to persons subject to this chapter explanatory information concerning this chapter, the duties imposed by this chapter, and the means for enforcing this chapter.”

SECTION 10. Section 8‑13‑365 of the 1976 Code is amended to read:

“Section 8-13-365. ~~(A)~~ The commission shall establish a system of electronic filing for all disclosures and reports required pursuant to Chapter 13, Title 8~~,~~ and Chapter 17, Title 2 ~~from all persons and entities subject to its jurisdiction~~ except for forms and reports required pursuant to Article 9, Chapter 13, Title 8. These disclosures and reports must be filed using an Internet‑based filing system as prescribed by the commission. ~~Reports and disclosures filed with the Ethics Committees of the Senate and House of Representatives for legislative offices must be in a format such that these filings can be forwarded to the State Ethics Commission using an Internet‑based system.~~ The information contained in the reports and disclosure forms, with the exception of social security numbers, campaign bank account numbers, and tax ID numbers, must be publicly accessible, searchable, and transferable.

~~(B)~~ ~~The Ethics Commission must submit to the General Assembly a report no later than one year after implementation of subsection (A), concerning the effectiveness of mandatory electronic filing, and must make recommendations as to the implementation of mandatory filing for all other candidates and entities.~~”

PART IV

ETHICS COMMITTEES

SECTION 11. Section 8‑13‑510 of the 1976 Code is amended to read:

“Section 8‑13‑510 (A) There is created a House of Representatives Legislative Ethics Committee and a Senate Legislative Ethics Committee.

Each ethics committee ~~is composed of six members. Terms are coterminous with the term for which members are elected to the House or Senate. Vacancies must be filled for the unexpired term in the manner of the original selection. The members of each ethics committee must be elected by the House or the Senate, as appropriate. One member of each ethics committee must be elected as chairman by a majority of the members of the ethics committee.~~ will be governed according to its rules and applicable statutes that are not inconsistent with the rules.

(B) Pursuant to its respective rules, each ethics committee may receive complaints and investigate possible violations of this chapter or Chapter 17, Title 2 or the ethics rules and prescribe punishment for such violation for the following:

(1) members of the General Assembly;

(2) former members of the General Assembly, provided the allegations are related to the former member’s service in the General Assembly;

(3) candidates for an office in the General Assembly;

(4) former candidates for an office in the General Assembly, provided the allegations are related to the former candidate’s bid for General Assembly;

(5) officers and employees of the General Assembly;

(6) staff and independent contractors for a legislative caucus committee.”

SECTION 12. Section 8‑13‑520 of the 1976 Code is repealed.

SECTION 13. Section 8‑13‑530 of the 1976 Code is amended to read:

“Section 8‑13‑530 ~~Each ethics committee shall:~~

~~(1)~~ ~~ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of this chapter and promptly notify the person to file the necessary notices and reports to satisfy the requirements of this chapter;~~

~~(2)~~ ~~receive complaints filed by individuals and, upon a majority vote of the total membership of the committee, file complaints when alleged violations are identified;~~

~~(3)~~ ~~upon the filing of a complaint, investigate possible violations of breach of a privilege governing a member or staff of the appropriate house, the alleged breach of a rule governing a member of, legislative caucus committees for, or a candidate, or staff for the appropriate house, misconduct of a member or staff of, legislative caucus committees for, or a candidate for the appropriate house, or a violation of this chapter or Chapter 17 of Title 2;~~

~~(4)~~ ~~receive and hear a complaint which alleges a breach of a privilege governing a member or staff of the appropriate house, the alleged breach of a rule governing a member or staff of or candidate for the appropriate house, misconduct of a member or staff of or candidate for the appropriate house, or a violation of this chapter or Chapter 17 of Title 2. No complaint may be accepted by the ethics committee concerning a member of or candidate for the appropriate house during the fifty‑day period before an election in which the member or candidate is a candidate. During this fifty‑day period, any person~~ If any person alleges a breach of privilege, breach of rule, misconduct, or a violation of this chapter or of Chapter 17, Title 2 concerning a member of or candidate for the House or Senate during the fifty‑day period before an election in which the member or candidate is a candidate, the person may petition the court of common pleas alleging the violations complained of and praying for appropriate relief by way of mandamus or injunction, or both. Within ten days, a rule to show cause hearing must be held, and the court must either dismiss the petition or direct that a mandamus order or an injunction, or both, be issued. A violation of this chapter by a candidate during this fifty‑day period must be considered to be an irreparable injury for which no adequate remedy at law exists. The institution of an action for injunctive relief does not relieve any party to the proceeding from any penalty prescribed for violations of this chapter. The court must award reasonable attorney’s fees and costs to the nonpetitioning party if a petition for mandamus or injunctive relief is dismissed based upon a finding that the:

(i) petition is being presented for an improper purpose such as harassment or to cause delay;

(ii) claims, defenses, and other legal contentions are not warranted by existing law or are based upon a frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(iii) allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after reasonable opportunity for further investigation or discovery.

~~Action on a complaint filed against a member or candidate which was received more than fifty days before the election but which cannot be disposed of or dismissed by the ethics committee at least thirty days before the election must be postponed until after the election;~~

~~(5)~~ ~~obtain information and investigate complaints as provided in Section 8‑13‑540 with respect to any complaint filed pursuant to this chapter or Chapter 17 of Title 2 and to that end may compel by subpoena the attendance and testimony of witnesses and the production of pertinent books and papers;~~

~~(6)~~ ~~administer or recommend sanctions appropriate to a particular member or staff of or candidate for the appropriate house pursuant to Section 8‑13‑540 or dismiss the charges; and~~

~~(7)~~ ~~act as an advisory body to the General Assembly and to individual members of or candidates for the appropriate house on questions pertaining to the disclosure and filing requirements of members of or candidates for the appropriate house~~.”

SECTION 14. Article 5, Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑535. An ethics committee of the House of Representatives or the Senate may compel by subpoena, signed by the committee chairman, the attendance and testimony of witnesses and the production of pertinent books, papers, electronic media, or other physical evidence with respect to any complaint filed with the committee.”

