

Session 115 - (2003-2004)

H*3206 (Rat #0156, Act #0076 of 2003) General Bill, By Wilkins, Harrison, W.D. Smith, Stille, Bailey, Walker, Bales, G.M. Smith, Sandifer, Young, Keegan, Littlejohn, Kirsh, Taylor, Delleney, Ceips, Mahaffey, J.E. Smith, Bingham, Toole, Clemmons, Viers, Thompson, Hinson, McLeod, Owens and Edge

Similar (S 0130, S 0215, S 0492)

Summary: Campaign Finance Reform Bill

AN ACT TO AMEND SECTION 2-17-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGISTRATION OF LOBBYISTS, SO AS TO CHANGE THE REGISTRATION FEE AND TO PROVIDE WHEN A STATEMENT OF TERMINATION IS EFFECTIVE; TO AMEND SECTION 2-17-25, AS AMENDED, RELATING TO THE REGISTRATION OF A LOBBYIST PRINCIPAL, SO AS TO CHANGE THE REGISTRATION FEE AND TO PROVIDE WHEN A STATEMENT OF TERMINATION IS EFFECTIVE; TO AMEND SECTION 2-17-30, AS AMENDED, RELATING TO LOBBYIST'S REPORTING OF LOBBYING ACTIVITIES, SO AS TO CHANGE THE TIME FOR FILING REPORTS; TO AMEND SECTION 2-17-35, AS AMENDED, RELATING TO LOBBYISTS' PRINCIPALS' REPORTING OF LOBBYING EXPENDITURES, SO AS TO CHANGE THE TIME FOR FILING REPORTS; TO AMEND SECTION 2-17-40, AS AMENDED, RELATING TO THE STATE AGENCY OR DEPARTMENT REPORT OF LOBBYING ACTIVITIES, SO AS TO CHANGE THE TIME FOR FILING REPORTS; TO AMEND SECTION 2-17-90, AS AMENDED, RELATING TO ACTS PROHIBITED OF LOBBYISTS' PRINCIPALS, ACTS PROHIBITED OF PUBLIC OFFICIALS AND EMPLOYEES, EXCEPTIONS, AND DISCLOSURE REQUIREMENTS, SO AS TO EXCLUDE CABINET OFFICERS AND COMMITTEES OR SUBCOMMITTEES OF LEGISLATIVE CAUCUSES, AND AUTHORIZE INVITATIONS TO BE EXTENDED AT NATIONAL AND REGIONAL CONVENTIONS AND CONFERENCES TO ALL MEMBERS OF THE GENERAL ASSEMBLY, TO INCREASE THE AMOUNT OF THE VALUE OF CERTAIN ITEMS A LOBBYIST PRINCIPAL, OR PERSON ACTING ON HIS BEHALF, MAY PROVIDE TO A PUBLIC OFFICIAL OR PUBLIC EMPLOYEE, TO PROVIDE A METHOD FOR ADJUSTING THE DOLLAR AMOUNT OF THIS VALUE AND REQUIRE THE STATE ETHICS COMMISSION TO NOTIFY ALL LOBBYISTS' PRINCIPALS OF THE ADJUSTED LIMITATION AT THE TIME OF REGISTRATION; TO AMEND SECTION 8-13-100, AS AMENDED, RELATING TO DEFINITIONS USED IN THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT, SO AS TO DELETE WITHIN THE DEFINITION OF "ELECTION", A BALLOT MEASURE; TO AMEND SECTION 8-13-320, AS AMENDED, RELATING TO THE DUTIES AND POWERS OF THE STATE ETHICS COMMISSION, SO AS TO PROVIDE A PROCEDURE FOR FILING A COMPLAINT CONCERNING A CANDIDATE FOR ELECTIVE OFFICE WITH THE COMMISSION DURING THE FIFTY-DAY PERIOD BEFORE THE ELECTION IN WHICH HE IS A CANDIDATE, TO REQUIRE A NOTICE OF WAIVER BE FORWARDED TO THE STATE ETHICS COMMISSION AFTER A COMPLAINT HAS BEEN DISMISSED WHEN IT DOES NOT ALLEGE FACTS SUFFICIENT TO