**South Carolina General Assembly**

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**S. 74**

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

Summary: Lobbyists

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/3/2014 Senate Prefiled

12/3/2014 Senate Referred to Committee on **Judiciary**

1/13/2015 Senate Introduced and read first time ([Senate Journal‑page 68](file:///h:\SJ%20Archive\2015\01-13-15.docx))

1/13/2015 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 68](file:///h:\SJ%20Archive\2015\01-13-15.docx))

2/5/2015 Scrivener's error corrected

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=74&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/3/2014](file:///p:\pprever\2015-16\74_20141203.docx)

[2/5/2015](file:///p:\pprever\2015-16\74_20150205.docx)

**A** **BILL**

TO ENACT THE “2015 ETHICS REFORM ACT”; TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTIONS 2‑17‑20 AND 2‑17‑25 RELATING TO LOBBYISTS, TO AMEND LOBBYIST AND LOBBYIST’S PRINCIPAL REGISTRATION FEES; TO AMEND SECTIONS 2‑17‑30, 2‑17‑35, AND 2‑17‑40 TO PROVIDE FOR LOBBYING FILING REPORT DATES FOR LOBBYISTS, LOBBYIST’S PRINCIPALS AND STATE AGENCIES; TO AMEND SECTION 2‑19‑70 TO PROHIBIT A MEMBER OF THE GENERAL ASSEMBLY FROM BEING ELECTED TO A JUDICIAL OFFICE FOR TWO YEARS AFTER SERVICE IN THE GENERAL ASSEMBLY AND TO PROHIBIT DIRECT OR INDIRECT PLEDGES FOR JUDICIAL CANDIDATES UNTIL THE TIME PRESCRIBED BY LAW; TO AMEND SECTION 8‑13‑130 TO PERMIT THE SENATE AND HOUSE ETHICS COMMITTEES TO LEVY A FEE ON A PERSON WHO COMMITTED AN ETHICS VIOLATION FOR REIMBURSEMENT FOR THE INVESTIGATION AND HEARING; BY AMENDING CHAPTER 13, ARTICLES 3 AND 5 OF TITLE 8, TO PROVIDE FOR THE DUTIES AND PROCEDURES OF THE SOUTH CAROLINA ETHICS COMMISSION AND TO PROVIDE FOR THE DUTIES AND PROCEDURES OF THE HOUSE AND SENATE ETHICS COMMITTEES AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO AMEND SECTION 8‑13‑700, RELATING TO USE OF AN OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN, TO PROHIBIT PRIVATE BUSINESS DEALINGS DURING HOURS FOR WHICH A PUBLIC OFFICIAL, PUBLIC MEMBER, OR PUBLIC EMPLOYEE IS COMPENSATED FOR GOVERNMENTAL SERVICES AND TO PROVIDE FOR WHEN A PUBLIC OFFICIAL, PUBLIC MEMBER, OR PUBLIC EMPLOYEE MUST RECUSE HIMSELF; TO AMEND SECTIONS 8‑13‑720 AND 8‑13‑725 BY PROVIDING FOR ADDITIONAL PENALTIES; TO AMEND SECTION 8‑13‑755 TO PROHIBIT A PUBLIC OFFICIAL, PUBLIC MEMBER, OR PUBLIC EMPLOYEE FROM LOBBYING OR ACCEPTING EMPLOYMENT IN AN AREA IN WHICH THE OFFICIAL, MEMBER, OR EMPLOYEE DIRECTLY AND SUBSTANTIALLY PARTICIPATED DURING HIS PUBLIC SERVICE; TO ADD SECTION 8‑13‑756 TO PROVIDE SOME EXCEPTIONS IN THE PROHIBITION AGAINST FINANCIAL GAIN FOR HIGHER EDUCATION EMPLOYEES WHO PARTICIPATE IN THE DEVELOPMENT OF INTELLECTUAL PROPERTY; TO AMEND SECTION 8‑13‑775 TO PROVIDE WHEN A PUBLIC OFFICIAL, PUBLIC MEMBER, OR PUBLIC EMPLOYEE MAY NOT PARTICIPATE IN THE AWARDING OF A GOVERNMENT CONTRACT; TO AMEND SECTION 8‑13‑870 TO ELIMINATE THE OPTION FOR THE STATE ETHICS COMMISSION TO ISSUE AN ORAL WARNING OR REPRIMAND; TO AMEND SECTION 8‑13‑790 TO REQUIRE RECOVERY OF THE VALUE OF ANYTHING RECEIVED BY A PUBLIC OFFICIAL OR PUBLIC EMPLOYEE IN VIOLATION OF CHAPTER 13, ARTICLES 1‑11 OF TITLE 8; TO AMEND SECTION 8‑13‑360 TO REQUIRE THE STATE ETHICS COMMISSION TO PROVIDE FOR ELECTRONIC FILINGS ACCESSIBLE TO THE PUBLIC; TO AMEND SECTION 8‑13‑1110 FOR TECHNICAL CHANGES AND TO PROVIDE THAT ALL SALARIED MEMBERS OF A BOARD, COMMISSION, OR AGENCY MUST FILE A STATEMENT OF ECONOMIC INTERESTS AND TO REMOVE THE REQUIREMENT THAT DIRECTORS OF A DIVISION, INSTITUTION, OR FACILITY MUST FILE A STATEMENT OF ECONOMIC INTERESTS; TO AMEND SECTION 8‑13‑1120, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTEREST, TO FURTHER PROVIDE FOR THESE CONTENTS; TO ADD SECTIONS 8‑13‑1145 AND 8‑13‑1364 TO PROVIDE FOR ELECTRONIC NOTICE OF OBLIGATION TO FILE A REPORT WITH THE APPROPRIATE SUPERVISORY OFFICE; TO AMEND SECTIONS 8‑13‑1170 AND 8‑13‑1372 TO ELIMINATE CONFIDENTIALITY OF TECHNICAL VIOLATIONS; TO AMEND SECTION 8‑13‑1300, RELATING TO DEFINITIONS IN REGARD TO CAMPAIGN PRACTICES, TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8‑13‑365 TO PROVIDE FOR ELECTRONIC FILINGS WITH THE STATE ETHICS COMMISSION; TO AMEND SECTIONS 8‑13‑1308 AND 8‑13‑1309 TO PROVIDE FOR PRE‑ELECTION REPORTS TO BE FILED FIVE DAYS BEFORE AN ELECTION; TO ADD SECTION 8‑13‑1311 TO ESTABLISH FILING REQUIREMENTS OF INDEPENDENT EXPENDITURE‑ONLY COMMITTEES; TO ADD SECTION 8‑13‑1313 TO ESTABLISH FILING REQUIREMENTS OF A PERSON, WHO IS NOT A COMMITTEE, WHO MAKES AN INDEPENDENT EXPENDITURE; TO ADD SECTION 8‑13‑1315 TO PROVIDE CERTAIN PROHIBITIONS AGAINST AN ELECTED OFFICIAL OR CANDIDATE FOR PUBLIC OFFICE COORDINATING WITH AN INDEPENDENT EXPENDITURE‑ONLY COMMITTEE; TO AMEND SECTION 8‑13‑1318, RELATING TO THE ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBTS, TO REQUIRE ANY SUCH CONTRIBUTIONS TO BE USED FOR THIS PURPOSE ONLY; TO AMEND SECTION 8‑13‑1320 TO PROVIDE A TIME FRAME FOR WHEN CONTRIBUTIONS ARE ATTRIBUTED TO A PRIMARY RUN‑OFF; TO AMEND SECTION 8‑13‑1322 TO PROVIDE THAT COMMITTEE CONTRIBUTION LIMITS DO NOT APPLY TO AN INDEPENDENT EXPENDITURE‑ONLY COMMITTEE; TO AMEND SECTION 8‑13‑1328 TO ELIMINATE PROVISIONS CONCERNING CANDIDATE LOAN REPAYMENTS AS IT APPLIES TO THE CANDIDATE’S FAMILY MEMBERS; TO ADD SECTION 8‑13‑1337, TO CLARIFY WHO MAY NOT SOLICIT CONTRIBUTIONS, NOR PROVIDE EMPLOYMENT ADVANTAGES OR DISADVANTAGES BASED UPON A CONTRIBUTION; TO AMEND SECTION 8‑13‑1340, AS AMENDED, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER, OR THROUGH COMMITTEES CONTROLLED BY A CANDIDATE, TO DELETE AN EXCEPTION FOR A COMMITTEE, OTHER THAN THE CANDIDATE’S COMMITTEE, CONTROLLED BY A CANDIDATE IF IT IS THE ONLY SUCH COMMITTEE, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTION 8‑13‑1344 TO PROVIDE RESTRICTIONS ON A CANDIDATE, COMMITTEE, OR POLITICAL PARTY FROM OFFERING AN INCENTIVE TO ENDORSE A CANDIDATE; TO AMEND SECTION 8‑13‑1348 TO PROHIBIT USE OF CAMPAIGN FUNDS TO PAY PENALTIES FROM CRIMINAL PROSECUTION AND TO PROVIDE FOR ADDITIONAL PENALTIES; TO AMEND SECTION 8‑13‑1356 TO REQUIRE A CANDIDATE FOR COUNTYWIDE, OR LESS THAN COUNTYWIDE OFFICE, TO FILE A STATEMENT OF ECONOMIC INTERESTS; TO REPEAL SECTIONS 8‑13‑1160, 8‑13‑1180, 8‑13‑1310, 8‑13‑1350, 8‑13‑1358, 8‑13‑1362, AND 8‑13‑1366; AND TO PROVIDE FOR TECHNICAL AND CONFORMING CHANGES.