SECTION 15. Section 8‑13‑540 of the 1976 Code is amended to read:

“Section 8‑13‑540 ~~Unless otherwise provided for by House or Senate rule, as appropriate, each ethics committee must conduct its investigation of a complaint filed pursuant to this chapter or Chapter 17 of Title 2 in accordance with this section.~~

~~(1)~~ ~~When a complaint is filed with or by the ethics committee, a copy must promptly be sent to the person alleged to have committed the violation. If the ethics committee determines the complaint does not allege facts sufficient to constitute a violation, the complaint must be dismissed and the complainant and respondent notified.~~

(A) If the ethics committee finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to appropriate law enforcement authorities. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal penalty provided by this subsection, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof, by a preponderance of the evidence, that the filing of the complaint was wilful and without just cause or with malice.

(B) All investigations, inquiries, hearings, and accompanying documents or evidence must remain confidential until a finding of probable cause unless the respondent waives the right to confidentiality. The willful release of confidential information is a misdemeanor, and any person releasing confidential information, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year.

~~If the ethics committee determines the complaint alleges facts sufficient to constitute a violation, it shall promptly investigate the alleged violation and may compel by subpoena the attendance and testimony of witnesses and the production of pertinent books and papers.~~

~~If after such preliminary investigation, the ethics committee finds that probable cause exists to support an alleged violation, it shall, as appropriate:~~

~~(a)~~ ~~render an advisory opinion to the respondent and require the respondent’s compliance within a reasonable time; or~~

~~(b)~~ ~~convene a formal hearing on the matter within thirty days of the respondent’s failure to comply with the advisory opinion. All ethics committee investigations and records relating to the preliminary investigation are confidential. No complaint shall be accepted which is filed later than four years after the alleged violation occurred.~~

~~(2)~~ ~~If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the ethics committee’s possession relating to the charges. At the hearing the charged party must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses. All hearings must be conducted in executive session.~~

~~(3)~~ ~~After the hearing, the ethics committee shall determine its findings of fact. If the ethics committee, based on competent and substantial evidence, finds the respondent has violated this chapter or Chapter 17 of Title 2, it shall:~~

~~(a)~~ ~~administer a public or private reprimand;~~

~~(b)~~ ~~determine that a technical violation as provided for in Section 8‑13‑1170 has occurred;~~

~~(c)~~ ~~recommend expulsion of the member; and/or,~~

~~(d)~~ ~~in the case of an alleged criminal violation, refer the matter to the Attorney General for investigation. The ethics committee shall report its findings in writing to the Speaker of the House or President Pro Tempore of the Senate, as appropriate. The report must be accompanied by an order of punishment and supported and signed by a majority of the ethics committee members. If the ethics committee finds the respondent has not violated a code or statutory provision, it shall dismiss the charges.~~

~~(4)~~ ~~An individual has ten days from the date of the notification of the ethics committee’s action to appeal the action to the full legislative body.~~

~~(5)~~ ~~No ethics committee member may participate in any matter in which he is involved.~~

~~(6)~~ ~~The ethics committee shall establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses.~~”

SECTION 16. Section 8‑13‑550 of the 1976 Code is amended to read:

“Section 8‑13‑550 ~~(A)~~ Upon receipt of a recommendation of expulsion or an appeal from an order of the ethics committee ~~made pursuant to the provisions of Section 8‑13‑540~~, the ~~presiding officer~~ Speaker of the House or the President Pro Tempore of the Senate shall call the House or Senate into open session at a time to be determined at his discretion ~~or in executive session if the House or Senate chooses, as a committee of the whole,~~ to consider the action of the ethics committee. The House or Senate shall sustain or overrule the ethics committee’s action or order other action consistent with the House or Senate rules, or the provisions of this chapter or Chapter 17 of Title 2 that are not inconsistent with the rules.

~~(B)~~ ~~Upon consideration of an ethics committee report by the House or the Senate, whether in executive or open session, the results of the consideration, except in the case of the issuance of a private reprimand, are a matter of public record.~~”

SECTION 17. Section 8‑13‑560 of the 1976 Code is amended to read:

“Section 8‑13‑560. Unless otherwise currently or hereafter provided for by House or Senate rule, as is appropriate:

(1) A member of the General Assembly who is indicted in a state court or a federal court for a crime that is a felony, a crime that involves moral turpitude, a crime that has a sentence of two or more years, or a crime that violates election laws must be suspended immediately without pay by the presiding officer of the House or Senate, as appropriate. The suspension remains in effect until the public official is acquitted, convicted, pleads guilty, or pleads nolo contendere. In the case of a conviction, the office must be declared vacant. In the event of an acquittal or dismissal of charges against the public official, he is entitled to reinstatement and back pay.

~~(2)~~ ~~If the public official~~ If a member of the General Assembly ~~is~~ ~~involved in an election between the time of the suspension and final conclusion of the indictment,~~ is successful in a bid for reelection while suspended pursuant to the Rules of the House or the Senate due to an indictment, the ~~presiding officer of the~~ Speaker of the House or ~~Senate~~ the President Pro Tempore of the Senate~~, or the Governor,~~ as appropriate, shall again suspend him at the beginning of his next term. The suspended public official may not participate in the business of his public office.”

PART V

RULES OF CONDUCT

SECTION 18. Section 8‑13‑710(B) of the 1976 Code is amended to read:

“(B) A public official, public member, or public employee required to file a statement of economic interests under Section 8‑13‑1110 who receives, accepts, or takes, directly or indirectly, from a person, anything of value worth twenty‑five dollars or more in a day ~~and anything of value worth~~  or if the value totals, in the aggregate, two hundred dollars or more in ~~the aggregate in~~ a calendar year must report on his statement of economic interests pursuant to Section 8‑13‑1120 the thing of value from:

(1) a person, if there is reason to believe the donor would not give the thing of value but for the public official’s public member’s, or public employee’s office or position;

(2) a person, or from an officer or director of a person, if the public official, public member, or public employee has reason to believe the person:

(a) has or is seeking to obtain contractual or other business or financial relationships with the public official’s, public member’s, or public employee’s governmental entity;

(b) conducts operations or activities which are regulated by the public official’s, public member’s, or public employee’s governmental entity.”

SECTION 19. Section 8‑13‑750(A) of the 1976 Code is amended to read:

“(A) No public official, public member, or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position ~~in which the public official, public member, or public employee supervises or manages~~ within the public official’s, public member’s, or public employee’s official responsibility.”