CONSTITUTE A VIOLATION, AND TO REQUIRE THE COMMISSION TO FILE A CERTIFIED COPY OF AN ORDER OR DECISION OF THE COMMISSION IN THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH THE RESPONDENT OF A COMPLAINT RESIDES; TO AMEND SECTION 8-13-325, RELATING TO THE RETENTION OF FEES BY THE STATE ETHICS COMMISSION, SO AS TO AUTHORIZE THE COMMISSION TO RETAIN CERTAIN FEES TO OFFSET COSTS ASSOCIATED WITH ADMINISTRATION AND REGULATION OF LOBBYISTS AND LOBBYIST'S PRINCIPALS AND ENFORCEMENT OF CHAPTER 17, TITLE 2; BY ADDING SECTION 8-13-365 SO AS TO REQUIRE THE STATE ETHICS COMMISSION TO ESTABLISH A SYSTEM OF ELECTRONIC FILING FOR ALL DISCLOSURES AND REPORTS FROM CANDIDATES AND ENTITIES SUBJECT TO ITS JURISDICTION; TO AMEND SECTION 8-13-530, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE SENATE AND HOUSE OF REPRESENTATIVES ETHICS COMMITTEES, SO AS TO REQUIRE THE COMMITTEES TO ASCERTAIN WHETHER A PERSON HAS FAILED TO COMPLY FULLY AND ACCURATELY WITH DISCLOSURE REQUIREMENTS AND REQUIRE THEM TO PROMPTLY NOTIFY THE PERSON TO FILE THE NECESSARY NOTICES AND REPORTS, RECEIVE COMPLAINTS AND FILE COMPLAINTS UNDER CERTAIN CONDITIONS, TO INCLUDE LEGISLATIVE CAUCUS COMMITTEES WITHIN THE JURISDICTION OF A COMMITTEE, AND TO PROVIDE A PROCEDURE FOR A PERSON TO PETITION THE COURT OF COMMON PLEAS DURING THE FIFTY-DAY PERIOD BEFORE AN ELECTION IN WHICH THE MEMBER OR CANDIDATE IS A CANDIDATE; TO AMEND SECTION 8-13-770, AS AMENDED, RELATING TO THE EXCEPTIONS FOR A MEMBER OF THE GENERAL ASSEMBLY TO SERVE AS A MEMBER OF A STATE BOARD OR COMMISSION, SO AS TO ADD THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK; TO AMEND SECTION 8-13-1300, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE PROVISIONS RELATING TO CAMPAIGN PRACTICES, SO AS TO AMEND THE DEFINITION OF "CANDIDATE" TO INCLUDE A PERSON WHO IS EXPLORING WHETHER OR NOT TO SEEK ELECTION AT THE STATE OR LOCAL LEVEL, TO AMEND THE DEFINITION OF "COMMITTEE" TO INCLUDE A PERSON WHO, TO INFLUENCE THE OUTCOME OF AN ELECTIVE OFFICE, MAKES 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 MAKES INDEPENDENT EXPENDITURES AGGREGATING FIVE HUNDRED DOLLARS OR MORE DURING AN ELECTION CYCLE FOR THE ELECTION OR DEFEAT OF A CANDIDATE, AND DELETE A BALLOT MEASURE WITHIN THIS DEFINITION, TO AMEND THE DEFINITION OF "CONTRIBUTION" TO INCLUDE CERTAIN ITEMS MADE OR OFFERED TO A CANDIDATE, WHETHER MADE OR OFFERED DIRECTLY OR INDIRECTLY, AND PROVIDE ADDITIONAL EXEMPTIONS FROM WHAT A CONTRIBUTION INCLUDES, TO AMEND THE DEFINITION OF "ELECTION" TO DELETE BALLOT MEASURE WITHIN ITS DEFINITION, TO AMEND THE DEFINITION OF "INDEPENDENT EXPENDITURE" TO SPECIFY THAT THE EXPENDITURE INCLUDES THOSE MADE