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.”

SECTION 5. Section 2‑17‑40 of the 1976 Code is amended to read:

“Section 2‑17‑40. (A) Each state agency or department must, no later than ~~June thirtieth~~ July tenth and ~~January thirty‑first~~ January tenth of each year, file a report with the State Ethics Commission covering that agency’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 2‑17‑25(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) an identification of each public official, public employee, or other person who engaged in lobbying for that agency during the covered period;

(2) legislation, covered agency actions, or covered gubernatorial actions the persons identified in item (1) engaged in lobbying during the covered period;

(3) 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;

(4)(a) a complete and itemized account of all expenditures made or incurred by those persons identified in item (1) in the performance of their 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) the name of each public official on whose behalf the state agency or department initiated or made expenditures pursuant to Section 2‑17‑90 and a complete and itemized account of the amount expended by the state agency or department for each public official;

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

(B) Where total amounts are required to be reported, totals must be reported for the entire calendar year to date. The reports required by this section are not required from any agency whose only lobbying is appearing before any committee of the General Assembly at the request of that committee or at the request of any member or members of that committee.”

**PART II**

**GENERAL PROVISIONS**

SECTION 6. Section 2‑19‑70 of the 1976 Code is amended to read:

“Section 2‑19‑70. (A) No member of the General Assembly may be elected to a judicial office while he is serving in the General Assembly nor shall that person be elected to a judicial office for a period of ~~one year~~ two years after he either:

(1) ceases to be a member of the General Assembly; or

(2) fails to file for election to the General Assembly in accordance with Section 7‑11‑15.

