**South Carolina General Assembly**

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**H. 4191**

**STATUS INFORMATION**

General Bill

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

Summary: Ethics

**HISTORY OF LEGISLATIVE ACTIONS**

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3/7/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 70](file:///h:\hj\20190307.docx))

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**VERSIONS OF THIS BILL**

[3/7/2019](file:///p:\pprever\2019-20\4191_20190307.docx)

**A** **BILL**

TO AMEND SECTION 8‑13‑100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITIONS APPLICABLE TO THE GENERAL PROVISIONS OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT, SO AS TO REVISE THE DEFINITIONS OF CERTAIN TERMS; TO AMEND SECTION 8‑13‑700, RELATING TO THE USE OF ONE’S OFFICIAL POSITION FOR FINANCIAL GAIN AND THE DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST, SO AS TO REVISE THE DISCLOSURE PROVISIONS FOR MEMBERS OF THE GENERAL ASSEMBLY AND TO REQUIRE THAT THE WRITTEN DISCLOSURE STATEMENT DESCRIBE THE SPECIFIC NATURE OF THE POTENTIAL CONFLICT; TO AMEND SECTION 8‑13‑1120, RELATING TO THE CONTENTS OF A PERSON’S STATEMENT OF ECONOMIC INTERESTS, SO AS TO PROVIDE FOR CERTAIN OTHER DISCLOSURES WHICH MUST BE MADE BY A FILER ON HIS STATEMENT OF ECONOMIC INTERESTS; AND TO AMEND SECTION 8‑13‑1300, RELATING TO DEFINITIONS APPLICABLE TO THE CAMPAIGN PRACTICES PROVISIONS OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT, SO AS TO REVISE THE DEFINITIONS OF CERTAIN TERMS.

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

SECTION 1. Section 8‑13‑100 of the 1976 Code is amended to read:

“Section 8‑13‑100. As used in Articles 1 through 11:

(1)(a) ‘Anything of value’ or ‘thing of value’ means:

(i) a pecuniary item, including money, a bank bill, or a bank note;

(ii) a promissory note, bill of exchange, an order, a draft, warrant, check, or bond given for the payment of money;

(iii) a contract, agreement, promise, or other obligation for an advance, a conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;

(iv) a stock, bond, note, or other investment interest in an entity;

(v) a receipt given for the payment of money or other property;

(vi) a chose‑in‑action;

(vii) a gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;

(viii) a loan or forgiveness of indebtedness;

(ix) a work of art, an antique, or a collectible;

(x) an automobile or other means of personal transportation;

(xi) real property or an interest in real property, including title to realty, a fee simple or partial interest in realty including present, future, contingent, or vested interests in realty, a leasehold interest, or other beneficial interest in realty;

(xii) an honorarium or compensation for services;

(xiii) a promise or offer of employment;

(xiv) any other item that is of pecuniary or compensatory worth to a person.

(b) ‘Anything of value’ or ‘thing of value’ does not mean:

(i) printed informational or promotional material, not to exceed ten dollars in monetary value;

(ii) items of nominal value, not to exceed ten dollars, containing or displaying promotional material;

(iii) a personalized plaque or trophy with a value that does not exceed one hundred fifty dollars;

(iv) educational material of a nominal value directly related to the public official’s, public member’s, or public employee’s official responsibilities;

(v) an honorary degree bestowed upon a public official, public member, or public employee by a public or private university or college;

(vi) promotional or marketing items offered to the general public on the same terms and conditions without regard to status as a public official or public employee; or

(vii) a campaign contribution properly received and reported under the provisions of this chapter.

(2) ‘Appropriate supervisory office’ means the:

(a) ~~the~~ State Ethics Commission for all persons required to file reports under this chapter except for those members of or candidates for the office of State Senator or State Representative;

(b) ~~the~~ Senate Ethics Committee for members or staff, including staff elected to serve as officers of or candidates for the office of State Senator; and

(c) ~~the~~ House of Representatives Ethics Committee for members or staff, including staff elected to serve as officers of or candidates for the office of State Representative.

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

(4) ‘Business with which he is associated’ means a business:

(a) of which the person or a member of his immediate family is a director, an officer, owner, employee, a compensated agent, independent contractor, or consultant; ~~or~~

(b) of which the person or a member of his immediate family is a holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of ~~any~~ a class; or

(c) that provides compensation to the person irrespective of type or manner.

(5) ‘Candidate’ means a person who seeks appointment, nomination for election, or election to a state or local office, or authorizes or knowingly permits the collection or disbursement of money for the promotion of his candidacy or election. It also means a person on whose behalf write‑in votes are solicited if the person has knowledge of such solicitation. ‘Candidate’ does not include a person within the meaning of Section 431(b) of the Federal Election Campaign Act of 1976.

(6) ‘Compensation’ means money, anything of value, an in‑kind contribution or expenditure, or economic benefit conferred on or received by a person.

(7) ‘Confidential information’ means information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held and is of such nature that it is not, at the time of transmission, a matter of public record or public knowledge.

(8) ‘Consultant’ means a person, other than a public official, public member, or public employee who contracts with the State, county, municipality, or a political subdivision ~~thereof~~ of these to:

(a) evaluate bids for public contracts, or

(b) award public contracts.

(9) ‘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, as defined in Section 8‑13‑1300(6), for the purpose of influencing 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. ‘Contribution’ does not include volunteer personal services on behalf of a candidate or committee for which the volunteer receives no compensation from any source.

(10) ‘Corporation’ means an entity organized in the corporate form under federal law or the laws of ~~any~~ a state.