DIRECTLY OR INDIRECTLY, INCLUDE WITHIN THE DEFINITION THAT THE EXPENDITURE MUST BE MADE WHEN TAKEN AS A WHOLE AND IN CONTEXT IT WAS MADE TO INFLUENCE THE OUTCOME OF AN ELECTIVE OFFICE OR BALLOT MEASURE, TO INCLUDE AN EXPENDITURE MADE UPON CONSULTATION WITH A COMMITTEE OR AGENT OF A COMMITTEE OR A BALLOT MEASURE COMMITTEE OR AN AGENT OF A BALLOT MEASURE COMMITTEE, AND DELETING WITHIN THE DEFINITION AN EXPENDITURE MADE BY A PERSON TO ADVOCATE THE ELECTION OR DEFEAT OF A CLEARLY DEFINED CANDIDATE OR BALLOT MEASURE, BY DEFINING "BALLOT MEASURE COMMITTEE", "INFLUENCE THE OUTCOME OF AN ELECTIVE OFFICE", "COORDINATED WITH", AND "OPERATION EXPENSES"; TO AMEND SECTION 8-13-1302, AS AMENDED, RELATING TO MAINTENANCE OF RECORDS OF CONTRIBUTIONS BY A CANDIDATE, SO AS TO INCLUDE A BALLOT MEASURE COMMITTEE AND REQUIRE A CANDIDATE OR COMMITTEE OR BALLOT MEASURE COMMITTEE TO MAINTAIN AND PRESERVE THE OCCUPATION OF EACH PERSON MAKING A CONTRIBUTION; TO AMEND SECTION 8-13-1304, AS AMENDED, RELATING TO THE REQUIREMENT THAT COMMITTEES, EXCEPT AN OUT-OF-STATE COMMITTEE, RECEIVING AND SPENDING FUNDS SHALL FILE A STATEMENT OF ORGANIZATION, SO AS TO REQUIRE A BALLOT MEASURE COMMITTEE, EXCEPT AN OUT-OF-STATE COMMITTEE WHICH RECEIVES OR EXPENDS MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS IN THE AGGREGATE DURING AN ELECTION CYCLE TO INFLUENCE THE OUTCOME OF A BALLOT MEASURE TO FILE A STATEMENT OF ORGANIZATION; TO AMEND SECTION 8-13-1306, AS AMENDED, RELATING TO THE CONTENTS OF A STATEMENT OF ORGANIZATION, SO AS TO INCLUDE BALLOT MEASURE COMMITTEE WHERE APPLICABLE; TO AMEND SECTION 8-13-1308, AS AMENDED, RELATING TO THE FILING OF CERTIFIED CAMPAIGN REPORTS BY CANDIDATES AND COMMITTEES, SO AS TO REQUIRE THE CANDIDATE OR COMMITTEE TO MAINTAIN A CURRENT LIST OF EXPENDITURES IN ADDITION TO CONTRIBUTIONS, REQUIRE CERTIFIED CAMPAIGN REPORTS TO CONTAIN THE AMOUNT OF EACH CONTRIBUTION, INCLUDE THE MAKING OF INDEPENDENT EXPENDITURES WITHIN THE REQUIREMENTS OF THE SECTION AND REQUIRE A POLITICAL PARTY, LEGISLATIVE CAUCUS COMMITTEE, AND A PARTY COMMITTEE TO FILE A CERTIFIED CAMPAIGN REPORT UPON THE RECEIPT OF ANYTHING OF VALUE WHICH TOTALS MORE THAN FIVE HUNDRED DOLLARS AND DEFINE "ANYTHING OF VALUE"; BY ADDING SECTION 8-13-1309, SO AS TO REQUIRE A BALLOT MEASURE COMMITTEE REQUIRED TO FILE A STATEMENT OF ORGANIZATION TO FILE AN INITIAL CERTIFIED CAMPAIGN REPORT WHEN IT RECEIVES OR EXPENDS CAMPAIGN CONTRIBUTIONS TOTALING CERTAIN SPECIFIED AMOUNTS; TO AMEND SECTION 8-13-1310, AS AMENDED, RELATING TO THE RECIPIENTS OF CERTAIN CAMPAIGN REPORTS AND COPIES OF THEM AND THE STATE ETHICS COMMISSION REVIEW, SO AS TO ELIMINATE THE REQUIREMENT TO SEND