(B) The privilege of the floor in either house of the General Assembly may not be granted to any candidate or any immediate family member of a candidate unless the family member is serving in the General Assembly, during the time the candidate’s application is pending before the commission and during the time his nomination by the commission for election to a particular judicial office is pending in the General Assembly.

(C) ~~No candidate for judicial office~~ A person may not ~~seek~~ directly or indirectly seek the pledge of a member of the General Assembly’s vote or, directly or indirectly, contact a member of the General Assembly regarding screening for ~~the~~ any judicial office until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and the commission has formally released its report as to the qualifications of all candidates for the vacancy to the General Assembly. ~~No~~ A member of the General Assembly may not directly or indirectly offer his pledge until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and until the commission has formally released its report as to the qualifications of its nominees to the General Assembly. The formal release of the report of qualifications shall occur no earlier than forty‑eight hours after the nominees have been initially released to members of the General Assembly. For purposes of this section, indirectly seeking a pledge means ~~the~~ a person, a candidate, or someone acting on behalf of and at the request of ~~the~~ a person or a candidate, requesting ~~a person~~ someone to contact a member of the General Assembly on behalf of ~~the~~ a person or a candidate before nominations for that office are formally made by the commission. The prohibitions of this section do not extend to an announcement of candidacy by the candidate and statements by the candidate detailing the candidate’s qualifications.

(D) ~~No~~ A member of the General Assembly may not trade anything of value, including pledges to vote for legislation or for other persons or candidates, in exchange for another member’s pledge to vote for a candidate for judicial office.

(E) Violations of this section may be considered by the merit selection commission when it considers the candidate’s qualifications. Violations of this section by members of the General Assembly shall be reported by the commission to the House or Senate Ethics Committee, as may be applicable. Violations of this section by nonlegislative commission members shall be reported by the commission to the State Ethics Commission. A violation of this section is a misdemeanor and, upon conviction, the violator must be fined not more than one thousand dollars or imprisoned not more than ninety days. Cases tried under this section may not be transferred from general sessions court pursuant to Section 22‑3‑545.

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. 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**

**ETHICS COMMITTEES**

SECTION 8. Section 8‑13‑310 of the 1976 Code is amended to read:

“Section 8‑13‑310. ~~(A) The State Ethics Commission as constituted under law in effect before July 1, 1992, is reconstituted to continue in existence with the appointment and qualification of the at‑large members as prescribed in this section and with the changes in duties and powers as prescribed in this chapter. On July 1, 1993, when the duties and powers given to the Secretary of State in Chapter 17 of Title 2 are transferred to the State Ethics Commission, the Code Commissioner is directed to change all references to “this chapter” in Article 3 of Chapter 13 of Title 8 to “this chapter and Chapter 17 of Title 2”.~~

~~(B)~~(A) There is created the State Ethics Commission composed of ~~nine~~ eight members of which:

(1) four members must be appointed by the Governor~~, upon the advice and consent of the General Assembly~~ no more than two of whom are members of the appointing Governor’s political party; (2) two members must be nominated by the President Pro Tempore of the Senate with one nomination in consultation with the Senate Majority Leader and with one nomination in consultation with the Senate Minority Leader of the largest minority party. These nominees must be confirmed by the Senate Ethics Committee prior to serving on the State Ethics Commission, unless otherwise provided for by the rules of the Senate; and

(3) two members must be nominated by the Speaker of the House of Representatives with one nomination in consultation with the House Majority Leader and with one nomination in consultation with the House Minority Leader of the largest minority party. These nominees must be confirmed by the House of Representatives Ethics Committee prior to serving on the State Ethics Commission, unless otherwise provided for by the rules of the House of Representatives. ~~One member shall represent each of the seven congressional districts, and two members must be appointed from the State at large.~~

(B) Upon the nomination of candidates by the General Assembly for the State Ethics Commission, the appropriate ethics committee shall conduct an investigation and hold a public hearing to determine the qualifications of each candidate for office. Any person who desires to testify at the hearing, including candidates, shall furnish a written statement of his proposed testimony to the chairman of the committee. These statements shall be furnished no later than forty‑eight hours prior to the date and time set for the hearing. The committee shall determine the persons who shall testify at the hearing. All testimony, including documents furnished to the committee, shall be submitted under oath, and persons knowingly furnishing false information either orally or in writing shall be subject to the penalties provided by law for perjury and false swearing. During the course of the investigation, the committee may schedule an executive session at which each candidate, and other persons whom the committee wishes to interview, may be interviewed by the committee on matters pertinent to the candidate’s qualifications for the office to be filled. At a reasonable time thereafter, the committee shall render its findings as to whether the candidate is qualified for the office and whether the candidate has been confirmed for the office for which he was nominated.

(C) As soon as possible after the completion of the hearing, a verbatim copy of the testimony, documents submitted at the hearing, and findings of fact shall be made available to the members of both houses and to the public.

(D)(1) The qualifications the appointing authorities shall consider for the appointees include, but are not limited to:

(a) constitutional qualifications;

(b) ethical fitness;

(c) character;

(d) mental stability;

(e) experience; and

(f) judicial temperament.

(2) The appointing authorities shall make their appointments based on merit. However, in making appointments to the commission, the appointing authorities shall ensure that race, color, gender, national origin, and other demographic factors are considered to ensure the geographic and political balance of the appointments, and shall strive to assure that the membership of the commission will represent, to the greatest extent possible, all segments of the population of the State.