SECTION 20. Section 8‑13‑760 of the 1976 Code is amended to read:

“Section 8‑13‑760. Except as is permitted by regulations of the State Ethics Commission, it is a breach of ethical standards for a public official, public member, or public employee who is participating directly in procurement, as defined in Section 11‑35‑310~~(22)~~(24), to resign and accept employment with a person ~~contracting with the governmental body if the contract falls or would fall under the public official’s, public member’s, or public employee’s official responsibilities~~ awarded the contract, for the duration of the contract and any extensions to the contract.”

SECTION 21. Section 8‑13‑775 of the 1976 Code is amended to read:

“Section 8‑13‑775. (A) A public official, public member, or public employee may not have an economic interest in a contract with the State or its political subdivisions if the public official, public member, or public employee is authorized to perform an official function relating to the contract. Official function means writing or preparing the contract specifications, acceptance of bids, award of the contract, or other action on the preparation or award of the contract.

(B) A public official, public member, or public employee may not award a contract, nor participate in any discussion concerning the award of a contract, with the State or its political subdivisions to either a business or an individual with which he is associated or to a business associated with a member of the public official’s, public member’s, or public employee’s immediate family.

(C) This section is not intended to infringe on or prohibit public employment contracts with this State or a political subdivision of this State nor does it prohibit the award of contracts awarded through a process of public notice and competitive bids if the public official, public member, or public employee has not performed an official function regarding the contract.”

SECTION 22. Section 8‑13‑780(B) of the 1976 Code is amended to read:

“(B) In addition to existing remedies for breach of the ethical standards of this chapter or regulations promulgated hereunder, the State Ethics Commission, House of Representatives Ethics Committee, and Senate Ethics Committee may impose ~~an oral or~~ a written warning or reprimand.”

SECTION 23. Section 8‑13‑790(A) of the 1976 Code is amended to read:

“(A) The value of anything transferred or received in breach of the ethical standards of Articles 1 through 11 of this chapter or regulations promulgated under it by a public employee, public official, or a nonpublic employee or official ~~may~~ must be recovered from the public employee, public official, or nonpublic employee or official.”

PART VI

DISCLOSURE OF ECONOMIC INTEREST

SECTION 24. Section 8‑13‑1110 of the 1976 is amended to read:

“Section 8‑13‑1110. (A) No public official, regardless of compensation, and no public member or public employee as designated in subsection (B) may take the oath of office or enter upon his official responsibilities unless he has filed a statement of economic interests pursuant to Section 8‑13‑365 ~~in accordance with the appropriate supervisory office~~. ~~If a public official, public member, or public employee referred to in this section has no economic interests to disclose, he shall nevertheless file a statement of inactivity to that effect with the appropriate supervisory office. All disclosure statements are matters of public record open to inspection upon request.~~

(B) Each of the following public officials, public members, and public employees must file a statement of economic interests ~~with the appropriate supervisory office~~, unless otherwise provided:

(1) a person appointed to fill the unexpired term of an elective office;

(2) a salaried member of a ~~state~~ board, commission, or agency;

(3) the chief administrative official or employee and the deputy or assistant administrative official or employee ~~or director of a division, institution, or facility~~ of any agency or department of state government;

(4) the city administrator, city manager, or chief municipal administrative official or employee, by whatever title;

(5) the county manager, county administrator, county supervisor, or chief county administrative official or employee, by whatever title;

(6) the chief administrative official or employee of each political subdivision including, but not limited to, school districts, libraries, regional planning councils, airport commissions, hospitals, community action agencies, water and sewer districts, and development commissions;

(7) a school district and county superintendent of education;

(8) a school district board member and a county board of education member;

(9) the chief finance official or employee and the chief purchasing official or employee of each agency, institution, or facility of state government, and of each county, municipality, or other political subdivision including, but not limited to, those named in item (6);

(10) ~~a public official~~ an elected official;

(11) a public member who serves on a state board, commission, or council; and

(12) Department of Transportation District Engineering Administrators.”

SECTION 25. Section 8‑13‑1120 of the 1976 is amended to read:

“Section 8‑13‑1120. (A) A statement of economic interests filed pursuant to Section 8‑13‑1110 ~~must be on forms prescribed by the State Ethics Commission and~~ must contain full and complete information concerning:

(1) the name, business or government address, and workplace telephone number of the filer;

(2) the source, type, and amount or value of income, not to include tax refunds, of substantial monetary value received from a governmental entity by the filer or a member of the filer’s immediate family during the reporting period;

(3)(a) the description, value, and location of all real property owned and options to purchase real property during the reporting period by a filer or a member of the filer’s immediate family if:

(i) there have been any public improvements of more than two hundred dollars on or adjacent to the real property within the reporting period and the public improvements are known to the filer; or

(ii) the interest can reasonably be expected to be the subject of a conflict of interest; or

(b) if a sale, lease, or rental of personal or real property is to a state, county, or municipal instrumentality of government, a copy of the contract, lease, or rental agreement must be attached to the statement of economic interests;

(4) the name of each organization which paid for or reimbursed actual expenses of the filer for speaking before a public or private group, the amount of such payment or reimbursement, and the purpose, date, and location of the speaking engagement;

(5) the identity of every business or entity in which the filer or a member of the filer’s immediate family held or controlled, in the aggregate, securities or interests constituting five percent or more of the total issued and outstanding securities and interests which constitute a value of one hundred thousand dollars or more;

(6)(a) a listing by name and address of each creditor to whom the filer or member of the filer’s immediate family owed a debt in excess of five hundred dollars at any time during the reporting period, if the creditor is subject to regulation by the filer or is seeking or has sought a business or financial arrangement with the filer’s agency or department other than for a credit card or retail installment contract, and the original amount of the debt and amount outstanding unless:

(i) the debt is promised or loaned by a bank, savings and loan, or other licensed financial institution which loans money in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee; or

(ii) the debt is promised or loaned by an individual’s family member if the person who promises or makes the loan is not acting as the agent or intermediary for someone other than a person named in this subitem; and

(b) the rate of interest charged the filer or a member of the filer’s immediate family for a debt required to be reported in (a);

If a discharge of a debt required to be reported in (a) has been made, the date of the transaction must be shown.