CAMPAIGN REPORTS TO THE STATE ELECTION COMMISSION; TO AMEND SECTION 8-13-1312, AS AMENDED, RELATING TO CAMPAIGN BANK ACCOUNTS, SO AS TO MAKE AN EXCEPTION FROM THE PROHIBITION OF ESTABLISHING MORE THAN ONE CAMPAIGN CHECKING ACCOUNT FOR THE SEPARATION OF FUNDS AND EXPENDITURES UNDER THE PROVISIONS OF SECTION 8-13-1300, AND INCREASE THE TIME FOR DETERMINING THE NAME AND ADDRESS OF A CONTRIBUTOR; TO AMEND SECTION 8-13-1314, AS AMENDED, RELATING TO CAMPAIGN CONTRIBUTIONS LIMITS AND RESTRICTIONS, SO AS TO PROHIBIT A PERSON FROM GIVING OR OFFERING TO GIVE TO A CANDIDATE OR PERSON ACTING ON THE CANDIDATE'S BEHALF CERTAIN CONTRIBUTIONS; TO AMEND SECTION 8-13-1316, AS AMENDED, RELATING TO RESTRICTIONS ON CAMPAIGN CONTRIBUTIONS RECEIVED FROM POLITICAL PARTIES, SO AS TO PROHIBIT A POLITICAL PARTY FROM RECEIVING CONTRIBUTIONS THROUGH ITS PARTY COMMITTEES OR LEGISLATIVE CAUCUS COMMITTEES WHICH TOTAL CERTAIN AGGREGATE AMOUNTS, DELETE A PROVISION REGULATING PARTY EXPENDITURES FOR PARTISAN MULTI-CANDIDATE PROMOTIONS FOR FOUR OR MORE CANDIDATES, AND TO PROVIDE THAT A CONTRIBUTION GIVEN IN VIOLATION OF THIS SECTION MAY NOT BE KEPT BY THE RECIPIENT, BUT WITHIN TEN DAYS REMIT IT TO THE CHILDREN'S TRUST FUND; TO AMEND SECTION 8-13-1324, AS AMENDED, RELATING TO ANONYMOUS CAMPAIGN CONTRIBUTIONS, SO AS TO PROHIBIT THESE CONTRIBUTIONS TO A BALLOT MEASURE COMMITTEE; TO AMEND SECTION 8-13-1332, AS AMENDED, RELATING TO UNLAWFUL CONTRIBUTIONS AND EXPENDITURES, SO AS TO INCLUDE A BALLOT MEASURE COMMITTEE AS WELL AS A COMMITTEE AND DELETE FROM THE

PROHIBITION AN ORGANIZATION OR COMMITTEE OF AN ORGANIZATION TO SOLICIT CONTRIBUTIONS TO THE ORGANIZATION COMMITTEE FROM A PERSON OTHER THAN ITS MEMBERS AND THEIR FAMILIES; BY ADDING SECTION 8-13-1333 SO AS TO AUTHORIZE NOT-FOR-PROFIT CORPORATIONS AND COMMITTEES FORMED BY NOT-FOR-PROFIT CORPORATIONS TO SOLICIT CONTRIBUTIONS FROM THE GENERAL PUBLIC; TO AMEND SECTION 8-13-1340, AS AMENDED, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER, SO AS TO PROVIDE THAT WITH CERTAIN EXCEPTIONS, A CANDIDATE OR PUBLIC OFFICIAL MAY NOT MAKE A CONTRIBUTION TO ANOTHER CANDIDATE OR MAKE AN INDEPENDENT EXPENDITURE ON BEHALF OF ANOTHER CANDIDATE OR PUBLIC OFFICIAL FROM THAT PERSON'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, PROHIBIT A COMMITTEE FROM SOLICITING OR ACCEPTING A CONTRIBUTION FROM A REGISTERED LOBBYIST UNDER CERTAIN CONDITIONS OR TRANSFERRING ANYTHING OF VALUE TO OTHER COMMITTEES, AND PROVIDE AN EXCEPTION; TO AMEND SECTION 8-13-1358, AS AMENDED, RELATING TO THE FORMAT OF THE CERTIFIED CAMPAIGN REPORTS, SO AS TO PROVIDE AN EXCEPTION; TO AMEND SECTION 8-13-1366, AS AMENDED, RELATING TO THE PUBLIC