(3) The following are not eligible to serve on the State Ethics Commission:

(a) a member of the General Assembly;

(b) a former member of the General Assembly within eight years following the termination of his service in the General Assembly;

(c) a family member, as defined by Section 8‑13‑100(15), of a member of the General Assembly or the Governor;

(d) a person who made a campaign contribution, as defined by Section 8‑13‑1300(7), within the previous four years to the individual who nominated or appointed the person to serve on the State Ethics Commission;

(e) a person who registered as a lobbyist within four years of being nominated or appointed to serve on the State Ethics Commission;

(f) a person who is under the jurisdiction of the State Ethics Commission, House of Representatives Ethics Committee, or Senate Ethics Committee.

~~No member of the General Assembly or other public official must be eligible to serve on the State Ethics Commission.~~

~~The Governor shall make the appointments based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the commission is representative of all citizens of the State of South Carolina.~~

~~(C)~~(E) The terms of the members are for five years ~~and until their successors are appointed and qualify~~. The terms of the members currently serving expire on March 31, 2016; however, a member who is serving at that time may be appointed for a new five‑year term. For the initial appointments made by the Governor, two shall be for a term of two years, the third shall be for a term of four years, and the fourth shall be for a full five‑year term. For the initial appointments made by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, one shall be for a three‑year term and the other shall be for a full five‑year term. The initial members who have served terms that are less than five years are eligible to be reappointed for one full five‑year term. ~~The members of the State Ethics Commission serving on this chapter’s effective date may continue to serve until the expiration of their terms. These members may then be appointed to serve one full five‑year term under the provisions of this chapter. Members representing the first, third, and sixth congressional districts on this chapter’s effective date are eligible to be appointed for a full five‑year term in or after 1991. Members currently representing the second, fourth, and fifth congressional districts on this chapter’s effective date are eligible to be appointed for a full five‑year term in or after 1993. The initial appointments for the at large members of the commission created by this chapter must be for a one‑, two‑, or three‑year term, but these at large members are eligible subsequently for a full five‑year term. Under this section, the at large members of the commission are to be appointed to begin service on or after July 1, 1992.~~ Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term only. Members of the commission who have completed a full five‑year term are not eligible for reappointment and shall not serve on the commission after their term expires.

~~(D)~~(F) The commission shall elect a chairman, a vice‑chairman, and such other officers as it considers necessary. Five members of the commission shall constitute a quorum. The commission must adopt a policy concerning the attendance of its members at commission meetings. The commission meets at the call of the chairman or a majority of its members. Members of the commission, while serving on business of the commission, receive per diem, mileage, and subsistence as is provided by law for members of state boards, committees, and commissions.

(G)(1) A commission member appointed by the Governor may be removed from office by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity, pursuant to Section 1‑3‑240.

(2) A commission member nominated by the President Pro Tempore or the Speaker of the House may be removed for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity upon a finding by the Senate or House Ethics Committee, as appropriate, and the concurrence of two‑thirds of the membership of the nominating body.”

SECTION 9. Section 8‑13‑320(10)(g) of the 1976 Code is amended to read:

“(g) All investigations, inquiries, hearings, and accompanying documents ~~must remain~~ are confidential and may only be released pursuant to this subsection. ~~until a finding of probable cause or dismissal, unless the respondent waives the right to confidentiality.~~ After a finding of probable cause by the commission, the following documents become public record: the complaint, the response by the respondent, the notice of hearing, the commission’s findings, the final order, and the exhibits introduced at the hearing cited in 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 respondent may waive the right to confidentiality. The wilful 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 10. Section 8‑13‑320(10)(j) of the 1976 Code is amended to read:

“(j) If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the commission’s possession relating to the charges. The same discovery techniques which are available to the commission must be equally available to the respondent, including the right to request the commission to subpoena witnesses or materials and the right to conduct depositions as prescribed by subitem (f). A panel of three commissioners must conduct a hearing in accordance with Chapter 23 of Title 1 (Administrative Procedures Act), except as otherwise expressly provided. Panel action requires the participation of the three panel members. During a commission panel hearing conducted to determine whether a violation of the chapter has occurred, the respondent 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 evidence, including records the commission considers, must be offered fully and made a part of the record in the proceedings. The hearings must be ~~held in executive session unless the respondent requests an open hearing~~ open to the public.”

**LEGISLATIVE COMMITTEES**

SECTION 11. Section 8‑13‑530 of the 1976 Code of Laws 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 and upon a finding by the State Ethics Commission of a technical violation, or probable cause for a violation of this chapter or Chapter 17 of Title 2, 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 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 the appropriate house, or legislative caucus committee, or candidate for the appropriate house pursuant to Section 8‑13‑540, including the recovery of the value of anything transferred or received in breach of the ethical standards, 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, and to issue, upon request from persons covered by this chapter, and Chapter 17 of Title 2, and publish advisory opinions on the requirements of these chapters.”

SECTION 12. Chapter 13, Title 8 is amended by adding Section 8‑13‑535 to read:

“Section 8‑13‑535. (A) The committee may issue a formal advisory opinion, based on real or hypothetical sets of circumstances. A formal advisory opinion issued by the committee is binding on the committee, until amended or revoked, in any subsequent charges concerning the person who requested the formal opinion and any other person who acted in reliance upon it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion. A formal advisory opinion must be in writing and is considered rendered when approved by a majority of the committee members subscribing to the advisory opinion. Advisory opinions must be made available to the public unless the committee, by majority vote of the total membership of the committee, requires an opinion to remain confidential. However, the identities of the parties involved must be withheld upon request.

(B) Staff of the appropriate ethics committee may issue a written informal advisory opinion, based on a real or hypothetical set of circumstances, to a member upon that member’s request. If raised in response to a complaint, the appropriate committee shall consider whether the member relied, in good faith, upon a written informal opinion prior to making a probable cause determination or concurring in a determination, as applicable. A written informal advisory opinion issued by the committee staff is binding on the committee, until amended or revoked, in any subsequent charges concerning the person who requested the informal opinion unless material facts were omitted or misstated by the person in the request for the opinion.