(7) the name of any lobbyist, as defined in Section 2‑17‑10(13) who is:

(a) an immediate family member of the filer;

(b) an individual with whom or business with which the filer or a member of the filer’s immediate family is associated;

(8) if a public official, public member, or public employee receives compensation from an individual or business which contracts with the governmental entity with which the public official, public member, or public employee serves or is employed, the public official, public member, or public employee must report the name and address of that individual or business and the amount of compensation paid to ~~the~~ ~~public official, public member, or public employee by~~ that individual or business;

(9) the source and a brief description of any gifts, including transportation, lodging, food, or entertainment received during the preceding calendar year from:

(a) a person, if there is reason to believe the donor would not give the gift, gratuity, or favor but for the official’s or employee’s office or position; or

(b) a person, or from an officer or director of a person, if the public official or public employee has reason to believe the person:

(i) has or is seeking to obtain contractual or other business or financial relationship with the official’s or employee’s agency; or

(ii) conducts operations or activities which are regulated by the official’s or employee’s agency if the value of the gift is twenty‑five dollars or more in a day or if the value totals, in the aggregate, two hundred dollars or more in a calendar year~~.~~ ;

(10) the source of any other income received by the filer or a member of the filer’s family residing in the filer’s household, not to include income received pursuant to:

(i) a court order;

(ii) interest from a savings or checking account with a bank, savings and loan, or other licensed financial institution which offers savings or checking accounts in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee;

(iii) a mutual fund or similar fund in which an investment company invests its shareholders’ money in a diversified selection of securities.

(B) This article does not require the disclosure of economic interests information concerning:

(1) a spouse separated pursuant to a court order from the public official, public member, or public employee;

(2) a former spouse;

(3) a campaign contribution that is permitted and reported under Article 13 of this chapter; or

(4) matters determined to require confidentiality pursuant to Section 2‑17‑90(E).”

SECTION 26. Section 8‑13‑1130 of the 1976 Code is amended to read:

“Section 8‑13‑1130. In addition to the statement of economic interests required pursuant to Section 8‑13‑1110, a person required to file the statement shall further report ~~to the appropriate supervisory office~~ the name of any person he knows to be a lobbyist as defined in Section 2‑17‑10(13) or a lobbyist’s principal as defined in Section 2‑17‑10(14) and knows that the lobbyist or lobbyist’s principal has in the previous calendar year employed or purchased from the filer, a member of the filer’s immediate family, an individual with whom the filer is associated, or a business with which the filer is associated, goods or services in an amount in excess of two hundred dollars.”

SECTION 27. Section 8‑13‑1140 of the 1976 Code is amended to read:

“Section 8‑13‑1140. A person required to file a statement of economic interests under this chapter shall annually file, pursuant to Section 8‑13‑365, an updated statement for the previous calendar year ~~with the appropriate supervisory office~~ ~~annually~~, no later than ~~April fifteenth~~ noon on March thirtieth of each calendar year~~, listing any addition, deletion, or change in his economic status with respect to which information is required to be supplied under this article~~. If the person has filed the description by name, amount, and schedule of payments of a continuing arrangement relating to an item required to be reported under this article, an updating statement need not be filed for each payment under the continuing arrangement, but only if the arrangement is terminated or altered.”

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

“Section 8‑13‑1145. The appropriate supervisory office must send an electronic notice of obligation to report no less than thirty days before the filing date to the e‑mail address provided by the filer to any filer who has not yet filed a current statement of economic interests. The filer is not relieved of reporting responsibilities if the notice is not sent or if the filer does not receive a notice.”

SECTION 29. Section 8‑13‑1150 of the 1976 Code is amended to read:

“Section 8‑13‑1150. A consultant must file a statement for the previous calendar year ~~with the appropriate supervisory office~~ , pursuant to Section 8‑13‑365, no later than twenty‑one days after entering into a contractual relationship with the State or a political subdivision of the State and must file an update within ten days from the date the consultant knows or should have known that new economic interests in an entity have arisen in which the consultant or a member of the consultant’s immediate family has economic interests:

(1) where the entity’s bid was evaluated by the consultant and who was subsequently awarded the contract by the State, county, municipality, or a political subdivision of any of these entities that contracted with the consultant; or

(2) where the entity was awarded a contract by the consultant.”

SECTION 30. Section 8‑13‑1170 of the 1976 Code is amended to read:

“Section 8‑13‑1170. (A) The appropriate supervisory office may, in its discretion, determine that errors or omissions on statements of economic interests are inadvertent and unintentional and not an effort to violate a requirement of this chapter and may be handled as technical violations not subject to the provisions of this chapter pertaining to ethical violations. ~~Technical violations must remain confidential unless requested to be made public by the public official, public member, or public employee filing the statement.~~ In lieu of all other penalties, the appropriate supervisory office may assess a technical violations penalty not exceeding fifty dollars.

(B) The appropriate supervisory office may grant a reasonable extension of time for filing a statement of economic interests. The extension may not exceed thirty days except in cases of illness or incapacitation.”

SECTION 31. Section 8‑13‑1160 of the 1976 Code is repealed.

SECTION 32. Section 8‑13‑1180 of the 1976 Code is repealed.

PART VII

CAMPAIGN PRACTICES

SECTION 33. Section 8‑13‑1300(3) of the 1976 Code is amended to read:

“(3) ‘Business’ means a corporation, limited liability company, partnership, proprietorship, firm, an enterprise, a franchise, an association, organization, or a self‑employed individual.”

SECTION 34. Section 8‑13‑1300(6) of the 1976 Code is amended to read:

“(6) ‘Committee’ means a person, two or more individuals, such as any person, association, organization, or other entity that makes, or accepts anything of value to make, contributions or expenditures and has one or more of the following characteristics:

(a) is a political party or executive committee of a political party or is controlled by a political party or executive committee of a political party; or

(b) has the major purpose to support or oppose the nomination or election of one or more clearly identified candidates.

