**South Carolina General Assembly**

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**H. 3579**

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**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/25/2017 House Introduced and read first time ([House Journal‑page 16](file:///h:\hj\20170125.docx))

1/25/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 16](file:///h:\hj\20170125.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3579&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/25/2017](file:///p:\pprever\2017-18\3579_20170125.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑13‑1145 SO AS TO REQUIRE THE APPROPRIATE SUPERVISORY OFFICE TO SEND CERTAIN ELECTRONIC NOTICES OF OBLIGATION TO REPORT; BY ADDING SECTION 8‑13‑1337 SO AS TO CLARIFY WHO MAY NOT SOLICIT CONTRIBUTIONS, NOR PROVIDE EMPLOYMENT ADVANTAGES OR DISADVANTAGES BASED UPON CONTRIBUTIONS; BY ADDING SECTION 8‑13‑1530 SO AS TO PROVIDE THAT A PERSON WHO HAS BEEN FINED FOR A VIOLATION OF CHAPTER 13, TITLE 8, AND WHO HAS FAILED TO PAY THE AMOUNT OF THE FINE MAY NOT BE A CANDIDATE FOR AN ELECTED OR APPOINTED POSITION WITHIN A STATE OR LOCAL GOVERNMENTAL ENTITY; TO AMEND SECTION 8‑13‑360, RELATING TO STATEMENTS AND REPORTS FILED WITH THE STATE ETHICS COMMISSION, SO AS TO REQUIRE THE STATE ETHICS COMMISSION TO MAKE ELECTRONIC FILINGS ACCESSIBLE TO THE PUBLIC; TO AMEND SECTION 8‑13‑780, RELATING TO REMEDIES FOR BREACHES OF ETHICAL STANDARDS BY PUBLIC OFFICIALS, MEMBERS, OR EMPLOYEES, SO AS TO ELIMINATE A REFERENCE TO THE STATE ETHICS COMMISSION’S REGULATION-MAKING AUTHORITY; TO AMEND SECTION 8‑13‑1110, AS AMENDED, RELATING TO PERSONS REQUIRED TO FILE STATEMENTS OF ECONOMIC INTERESTS, SO AS TO MAKE TECHNICAL CORRECTIONS 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, AS AMENDED, RELATING TO THE CONTENTS OF THE STATEMENT OF ECONOMIC INTERESTS, SO AS TO REVISE THE FORM AND REQUIRED CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS; TO AMEND SECTION 8‑13‑1170, RELATING TO TECHNICAL VIOLATIONS OF DISCLOSURE REQUIREMENTS, SO AS TO ELIMINATE CONFIDENTIALITY OF TECHNICAL VIOLATIONS; TO AMEND SECTION 8‑13‑1364, RELATING TO THE SENDING OF NOTICE OF OBLIGATION TO REPORT AND FORMS, SO AS TO PROVIDE FOR ELECTRONIC NOTICE OF OBLIGATION TO FILE A REPORT WITH THE APPROPRIATE SUPERVISORY OFFICE; AND 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 ALL RELATING TO RIGHTS, DUTIES, OBLIGATIONS, LIABILITIES, PROHIBITED ACTS, OR PENALTIES ESTABLISHED OR IMPOSED PURSUANT TO ARTICLE 11 OR ARTICLE 13, CHAPTER 13, TITLE 8.

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

SECTION 1. Article 11, Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1145. The appropriate supervisory office shall send an electronic notice of obligation to report no less than thirty days before the filing date to the email address provided by the filer to a 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 2. Article 13, 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 over whom the elective official has supervisory authority within 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 3. Article 15, Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1530. A person who has been fined for a violation of a provision of this chapter and who has failed to pay the amount of the fine may not be a candidate for an elected or appointed position within a state or local governmental entity.”

SECTION 4. Section 8‑13‑360 of the 1976 Code, as added by Act 248 of 1991, 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 also shall 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 5. Section 8‑13‑780(B) of the 1976 Code, as added by Act 248 of 1991, 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 6. Section 8‑13‑1110 of the 1976 Code, as last amended by Act 114 of 2007, is further 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 ~~in accordance with the provisions of this chapter 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~~ pursuant to Section 8‑13‑365.

(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 employee0..

~~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 7. Section 8‑13‑1120(A) of the 1976 Code, as last amended by Act 283 of 2016, is further amended to read:

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

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

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

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

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

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

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

(4) the name of each organization ~~which~~ that paid for or reimbursed actual expenses of the filer for speaking before a public or private group, the amount of ~~such~~ the 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~~ that 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~~ a 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~~ that 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~~ shall 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~~ that 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~~.~~ ; and

(10) a listing of the private source and type of any income received in the previous year by the filer or a member of his immediate family. This item does not include income received pursuant to:

(a) a court order;

(b) a savings, checking, or brokerage account with a bank, savings and loan, or other licensed financial institution ~~which~~ that 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;

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

SECTION 8. Section 8‑13‑1170(A) of the 1976 Code, as added by Act 248 of 1991, 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.”

SECTION 9. Section 8‑13‑1364 of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“Section 8‑13‑1364. The appropriate supervisory office ~~must~~ shall 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 email 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 10. Sections 8‑13‑1160, 8‑13‑1180, 8‑13‑1310, 8‑13‑1350, 8‑13‑1358, 8‑13‑1362, and 8‑13‑1366 of the 1976 Code are repealed.

SECTION 11. 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, 1895, 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 12. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 13. 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 14. This act takes effect upon approval by the Governor.

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