(C) The appropriate ethics committee must consider whether a person relied in good faith upon a formal advisory opinion or written informal opinion issued by the committee prior to the effective date of this act, unless amended or revoked prior to the action considered as a possible violation, prior to making a probable cause decision.”

SECTION 13. Section 8‑13‑540 of the 1976 Code of Laws 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 and to the State Ethics Commission. Upon a review of the complaint, the State Ethics Commission must make one or more of the following findings, as applicable: (1) the complaint does not allege facts sufficient to constitute a violation; (2) the complaint alleges facts sufficient to constitute a technical violation pursuant to Section 8‑13‑1170 or 8‑13‑1372, or a possible violation of a Senate or House Rule; (3) the complaint alleges sufficient facts to constitute a possible violation of this chapter or Chapter 17 of Title 2; or (4) the complaint does not allege sufficient facts to constitute a possible violation of this chapter or Chapter 17 of Title 2. The State Ethics Commission must submit its findings to the legislative ethics committee for appropriate action on the complaint.

(a) If ~~the ethics committee~~ the State Ethics Commission determines the complaint does not allege facts sufficient to constitute a violation, the ethics committee may dismiss the complaint ~~must be dismissed~~ and notify the complainant and respondent ~~notified~~. If ~~the ethics committee~~ the State Ethics Commission 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) If the State Ethics Commission determines the complaint alleges facts sufficient to constitute a technical violation or a violation of House or Senate rules, the appropriate legislative ethics committee must address the violation pursuant to Section 8‑13‑1170, 8‑13‑1372, or its rules.

(c) If the State Ethics Commission determines the complaint does not allege facts sufficient for to constitute a violation of this chapter or Chapter 17 of Title 2, the appropriate legislative ethics committee may dismiss the complaint. Upon dismissal of a complaint, the committee must notify the complainant and respondent.

(d) If ~~the ethics committee~~ the State Ethics Commission determines the complaint alleges facts sufficient to constitute a violation of this chapter or Chapter 17 of Title 2 that is not a technical violation, ~~it~~ the appropriate legislative ethics committee 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)~~(i) render an advisory opinion to the respondent and require the respondent’s compliance within a reasonable time; or

~~(b)~~(ii) convene a public 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 public formal 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~~ determines 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 or Section 8‑13‑1372 has occurred;

(c) require the respondent to pay a civil penalty not to exceed two thousand dollars for each non‑technical violation that is unrelated to the late filing of a required statement or report failure to file a required statement or report;

(d) require the forfeiture of gifts, receipts, or profits, or the value thereof, obtained in violation of Chapter 13, Title 8 or Chapter 17, Title 2;

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

~~(d)~~(f) in the case of an alleged criminal violation that was not previously referred to law enforcement by the State Ethics Commission in its initial review, refer the matter to the Attorney General for investigation~~.~~ or

(g) require a combination of items (a) through (f) as necessary and appropriate.

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.

(e) All investigations, inquiries, hearings, and accompanying documents are confidential and may only be released pursuant to this subsection. After a finding by the State Ethics Commission that the complaint alleges sufficient facts to constitute a possible violation of this chapter, other than a technical violation pursuant to Section 8‑13‑1170 or 8‑13‑1372, or of Chapter 17 of Title 2, the following documents become public record: the complaint, the response by the respondent, the notice of hearing, exhibits introduced at a hearing, the committee’s findings, 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 respondent may waive 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.”

**PART IV**

**RULES OF CONDUCT**

SECTION 14. Section 8‑13‑700 of the 1976 Code is amended to read:

“Section 8‑13‑700. (A) ~~No~~ A public official, public member, or public employee may not knowingly use his official office, membership, or employment to:

(1) obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated~~.~~;

(2) participate or engage in a private business for which the public official, public member, or public employee is compensated for services rendered during the hours of employment for the State or for a political subdivision of the State. However, this item does not apply to a member of the General Assembly, provided it does not result in additional public expense or interfere with the performance of his official duties or responsibilities;

(3) use offices, equipment, materials, or supplies of the State or a political subdivision of the State for a private business or for private business activities for which the public official, public member, or public employee is compensated.

This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official’s, public member’s, or public employee’s use that does not result in additional public expense, or to the incidental conversations, communications, or activities of a part‑time public official or a part‑time public member related to his primary occupation or business.

(B) ~~No~~ A public official, public member, or public employee may not make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated shall:

(1) prepare a written statement describing the matter requiring action or decisions and the specific nature of his potential conflict of interest with respect to the action or decision;

(2) if the public official is a member of the General Assembly, he shall deliver a copy of the statement to the presiding officer of the appropriate house. The presiding officer shall have the statement printed in the appropriate journal and require that the member of the General Assembly be excused from votes, deliberations, and other action on the matter on which a potential conflict exists;

(3) if he is a public employee, he shall furnish a copy of the statement to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he shall take the action prescribed by the State Ethics Commission;

(4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes;

(5) if he is a public member, he shall furnish a copy to the presiding officer of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and shall require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause such disqualification and the reasons for it to be noted in the minutes.

(C) Where a public official, public member, or public employee or a member of his immediate family holds an economic interest in a blind trust, he is not considered to have a conflict of interest with regard to matters pertaining to that economic interest, if the existence of the blind trust has been disclosed to the appropriate supervisory office.

(D) The provisions of this section do not apply to any court in the unified judicial system.

(E) When a member of the General Assembly is required by law to appear because of his business interest as an owner or officer of the business or in his official capacity as a member of the General Assembly, this section does not apply.