~~an association, a club, an organization, or a group of persons which, to influence the outcome of an elective office, receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. It also means a person who, to influence the outcome of an elective office, makes:~~

~~(a) contributions aggregating at least twenty‑five thousand dollars during an election cycle to or at the request of a candidate or a committee, or a combination of them; or~~

~~(b) independent expenditures aggregating five hundred dollars or more during an election cycle for the election or defeat of a candidate.~~

Supporting or opposing the election of clearly identified candidates include supporting or opposing the candidates of a clearly identified political party.

If the entity qualifies as a ‘committee’ pursuant to this section, it continues to be a committee if it receives contributions or makes expenditures or maintains assets or liabilities. A committee ceases to exist when it winds up its operations, disposes of its assets, and files its final report.

‘Committee’ includes a party committee, a legislative caucus committee, a noncandidate committee, or a committee that is not a campaign committee for a candidate but that is organized for ~~the purpose of influencing an election~~ and has as the major purpose the support of or opposition to the nomination or election of a candidate to an elective office.”

SECTION 35. Section 8-13-1300(7) of the 1976 Code is amended to read:

“(7) ‘Contribution’ means a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit of money, or anything of value made to a candidate or committee to influence an election; or payment or compensation for the personal service of another person which is rendered for any purpose to a candidate or committee without charge, whether any of the above are made or offered directly or indirectly. ‘Contribution’ does not include ~~(a)~~ volunteer personal services on behalf of a candidate or committee for which the volunteer or any person acting on behalf of or instead of the volunteer receives no compensation either in cash or in‑kind, directly or indirectly, from any source~~; or (b) a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit of money, or anything of value made to a committee, other than a candidate committee, and is used to pay for communications made not more than forty‑five days before the election to influence the outcome of an elective office as defined in Section 8‑13‑1300(31)(c)~~. ~~These funds must be deposited in an account separate from a campaign account as required in Section 8‑13‑1312~~.”

SECTION 36. Section 8-13-1300(17) of the 1976 Code is amended to read:

“(17) ‘Independent expenditure’ means:

(a) an expenditure made or incurred directly or indirectly by a person to advocate the election or defeat of a clearly identified candidate or ballot measure; and

(b) when taken as a whole and in context, the expenditure made by a person to influence the outcome of an elective office or ballot measure but which is not:

(i) made to;

(ii) controlled by;

(iii) coordinated with;

(iv) requested by; or

(v) made upon consultation with a candidate or an agent of a candidate; or a committee or agent of a committee; or a ballot measure committee or an agent of a ballot measure committee. ‘

SECTION 37. Section 8-13-1300(23) of the 1976 Code is amended to read:

“(23) ‘Noncandidate committee’ means a committee that is not a campaign committee for a candidate but is organized ~~to influence an election or to support or oppose a candidate or public official,~~ the major purpose of which is to support or oppose the nomination or election of a candidate to elective office, which receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. ‘Noncandidate committee’ does not include political action committees that contribute solely to federal campaigns.

SECTION 38. Section 8‑13‑1300(31) of the 1976 Code is amended to read:

“(31) ‘Influence the outcome of an elective office’ means:

(a) expressly advocating the election or defeat of a clearly identified candidate using words including or substantially similar to ‘vote for’, ‘elect’, ‘cast your ballot for’, ‘Smith for Governor’, ‘vote against’, ‘defeat’, or ‘reject’; or

(b) communicating campaign slogans or individual words that, taken in context, have no other reasonable meaning other than to urge the election or defeat of a clearly identified candidate including or substantially similar to slogans or words such as ‘~~Smith”s~~ Smith’s the One’, ‘Jones 2000’, ‘Smith/Jones’ , ‘Jones!’, or ‘Smith‑A man for the People!’~~;~~ ~~or~~

~~(c) any communication made, not more than forty‑five days before an election, which promotes or supports a candidate or attacks or opposes a candidate, regardless of whether the communication expressly advocates a vote for or against a candidate. For purposes of this paragraph, “communication” means (i) any paid advertisement or purchased program time broadcast over television or radio; (ii) any paid message conveyed through telephone banks, direct mail, or electronic mail; or (iii) any paid advertisement that costs more than five thousand dollars that is conveyed through a communication medium other than those set forth in subsections (i) or (ii) of this paragraph. “Communication” does not include news, commentary, or editorial programming or article, or communication to an organization’s own members~~.”

SECTION 39. Section 8-13-1300(32) of the 1976 Code is amended to read:

“(32) ‘Ballot measure committee’ means:

(a) an association, club, an organization, or a group of persons ~~which, to influence the outcome~~  the major purpose of which is to support or oppose the passage of a ballot measure, receives contributions or makes expenditures in excess of two thousand five hundred dollars in the aggregate during an election cycle;

(b) a person, other than an individual, who, to influence the outcome of a ballot measure, makes contributions aggregating at least fifty thousand dollars during an election cycle to or at the request of a ballot measure committee; or

(c) a person, other than an individual, who, to influence the outcome of a ballot measure, makes independent expenditures aggregating two thousand five hundred dollars or more during an election cycle.”

SECTION 40. Section 8‑13‑1300 of the 1976 Code is amended by adding an appropriately numbered section to read:

“() ‘Public member’ means an individual appointed to a noncompensated part‑time position on a board, commission, or council. A public member does not lose this status by receiving reimbursement of expenses or a per diem payment for services.”

SECTION 41. Section 8-13-1300 of the 1976 Code is amended by adding an appropriately numbered section to read:

“() ‘electioneering communication’ means any broadcast, cable, or satellite communication or mass postal mailing or telephone bank that has the following characteristics:

(a) refers to a candidate for elected office,

(b) that is publically aired or distributed within sixty days prior to a general election or within thirty days prior to a primary for that office, and

(c) may be received by either:

(i) fifty thousand or more individuals in the State in an election for statewide office or seven thousand five hundred or more individuals in any other election if in the form of broadcast, cable, or satellite communication,

(ii) twenty thousand or more households, cumulative per election, in a statewide election or two thousand five hundred households, cumulative per election, in any other election if in the form of mass mailing or telephone bank.