AVAILABILITY OF CERTIFIED CAMPAIGN REPORTS, SO AS TO ELIMINATE THE STATE ELECTION COMMISSION AS A LOCATION OF THESE REPORTS; TO AMEND SECTION 8-13-1368, AS AMENDED, RELATING TO TERMINATION OF CAMPAIGN FILING REQUIREMENTS, SO AS TO INCLUDE BALLOT MEASURE COMMITTEES WITHIN THE REQUIREMENTS OF THE SECTION; TO AMEND SECTION 8-13-1370, AS AMENDED, RELATING TO THE USE OF UNEXPENDED CONTRIBUTIONS BY A CANDIDATE AFTER AN ELECTION, SO AS TO MAKE A TECHNICAL CITATION CHANGE AND INCLUDE A BALLOT MEASURE COMMITTEE WITHIN THE REQUIREMENTS OF THE SECTION; BY ADDING SECTION 8-13-1371 SO AS TO ESTABLISH CONDITIONS UNDER WHICH CONTRIBUTIONS TO A BALLOT MEASURE COMMITTEE MAY BE USED, PROVIDE THAT THE STATE ETHICS COMMISSION HAS JURISDICTION TO SEIZE FUNDS AND DISTRIBUTE THEM AMONG VARIOUS SPECIFIED FUNDS OR ENTITIES IF THERE IS A VIOLATION OF THIS SECTION; TO AMEND SECTION 8-13-1372, AS AMENDED, RELATING TO TECHNICAL VIOLATIONS OF RULES ON CAMPAIGN REPORTS, SO AS TO SUBSTITUTE THE STATE ETHICS COMMISSION FOR THE STATE ELECTION COMMISSION AS THE AGENCY RESPONSIBLE FOR DETERMINING ERRORS OR OMISSIONS ON CAMPAIGN REPORTS; BY ADDING SECTION 8-13-1373 SO AS TO REQUIRE THE BUDGET AND CONTROL BOARD, USING FUNDS APPROPRIATED TO IT, TO DEFEND AN ACTION BROUGHT AGAINST THE STATE OR ITS POLITICAL SUBDIVISIONS IF THE ATTORNEY GENERAL HAS BEEN REQUESTED AND REFUSES TO DEFEND THE ACTION; TO AMEND SECTION 8-13-1510, AS AMENDED, RELATING TO THE PENALTY FOR LATE FILING OF OR FAILURE TO FILE A REPORT OR STATEMENT, SO AS TO DELETE THE FIVE HUNDRED DOLLAR MAXIMUM FINE AND CHANGE THE METHOD FOR ASSESSING THE FINE; TO AMEND SECTION 8-13-1520, RELATING TO A VIOLATION OF CHAPTER 13 OF TITLE 8, SO AS TO MAKE CERTAIN VIOLATIONS OF ARTICLE 13, CHAPTER 13, TITLE 8 A MISDEMEANOR AND PROVIDE PENALTIES FOR VIOLATIONS; AND TO AMEND SECTION 8-13-1300, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE PROVISIONS RELATING TO CAMPAIGN PRACTICES, SO AS TO AMEND THE DEFINITION OF "LEGISLATIVE CAUCUS COMMITTEE" SO AS TO AUTHORIZE THE ESTABLISHMENT OF ONE COMMITTEE FOR EACH POLITICAL-, RACIAL-, ETHNIC-, OR GENDER-BASED AFFINITY BY A COMMITTEE OR EITHER HOUSE OF THE GENERAL ASSEMBLY AND DELETE A SIMILAR PROHIBITION FOR EACH HOUSE. - ratified title

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| 12/18/02 | House | Prefiled |
| 12/18/02 | House | Referred to Committee on Judiciary |
| 01/14/03 | House | Introduced and read first time HJ-80 |
| 01/14/03 | House | Referred to Committee on Judiciary HJ-84 |
| 01/15/03 | House | Member(s) request name added as sponsor: Taylor |
| 01/16/03 | House | Member(s) request name added as sponsor: Delleney |