(F) Any public official, public member, or public employee who must recuse himself pursuant to this section shall do so at all times during consideration of the matter before the body or agency of which the public official or public member is a member, or which the public employee is employed. The requirement of recusal under this section applies to, but is not limited to, participation in matters considered by committees, subcommittees, study committees, or other components of the body or agency of which the public official is a member. The requirement of recusal does not apply to participation in any procedural matters considered by the committee, subcommittee, or other component of the body or agency of which the public official or public member is a member, or which the public employee is employed.”

SECTION 15. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑704. An agency head or employee of a department listed in Section 1‑30‑10(A) is prohibited from soliciting campaign contributions for a candidate for statewide elected office.”

SECTION 16. 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 17. Section 8‑13‑720 of the 1976 Code is amended to read:

“(A) ~~No~~ A person may not offer or pay to a public official, public member, or public employee and ~~no~~ a public official, public member, or public employee may not solicit or receive money in addition to that received by the public official, public member, or public employee in his official capacity for advice or assistance given in the course of his employment as a public official, public member, or public employee.

(B) A person who violates this section is guilty of a:

(1) misdemeanor, if the amount offered, paid, solicited, or received is ten thousand dollars or less, and upon conviction, the person must be fined not more than five thousand dollars or imprisoned for not more than one year, or both;

(2) felony, if the amount offered, paid, solicited, or received is more than ten thousand dollars, and upon conviction, the person must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.”

SECTION 18. Section 8‑13‑725(A) of the 1976 Code is amended to read:

“Section 8‑13‑725. (A)(1) A public official, public member, or public employee may not use or disclose confidential information gained in the course of or by reason of his official responsibilities in a way that would affect an economic interest held by him, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.

(2) A person who violates this section is guilty of a:

(a) misdemeanor, if the value of the economic interest is ten thousand dollars or less, and upon conviction, the person must be fined not more than five thousand dollars or imprisoned for not more than one year, or both;

(b) felony, if the value of the economic interest is more than ten thousand dollars, and upon conviction, the person must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.”

SECTION 19. Section 8‑13‑755 of the 1976 Code is amended to read:

“Section 8‑13‑755. A former public official, former public member, or former public employee holding public office, membership, or employment on or after January 1, 1992, may not for a period of ~~one year~~ two years after terminating his public service or employment:

(1) serve as a lobbyist or represent clients before the agency or department on which he formerly served in a matter which he directly and substantially participated during his public service or employment, unless otherwise prohibited pursuant to Section 2‑17‑15; or

(2) accept employment if the employment:

(a) is from a person who is regulated by the agency or department on which the former public official, former public member, or former public employee served or was employed; and

(b) involves a matter in which the former public official, former public member, or former public employee directly and substantially participated during his public service or public employment.”

SECTION 20. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑756. The provisions of Sections 8‑13‑700, 8‑13‑710, 8‑13‑715, and 8‑13‑755 do not apply to a public employee of an institution of higher education who participates in the development of intellectual property that benefits the institution and the State of South Carolina, provided that the institution of higher education retains some royalty rights to the intellectual property.”

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 to, nor participate in any discussion concerning the award of a contract with the State if he is a state public official, member, or employee, or its political subdivisions if he is a public official, member, or employee of that political subdivision for 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 nor participate in any discussion 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 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 V**

**DISCLOSURE OF ECONOMIC INTEREST**

SECTION 24. 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 25. 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;

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

(12) Department of Transportation District Engineering Administrators.”

SECTION 26. Section 8‑13‑1120 of the 1976 Code 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 actually known to the filer; or

(ii) the interest has been or can reasonably be expected to be the subject of a conflict of interest with the filer’s official responsibilities and duties based upon information actually known to the filer; 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~~ the contract between the governmental entity and 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 immediate family, not to include income received pursuant to:

(i) a court order;

(ii) a savings, checking or brokerage account with a bank, savings and loan, or other licensed financial institution which offers savings, checking or brokerage 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.

(11) the specific source of income received by a public official, a member of the public official’s immediate family, or a business with which the public official or a member of his immediate family are associated if the public official or a member of the public official’s immediate family directly derives income from a:

(i) contractual or financial relationship, including a consultant or independent contractor’s relationship, with a lobbyist’s principal or an entity controlled by, affiliated with, or existing for the benefit of a lobbyist’s principal;

(ii) contractual or financial relationship, including a consultant or independent contractor relationship, with a state or local governmental entity;

(iii) source regulated by the governmental regulatory agency with which the public official serves.

For purposes of item (11), the definition of ‘contractual or financial relationship’ does not include a relationship from which income received by a public official, a member of the public official’s immediate family, or a business with which the public official or his immediate family is associated, is derived from commercial transactions in which the fair market value of goods transferred or services rendered is paid.

(12) the specific source of income received by a public member, a member of the public member’s immediate family, or a business with which the public member or a member of his immediate family are associated if the public member or his immediate family directly derives income from a source regulated by the governmental regulatory agency with which the public member serves.

(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 27. 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 28. 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 29. 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 30. Section 8‑13‑1160 of the 1976 Code is repealed.

SECTION 31. Section 8‑13‑1180 of the 1976 Code is repealed.

**PART VI**

**CAMPAIGN PRACTICES**

SECTION 32. Section 8‑13‑365 of the 1976 Code is amended to read:

“Section 8‑13‑365. 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 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 which allows for a single upload by the filer, using a commonly used electronic financial spreadsheet or database which contains the required information, the format of which as specified and ~~as~~ prescribed by the commission. 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.”

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,~~ for the major purpose 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 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~~.

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 that has the major purpose to support or oppose the passage of a ballot measure.”