(d) The definition does not include:

(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless those facilities are owned or controlled by any political party, political committee, or candidate,

(ii) a communication that constitutes an expenditure or independent expenditure under this Article,

(iii) a communication that constitutes a candidate debate or forum conducted pursuant to rules adopted by a political party or that solely promotes that debate or forum and is made by or on behalf of the person sponsoring the debate or forum,

(iv) a communication made while the General Assembly is in session which, incidental to advocacy for or against a specific piece of legislation pending before the General Assembly, urges the audience to communicate with a member or members of the General Assembly concerning that piece of legislation or a solicitation of others, or

(v) a communication that meets all of the following criteria:

(1) does not mention any election, candidacy, political party, opposing candidate, or voting by the general public;

(2) does not take a position on the candidate’s character or qualifications and fitness for office; and

(3) proposes a commercial transaction.”

SECTION 42. Section 8-13-1300 of the 1976 Code is amended by adding an appropriately numbered section to read:

“() ‘Independent expenditure-only committee’ means a committee that:

(a) is not organized by, controlled by, requested by, or made in concert, cooperation, or coordination with a candidate, an agent of a candidate, a political party, or an agent of a political party;

(b) does not make contributions to any candidate or other committee, with the exception of other independent expenditure-only committees;

(c) makes only independent expenditures; and

(d) is organized for the major purpose to support or oppose the nomination or election of a candidate to elective office.”

SECTION 43. Section 8‑13‑1308 of the 1976 Code is amended by adding the following after subsection (H):

“(I) All reports required by this section must be filed pursuant to Section 8‑13‑365.”

SECTION 44. Section 8‑13‑1309 of the 1976 Code is amended by adding the following after subsection (G):

“(F) All reports required by this Section must be filed pursuant to Section 8‑13‑365.”

SECTION 45. Section 8‑13‑1312 of the 1976 Code is amended to read:

“Section 8‑13‑1312. ~~Except as is required for the separation of funds and expenditures under the provisions of Section 8‑13‑1300(7), a~~ A candidate shall not establish more than one campaign checking account and one campaign savings account for each office sought, and a committee shall not establish more than one checking account and one savings account unless federal or state law requires additional accounts. For purposes of this article, certificates of deposit or other interest bearing instruments are not considered separate accounts. A candidate’s accounts must be established in a financial institution that conducts business within the State and in an office located within the State that conducts business with the general public. The candidate or a duly authorized officer of a committee must maintain the accounts in the name of the candidate or committee. An acronym must not be used in the case of a candidate’s accounts. An acronym or abbreviation may be used in the case of a committee’s accounts if the acronym or abbreviation commonly is known or clearly recognized by the general public. Except as otherwise provided under Section 8‑13‑1348(C), expenses paid on behalf of a candidate or committee must be drawn from the campaign account and issued on a check signed by the candidate or a duly authorized officer of a committee. All contributions received by the candidate or committee, directly or indirectly, must be deposited in the campaign account by the candidate or committee within ten days after receipt. All contributions received by an agent of a candidate or committee must be forwarded to the candidate or committee not later than five days after receipt. A contribution must not be deposited until the candidate or committee receives information regarding the name and address of the contributor. If the name and address cannot be determined within seven days after receipt, the contribution must be remitted to the Children’s Trust Fund.”

SECTION 46. Section 8‑13‑1318 of the 1976 Code is amended to read:

“Section 8‑13‑1318. If a candidate has a debt from a campaign for an elective office, the candidate may accept contributions to retire the debt, even if the candidate accepts contributions for another elective office or the same elective office during a subsequent election cycle, as long as those contributions accepted to retire the debt are:

(1) within the contribution limits applicable to the last election in which the candidate sought the elective office for which the debt was incurred; and

(2) reported as provided in this article.

If a candidate accepts a contribution to retire a debt from a campaign for an elective office, the contribution must be utilized to retire the debt.”

SECTION 47. Section 8‑13‑1320(1) of the 1976 Code is amended to read:

“(1) A contribution made on or before the seventh day after a primary ~~or primary runoff~~ is attributed to the primary ~~or primary runoff, respectively~~. However, in the event of a primary runoff, all contributions made after the day of the primary and continuing through the seventh day after the primary runoff are attributed to the primary runoff for the purposes of applying contribution limits.”

SECTION 48. Chapter 13, Title 8 is amended by adding an appropriately numbered section to read:

“Section 8-13-1311. Independent expenditure-only committees must:

(A) file a statement of organization with the State Ethics Commission no later than five days after receiving or expending more than five hundred dollars in the aggregate during an election cycle to influence the outcome of an elective office;

(B) under penalty of perjury, file a certification that the independent expenditure-only committee is not made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate;

(C) only make independent expenditures; and

(D) comply with all requirements, disclosures, and restrictions of committees under this Article except contribution limits under section 8-13-1322.”

SECTION 49. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1313(A). A person who is not a committee required to file subject to Section 8‑13‑1304 and who makes an independent expenditure in an aggregate amount or value in excess of five hundred dollars during a calendar year or makes an electioneering communication must file a report of such expenditure or communication with the State Ethics Commission electronically in the manner prescribed by the Commission pursuant to Section 8‑13‑365 within thirty days or if the independent expenditure or electioneering communication is made within thirty days before an election, the report must be filed within forty‑eight hours. The report must include:

(1) a detailed description of the use of the expenditure or communication and the amount of the expenditure or the cost of the communication,

(2) the full name, primary occupation, street address, and phone number of the reporting person,

(3) the identification of the chief executive officer or for all controlling individuals if the reporting person is a business or another organization that is not an individual, to include name, title, employer, and address;

(4) the name of the candidate or ballot measure that is the target of the independent expenditure or electioneering communication and whether the expenditure or communication was made in support of, or opposition to, the candidate or ballot measure,

(5) under penalty of perjury, a certification whether or not such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

(6)(a) the identification of the top five donors to the reporting person and for any donor who has donated more than ten thousand dollars to the reporting person within the previous twelve months, to include name, primary occupation, address, and amount of the donation; and

(b) if the donor is business or another organization that is not an individual, then the identification must indicate the name and title of the chief executive officer or controlling individual of the donor organization.”

SECTION 50. Section 8-13-1322 of the 1976 Code is amended to read:

“Section 8-13-1322. (A) A person may not contribute to a committee and a committee may not accept from a person contributions aggregating more than three thousand five hundred dollars in a calendar year.

(B) A person may not contribute to a committee and a committee may not accept from a person a cash contribution unless the cash contribution does not exceed twenty‑five dollars for each election and is accompanied by a record of the amount of the contribution and the name and address of the contributor.