| 01/21/03 | House | Member(s) request name added as sponsor: Ceips |
| 01/22/03 | House | Committee report: Favorable with amendment Judiciary HJ-4 |
| 01/23/03 | House | Member(s) request name added as sponsor: Mahaffey, J.E.Smith, Bingham, Toole |
| 01/28/03 | | Scrivener's error corrected |
| 01/28/03 | House | Member(s) request name added as sponsor: Clemons, Viers, Thompson, Hinson, McLeod, Owens |
| 01/28/03 | House | Debate interrupted HJ-29 |
| 01/28/03 | House | Amended HJ-43 |

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| 01/28/03 | House | Requests for debate-Rep(s). Harrison, J.E. Smith, Lourie, Delleney, Altman, Scarborough, Cobb-Hunter, Kirsh, F.N. Smith, Cotty, Coates, Sandifer, Weeks, Lucas, J. Brown, Keegan, Whipper, Hosey and Mack HJ-47 |
| 01/29/03 | House | Member(s) request name added as sponsor: Edge |
| 01/29/03 | House | Amended HJ-21 |
| 01/29/03 | House | Read second time HJ-34 |
| 01/29/03 | House | Roll call Yeas-112 Nays-0 HJ-34 |
| 01/30/03 | House | Read third time and sent to Senate HJ-11 |
| 01/30/03 | | Scrivener's error corrected |
| 02/04/03 | Senate | Introduced and read first time SJ-4 |
| 02/04/03 | Senate | Referred to Committee on Judiciary SJ-4 |
| 04/24/03 | Senate | Recalled from Committee on Judiciary SJ-5 |
| 04/24/03 | Senate | Amended SJ-5 |
| 04/24/03 | Senate | Read second time SJ-5 |
| 04/24/03 | Senate | Unanimous consent for third reading on next legislative day SJ-51 |
| 04/25/03 | Senate | Read third time and returned to House with amendments |
| 04/30/03 | House | Senate amendment amended HJ-44 |
| 04/30/03 | House | Returned to Senate with amendments HJ-60 |
| 05/01/03 | Senate | Non-concurrence in House amendment SJ-16 |
| 05/06/03 | House | House insists upon amendment and conference committee appointed Reps. Harrison, W.D. Smith and Delleney HJ-3 |
| 05/08/03 | Senate | Conference committee appointed Senators McConnell, Moore, and Alexander SJ-8 |
| 06/05/03 | Senate | Free conference powers granted SJ-80 |
| 06/05/03 | Senate | Free conference committee appointed McConnell, Moore, Alexander SJ-80 |
| 06/05/03 | Senate | Free conference report received and adopted SJ-80 |
| 06/05/03 | House | Free conference powers granted HJ-211 |
| 06/05/03 | House | Free conference committee appointed Reps. Harrison, Delleney and W.D. Smith HJ-217 |
| 06/05/03 | House | Free conference report received and adopted HJ-217 |
| 06/05/03 | Senate | Ordered enrolled for ratification SJ-80 |
| 06/05/03 | | Ratified R 156 |
| 06/26/03 | | Signed By Governor |
| 07/01/03 | | Copies available |
| 07/01/03 | | Effective date See Act for Effective Date |
| 07/02/03 | | Act No. 76 |