SECTION 40. Section 8‑13‑1300 of the 1976 Code is amended by adding an appropriately numbered subsection 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) 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; or

(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 which, incidental to advocacy for or against a specific piece of legislation, ordinance, or local initiative pending before the General Assembly or governing body of a political subdivision, urges the audience to communicate with a member or members of the General Assembly or the governing body of a political subdivision, concerning that piece of legislation, ordinance, or local initiative; 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 41. Section 8‑13‑1300 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

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

(a) is not made by, controlled by, coordinated with, requested by, or made in consultation 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 42. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1301. For purposes of this article, factors that shall be considered to determine whether a committee, ballot measure committee, a party committee, a legislative caucus committee, a noncandidate committee, or independent expenditure‑only committee as the major purpose of supporting or opposing one or more candidates or the passage of one or more ballot measures include, but are not limited to:

(A) any of the committee’s organizational documents, including bylaws or articles of incorporation, identify advocacy to support or to oppose one or more candidates or the passage of one or more ballot measures as its major purpose;

(B) over fifty percent of the committee’s disbursements made within the State in a calendar year are made to support or to oppose one or more candidates or the passage of one or more ballot measures; or

(C) over fifty percent of the committee’s total disbursements made in a calendar year are made to support or to oppose one or more candidates or the passage of one or more ballot measures; or

(D) the committee’s public statements, including statements made in oral or written fundraising solicitations, identify advocacy in support of or in opposition to one or more candidates or the passage of one or more ballot measures as its major purpose.”

SECTION 43. Section 8‑13‑1308 of the 1976 Code is amended to read:

“Section 8‑13‑1308. (A) Upon the receipt or expenditure of campaign contributions or the making of independent expenditures totaling an accumulated aggregate of five hundred dollars or more, a candidate or committee required to file a statement of organization pursuant to Section 8‑13‑1304(A) must file an initial certified campaign report within ten days of these initial receipts or expenditures. However, a candidate who does not receive or expend campaign contributions totaling an accumulated aggregate of five hundred dollars or more must file an initial certified campaign report fifteen days before an election.

(B) Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8‑13‑1370.

(C) Campaign reports filed by a candidate must be certified by the candidate. Campaign reports filed by a committee must be certified by a duly authorized officer of the committee.

(D)(1) At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars and expenditures. The list must be open to public inspection upon request.

(2) A committee immediately shall file a campaign report listing expenditures if it makes an independent expenditure or an incurred expenditure within the calendar quarter in which the election is conducted or twenty days before the election, whichever period of time is greater, in excess of:

(a) ten thousand dollars in the case of a candidate for statewide office; or

(b) two thousand dollars in the case of a candidate for any other office.

(3) In the event of a runoff election, candidates or committees are not required to file another campaign report in addition to the reports already required under this section. However, records must remain open to public inspection upon request between the election and the runoff.

(E) Notwithstanding the provisions of subsections (B) and (D), if a pre‑election campaign report provided for in subsection (D) is required to be filed within thirty days of the end of the prior quarter, a candidate or committee must combine the quarterly report provided for in subsection (B) and the pre‑election report and file the combined report subject to the provisions of subsection (D) no later than fifteen days before the election.

(F) Five days before an election, a candidate or committee must amend and file the previously filed pre‑election certified campaign report required under subsection (D) showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee to that date not previously reported and through the sixth day before the election.

~~(F)~~(G) Certified campaign reports detailing campaign contributions and expenditures must contain:

(1) the total of contributions accepted by the candidate or committee;

(2) the name and address of each person making a contribution of more than one hundred dollars and the amount and date of receipt of each contribution;

(3) the total expenditures made by or on behalf of the candidate or committee; and

(4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose, and beneficiary of the expenditure.

~~(G)~~(H) Notwithstanding any other reporting requirements in this chapter, a political party, legislative caucus committee, and a party committee must file a certified campaign report upon the receipt of anything of value which totals in the aggregate five hundred dollars or more. For purposes of this section, ‘anything of value’ includes contributions received which may be used for the payment of operation expenses of a political party, legislative caucus committee, or a party committee. A political party also must comply with the reporting requirements of subsections (B), (C), ~~and~~ (F), and (G) of Section 8‑13‑1308 in the same manner as a candidate or committee.

~~(H)~~(I) A committee that solicits contributions pursuant to Section 8‑13‑1331 must certify compliance with that section on a form prescribed by the State Ethics Commission.

(J) 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 to read:

“Section 8‑13‑1309. (A) Upon the receipt or expenditure of campaign contributions or the making of independent expenditures totaling, in an accumulated aggregate, two thousand five hundred dollars or more, a ballot measure committee required to file a statement of organization pursuant to Section 8‑13‑1304(B) must file an initial certified campaign report within ten days of these initial receipts or expenditures.

(B) Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after a ballot measure election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8‑13‑1370(C).

(C) At least fifteen days before a ballot measure election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the ballot measure committee for the period ending twenty days before the ballot measure election. The ballot measure committee must maintain a current list during the period before the ballot measure election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars. The list must be open to public inspection upon request.

(D) Notwithstanding the provisions of subsections (B) and (C), if a pre‑election campaign report provided for in subsection (C) is required to be filed within thirty days of the end of the prior quarter, a ballot measure committee must combine the quarterly report provided for in subsection (B) and the pre‑election report and file the combined report subject to the provisions of subsection (C) no later than fifteen days before the ballot measure election.

(E) Five days before a ballot measure election, a ballot measure committee must amend and file the previously filed pre‑election certified campaign report required under subsection (C) showing contributions of more than one hundred dollars and expenditures to the committee to that date not previously reported and through the sixth day before the election.