(C) The provisions of this section do not apply to independent expenditure-only committees registered with the State Ethics Commission.”

SECTION 51. Section 8‑13‑1328 of the 1976 Code is amended to read:

“Section 8‑13‑1328. (A) A candidate for statewide office ~~or the candidate’s family member~~ must not be repaid, for a loan made to the candidate, more than twenty‑five thousand dollars in the aggregate after the election.

(B) A candidate for an elective office other than those specified in subsection (A) ~~or a family member of a candidate for an elective office other than those specified in subsection (A)~~ must not be repaid, for a loan made to the candidate, more than ten thousand dollars in the aggregate after the election.”

SECTION 52. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1337. (A) An elective official or the elective official’s agent may not knowingly solicit a contribution from an employee in the elective official’s area of official responsibility.

(B) A public official or public employee may not provide an advantage or disadvantage to a public employee or applicant for public employment concerning employment, conditions of employment, or application for employment based on the employee’s or applicant’s contribution, promise to contribute, or failure to contribute to a candidate, a political party, as defined in Section 8‑13‑1300(26) or a committee, as defined in Section 8‑13‑1300(6).”

SECTION 53. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1339. A political action committee organized by or on behalf of the Governor, the Lieutenant Governor, any other statewide constitutional officer, a member of the General Assembly, a public official of a county or municipality, or a director or deputy director of a state department appointed by the Governor is prohibited. Any political action committee prohibited by this section in existence on the effective date of this act must distribute all unexpended contributions in the manner provided for in Section 8‑13‑1370(C). A political action committee does not include a candidate committee.”

SECTION 54. Section 8‑13‑1340 of the 1976 Code is amended to read:

“Section 8‑13‑1340. (A) Except as provided in subsections (B) and ~~(E)~~(D), a candidate or public official shall not make a contribution to another candidate or make an independent expenditure on behalf of another candidate or public official from the candidate’s or public official’s campaign account or through a committee, except legislative caucus committees, directly or indirectly established, financed, maintained, or controlled by the candidate or public official**.** For purposes of this section only, candidate includes candidates within the meaning of 431(B) of the Federal Election Campaign Act.

(B) This section does not prohibit a candidate from:

(1) making a contribution from the candidate’s own personal funds on behalf of the candidate’s candidacy or to another candidate for a different office; or

(2) providing the candidate’s surplus funds or material assets upon final disbursement to a legislative caucus committee or party committee in accordance with the procedures for the final disbursement of a candidate under Section 8‑13‑1370 of this article.

~~(C)~~ ~~Assets or funds which are the proceeds of a campaign contribution and which are held by or under the control of a public official or a candidate for public office on January 1, 1992, are considered to be funds held by a candidate and subject to subsection (A).~~

~~(D)~~ ~~A committee is considered to be directly or indirectly established, financed, maintained, or controlled by a candidate or public official if any of the following are applicable:~~

~~(1) the candidate or public official, or an agent of either, has signature authority on the committee’s checks;~~

~~(2) funds contributed or disbursed by the committee are authorized or approved by the candidate or public official;~~

~~(3) the candidate or public official is clearly identified on either the stationery or letterhead of the committee;~~

~~(4) the candidate or public official signs solicitation letters or other correspondence on behalf of the entity;~~

~~(5) the candidate, public official, or his campaign staff, office staff, or immediate family members, or any other agent of either, has the authority to approve, alter, or veto the committee’s solicitations, contributions, donations, disbursements, or contracts to make disbursements; or~~

~~(6) the committee pays for travel by the candidate or public official, his campaign staff or office staff, or any other agent of the candidate or public official, in excess of one hundred dollars per calendar year.~~

~~(E) The provisions of subsection (A) do not apply to a committee directly or indirectly established, financed, maintained, or controlled by a candidate or public official if the candidate or public official directly or indirectly establishes, finances, maintains, or controls only one committee in addition to any committee formed by the candidate or public official to solely promote his own candidacy and one legislative caucus committee.~~

~~(F) No committee operating under the provisions of Section 8‑13‑1340(E) may:~~

~~(1) solicit or accept a contribution from a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election; or~~

~~(2) transfer anything of value to any other committee except as a contribution under the limitations of Section 8‑13‑1314(A) or the dissolution provisions of Section 8‑13‑1370.~~”

SECTION 55. Section 8‑13‑1344(B) of the 1976 Code is amended to read:

“(B)(1) A person may not solicit from a candidate, committee, political party, or other person, money or other property as a condition or consideration for an endorsement, article, or other communication in the news media promoting or opposing a candidate, committee, or political party.

(2) A candidate, committee or political party may not offer money or other property in consideration of an endorsement for the candidate, article, or other communication in the news media promoting or opposing a candidate, committee, or political party.”

SECTION 56. Section 8‑13‑1352 of the 1976 Code is amended to read:

“Section 8‑13‑1352. ~~Notwithstanding the provisions of Section 8‑13‑1350, a~~ A candidate may use or permit the use of contributions solicited for or received by the candidate to further the candidacy of the individual for an elective office other than the elective office for which the contributions were received if:

(1) the person originally making the contribution gives written authorization for its use to further the candidacy of the individual for a specific office which is not the office for which the contribution was originally intended; and

(2) the contribution is otherwise permitted by law.”

SECTION 57. Section 8‑13‑1356 of the 1976 Code is amended to read:

“Section 8‑13‑1356. (A) ~~This section does not apply to a public official who has a current disclosure statement on file with the appropriate supervisory office pursuant to Sections 8‑13‑1110 or 8‑13‑1140.~~

~~(B)~~ A person who becomes a candidate by filing a statement of intention of candidacy seeking nomination by political party primary or political party convention must electronically file a statement of economic interests for the preceding calendar year ~~at the same time and with the same official with whom the candidate files~~ pursuant to Section 8‑13‑365 prior to the close of filing for the particular office ~~a~~ ~~declaration of candidacy~~ ~~or petition for nomination~~.

(B) A person who becomes a candidate by filing a petition for nomination must electronically file a statement of economic interests for the preceding calendar year pursuant to Section 8‑13‑365 within fifteen days of submitting the petition pursuant to Section 7‑11‑70 or 7‑11‑71.

(C) A person who becomes a write-in candidate must electronically file a statement of economic interests for the preceding calendar year within twenty-four hours of filing an initial campaign finance report pursuant to Section 8-13-1308(A) or before taking the oath of office, whichever occurs earlier.

~~(C)~~ ~~The official with whom the candidate files a declaration of candidacy or petition for nomination, no later than five business days after candidacy books close, must file a copy of the statement with the appropriate supervisory office.~~

~~(D)~~ ~~An individual who becomes a candidate other than by filing must, no later than fifteen business days after becoming a candidate, file a statement of economic interests for the preceding calendar year with the appropriate supervisory office~~.

~~(E)~~ ~~An officer authorized to receive declarations of candidacy and petitions for nominations under the provisions of Chapter 11 of Title 7 may not accept a declaration of candidacy or petition for nomination unless the declaration or petition is accompanied by a statement of economic interests. If the candidate’s name inadvertently appears on the ballot, the officer authorized to receive declarations of candidacy or petitions for nomination must not certify the candidate subsequent to the election.~~

~~(F)~~ ~~If the candidate files for office before January first of the year in which the election is held, he must file a supplementary statement covering the preceding calendar year no later than April first of the year in which the election is held.~~

~~(G)~~(D) A candidate who is not a public official otherwise filing a statement has the same disclosure requirements as a public official with the exception of reporting gifts.

~~(H)~~ ~~The State Ethics Commission must furnish to each clerk of court in the State forms on which the statement of economic interests shall be filed.~~

(E) The appropriate supervisory office shall assess a civil penalty pursuant to Section 8-13-1510 against a candidate who fails to timely file a statement of economic interests pursuant to the deadlines established in subsections (A), (B), or (C) of this section.

(F) Any candidate who fails to file a statement of economic interests prior to the date of the election, if elected, shall not take the oath of office nor enter upon his official responsibilities.”

SECTION 58. Section 8‑13‑1360 of the 1976 Code is amended to read:

“Section 8‑13‑1360. ~~(A)~~ The State Ethics Commission shall develop a contribution and expenditure reporting form pursuant to Section 8‑13‑365 which must include:

(1) a designation as a pre‑election or quarterly report and, if a pre‑election report, the election date;

(2) the candidate’s name and address or, in the case of a committee, the name and address of the committee;

(3) the balance of campaign accounts on hand at the beginning and at the close of the reporting period and the location of those campaign accounts;

(4) the total amount of all contributions received during the reporting period; the total amount of contributions of one hundred dollars or less in the aggregate from one source received during the reporting period; and the name and address of each person contributing more than one hundred dollars in the aggregate during the reporting period, the date and amount of the contribution, and the year‑to‑date total for each contributor~~. Written promises or pledges to make a contribution must be reported separately in the same manner as other monetary contributions~~;

(5) the total amount of all loans received during the reporting period and the total amount of loans for the year to date. The report also must include the date and amount of each loan from one source during the reporting period, the name and address of each maker or guarantor of each loan, the year‑to‑date total of each maker or guarantor, and the terms of the loan, including the interest rate, repayment terms, loan payments, and existing balances on each loan;

(6) the date and amount of any in‑kind contributions of more than one hundred dollars in the aggregate by one person during the reporting period, and the contributor’s name, address, and year‑to‑date total;

(7) the total amount of all refunds, rebates, interest, and other receipts not previously identified during the reporting period, and their year‑to‑date total; the total amount of other receipts received of one hundred dollars or less in the aggregate from one source during the reporting period; the date and amount of each refund, rebate, interest, or other receipt not previously identified of more than one hundred dollars in the aggregate from one source, the name and address and the year‑to‑date total for each source;

(8) the aggregate total of all contributions, loans, and other receipts during the reporting period and the year‑to‑date total; the amount, date, and a brief description of each expenditure made during the reporting period, the name and address of the entity to which the expenditure was made, and the year‑to‑date total of expenditures to that entity. Credit card expenses and candidate reimbursements must be itemized so that the purpose and recipient of the expenditure are identified;

(9) the total amount of all loans made during the reporting period and the year‑to‑date total. The report also must include the date and amount of each loan to one entity during the reporting period, the name and address of each recipient of the loan, and the terms of the loan, including the interest rate, repayment terms, purpose of the loan, the year‑to‑date total, and existing balances.

~~(B) A candidate or committee must disclose all information required on the form developed under this section.~~”

SECTION 59. Section 8‑13‑1364 of the 1976 Code is amended to read:

“Section 8‑13‑1364. The appropriate supervisory office must send ~~a notice~~ an electronic notice of obligation to report ~~and reporting forms by first class mail~~ no less than thirty days before the filing date for each reporting period to the e‑mail address provided by the candidate or committee. A candidate or committee is not relieved of reporting responsibilities if the notice ~~or forms are~~ is not sent or if the candidate or committee does not receive a notice ~~or forms~~.”

SECTION 60. Section 8‑13‑1372 of the 1976 Code is amended to read:

“Section 8‑13‑1372 . (A) The appropriate supervisory office, in its discretion, may determine that errors or omissions on campaign reports are inadvertent and unintentional and not an effort to violate a requirement of this chapter and may be handled as technical violations which are not subject to the provisions of this chapter pertaining to ethical violations. ~~Technical violations must remain confidential unless requested to be made public by the candidate filing the report.~~ In lieu of all other penalties, the appropriate supervisory office may assess a technical violations penalty not to exceed fifty dollars.

(B) A violation other than an inadvertent or unintentional violation must be considered by the appropriate supervisory office for appropriate action.”

SECTION 61. Section 8‑13‑1310 of the 1976 Code is repealed.

SECTION 62. Section 8‑13‑1350 of the 1976 Code is repealed.

SECTION 63. Section 8‑13‑1358 of the 1976 Code is repealed.

SECTION 64. Section 8‑13‑1362 of the 1976 Code is repealed.

SECTION 65. Section 8‑13‑1366 of the 1976 Code is repealed.

PART VIII

MISCELLANEOUS

SECTION 66. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17, Article III of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of election reform as stated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act.

SECTION 67. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 68. This act takes effect upon approval by the Governor.

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