~~(E)~~(F) Certified campaign reports detailing campaign contributions and expenditures must contain:

(1) the total amount of contributions accepted by the ballot measure committee;

(2) the name and address of each person making a contribution of more than one hundred dollars and the amount and date of receipt of each contribution;

(3) the total amount of expenditures made by or on behalf of the ballot measure committee; and

(4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose, and beneficiary of the expenditure.

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

SECTION 45. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“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, the chief executive officer or the controlling individual of the committee must 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 46. 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 47. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1313. 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 pursuant to Section 8‑13‑365. This report must be filed within thirty days of making the independent expenditure, 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) the chief executive officer or controlling individual must file, under penalty of perjury, a certification that the independent expenditure 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;

(6) 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 committee within the previous twelve months, to include name, primary occupation, address, and amount of the donation; and

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

SECTION 48. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1315. An elected official, or a candidate for public office, may not, directly or indirectly, coordinate, consult with, solicit for, or act in concert or at the request of an independent expenditure‑only committee registered with the State Ethics Commission that supports or opposes a candidate for that office.”

SECTION 49. 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 50. 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 51. 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 subsection (A) do not apply to independent expenditure‑only committees registered with the State Ethics Commission.”

SECTION 52. 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 53. 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 54. Section 8‑13‑1340 of the 1976 Code is amended to read:

“Section 8‑13‑1340. (A) Except as provided in subsection~~s~~ (B) ~~and (E)~~, 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(2) 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 or give money or other property in consideration of an endorsement for the candidate, or for an article or other communication in the news media promoting or opposing a candidate, committee, or political party. This does not prohibit a candidate, committee, or political party from purchasing advertisements from a radio station, television station, wire service, or other bona fide news medium, which in the ordinary course of business disseminates news, editorials, columns, other comments, or regularly published periodicals.”

SECTION 56. Section 8‑13‑1348(A) of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“(A)(1) ~~No~~ A candidate, committee, public official, or political party may not use campaign funds to defray personal expenses which are unrelated to the campaign or the office if the candidate is an officeholder nor may these funds be converted to personal use. The prohibition of this subsection does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual’s duties as a holder of elective office.

(2) Campaign funds may not be used to pay penalties resulting from a criminal prosecution.

(B) The payment of reasonable and necessary travel expenses or for food or beverages consumed by the candidate or members of his immediate family while at, and in connection with, a political event are permitted.

(C)(1) An expenditure of more than twenty‑five dollars drawn upon a campaign account must be made by:

(a) a written instrument;

(b) debit card; or

(c) online transfers.

The campaign account must contain the name of the candidate or committee, and the expenditure must contain the name of the recipient. These expenditures must be reported pursuant to the provisions of Section 8‑13‑1308.

(2) Expenditures of twenty‑five dollars or less that are not made by a written instrument, debit card, or online transfer containing the name of the candidate or committee and the name of the recipient must be accounted for by a written receipt or written record.

(D) An expenditure may not be made that is clearly in excess of the fair market value of services, materials, facilities, or other things of value received in exchange.

(E) A candidate or a duly authorized officer of a committee may not withdraw more than one hundred dollars from the campaign account to establish or replenish a petty cash fund for the candidate or committee at any time, and at no time may the fund exceed one hundred dollars. Expenditures from the petty cash fund may be made only for office supplies, food, transportation expenses, and other necessities and may not exceed twenty‑five dollars for each expenditure.

(F) A person who violates the provisions of this section is guilty of a:

(1) misdemeanor, if the amount used or converted to personal use in violation of this section is ten thousand dollars or less, and upon conviction, the person must be fined not more than five thousand dollars or imprisoned for not more than one year, or both:

(2) felony, if the amount converted to personal use is more than ten thousand dollars, and upon conviction, the person must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.”

SECTION 57. 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)~~(A) 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)~~(B) the contribution is otherwise permitted by law.”

SECTION 58. Section 8‑13‑1356 of the 1976 Code is amended to read:

“Section 8‑13‑1356. (A) 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 pursuant to Section 8‑13‑365 prior to the close of filing for the particular office.

(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 candidate for a county wide, or less than county wide, office pursuant to Section 7‑11‑15(A)(3) must electronically file a statement of economic interests for the preceding calendar year pursuant to Section 8‑13‑365 prior to the close of filing for that particular office.

~~(C)~~(D) 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.

~~(D)~~(E) 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.

~~(E)~~(F) 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 as required by this section.”

SECTION 59. 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) a designation as a pre‑election or quarterly report and, if a pre‑election report, the election date;

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

~~(3)~~(C) 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)~~(D) 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)~~(E) 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)~~(F) 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)~~(G) 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)~~(H) 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)~~(I) 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 60. 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 61. 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 62. Section 8‑13‑1310 of the 1976 Code is repealed.

SECTION 63. Section 8‑13‑1350 of the 1976 Code is repealed.

SECTION 64. Section 8‑13‑1358 of the 1976 Code is repealed.

SECTION 65. Section 8‑13‑1362 of the 1976 Code is repealed.

SECTION 66. Section 8‑13‑1366 of the 1976 Code is repealed.

**PART VII**

**MISCELLANEOUS**

SECTION 67. A committee prohibited pursuant to SECTION 53 of this act in existence on the effective date of this act must distribute all unexpended funds in the manner provided for in Section 8‑13‑1370(C).

SECTION 68. 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 69. 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 70. The provisions of PART II (General Provisions), PART III (Ethics Committee), PART IV (Rules of Conduct), PART V (Disclosure of Economic Interests), PART VI (Campaign Practices), and SECTIONS 61, 62, 63, 64, and 65 are effective upon the Governor’s signature. The provisions of PART III shall apply to complaints filed on or after the effective date of this act.

SECTION 71. The provisions of PART I (Lobbyists and Lobbyists Principals) of this act takes effect on June 30, 2015.

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