(11)(a) ‘Economic interest’ means an interest distinct from that of the general public in a purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a public official, public member, ~~or~~ public employee, or a member of their immediate family or a business with which they are associated may gain or lose an economic benefit of fifty dollars or more.

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

(12) ‘Election’ means:

(a) a general, special, primary, or runoff election;

(b) a convention or caucus of a political party held to nominate a candidate; or

(c) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States or the Constitution of this State.

(13) ‘Elective office’ means an office at the state, county, municipal, or political subdivision level. For the purposes of Articles 1 through 11, the term ‘elective office’ does not include an office under the unified judicial system except that for purposes of campaign practices, campaign disclosure, and disclosure of economic interests, “elective office” includes the office of probate judge.

(14) ‘Expenditure’ means a purchase, payment, loan, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit, transfer of funds, a gift of money, or anything of value for any purpose.

(15) ‘Family member’ means an individual who is:

(a) the spouse, parent, brother, sister, child, mother‑in‑law, father‑in‑law, son‑in‑law, daughter‑in‑law, grandparent, or grandchild;

(b) a member of the individual’s immediate family.

(16) ‘Gift’ means anything of value, including entertainment, food, beverage, travel, and lodging given or paid to a public official, public member, or public employee to the extent that consideration of equal or greater value is not received. A gift includes a rebate or discount on the price of anything of value unless it is made in the ordinary course of business without regard to that person’s status. A gift does not include campaign contributions accepted pursuant to this chapter.

(17) ‘Governmental entity’ means the United States, the State, a county, municipality, or a political subdivision ~~thereof~~ of these ~~with which a public official, public member, or public employee is associated or employed~~. ‘Governmental entity’ also means ~~any~~ a charitable organization or foundation, but not an athletic organization or athletic foundation ~~which~~ that is associated with a state educational institution and ~~which~~ that is organized to raise funds for the academic, educational, research, or building programs of a college or university.

(18) ‘Immediate family’ means:

(a) a child residing in a candidate’s, public official’s, public member’s, or public employee’s household;

(b) a spouse of a candidate, public official, public member, or public employee; or

(c) an individual claimed by the candidate, public official, public member, or public employee or the candidate’s, public official’s, public member’s, or public employee’s spouse as a dependent for income tax purposes.

(19) ‘Income’ means the receipt or promise of any consideration, whether or not legally enforceable.

(20) ‘Individual’ means one human being.

(21) ‘Individual with whom he is associated’ means an individual with whom the person or a member of his immediate family mutually has an interest in ~~any~~ a business:

(a) of which the person or a member of his immediate family is a director, officer, owner, employee, compensated agent, independent contractor, or consultant; ~~or~~

(b) of which the person is a holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of ~~any~~ a class; or

(c) that provides compensation to the person irrespective of type or manner.

(22) ‘Loan’ means a transfer of money, property, guarantee, or anything of value in exchange for an obligation, conditional or not, to repay in whole or in part.

(23) ‘Official responsibility’ means the direct administrative or operating authority, whether intermediate or final and whether exercisable personally or through subordinates, to approve, disapprove, or otherwise direct government action.

(24) ‘Person’ means an individual, a proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, an estate, a company, committee, an association, a corporation, club, labor organization, or ~~any other~~ another organization or group of persons acting in concert.

(25) ‘Public employee’ means a person employed by the State, a county, a municipality, or a political subdivision ~~thereof~~ of these.

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

(27) ‘Public official’ means an elected or appointed official of the State, a county, a municipality, or a political subdivision ~~thereof~~ of these, including candidates for the office. ‘Public official’ does not mean a member of the judiciary except ~~that~~ for ~~the~~ purposes of campaign practices, campaign disclosure, and disclosure of economic interests, a probate judge is considered a public official and must meet the requirements of this chapter.

(28) ‘Represent’ or ‘representation’ means making an appearance, whether gratuitous or for compensation, before a state agency, office, department, division, bureau, board, commission, or council, including the General Assembly, or before a local or regional government office, department, division, bureau, board, or commission.

(29) ‘Substantial monetary value’ means a monetary value of five hundred dollars or more.

(30) ‘Official capacity’ means activities ~~which~~ that:

(a) arise because of the position held by the public official, public member, or public employee;

(b) involve matters ~~which~~ that fall within the official responsibility of the agency, the public official, the public member, or the public employee; and

(c) are services the agency would normally provide and for which the public official, public member, or public employee would be subject to expense reimbursement by the agency with which the public official, public member, or public employee is associated.

(31) ‘State board, commission, or council’ means an agency created by legislation which has statewide jurisdiction and which exercises some of the sovereign power of the State.”

SECTION 2. Section 8‑13‑700(B) of the 1976 Code is amended to read:

“(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 member of his immediate family, an individual with whom he is associated, or a business with which he is associated has an economic interest. If a member of the General Assembly determines that he has a conflict pursuant to this section, he shall comply with items (1) and (2) of this subsection prior to abstaining from all votes on the matter. 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~~ that affects an economic interest of himself, a member of his immediate family, 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~~ of these, 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~~ of these, 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~~ the disqualification and the reasons for it to be noted in the minutes.”

SECTION 3. 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, or a business with which the filer is associated 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 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 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~~ a governmental entity ~~with which the public official, public member, or public employee serves or is employed~~ of the State of South Carolina or a political subdivision of the State, the public official, public member, or public employee must report the name and address of that individual or business and the amount of compensation paid to the public official, public member, or public employee by that individual or business;

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

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

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

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

(ii) conducts operations or activities ~~which~~ 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.

(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 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.

(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).

(C) or purposes of this section, income means anything of value received, which must be reported on a form used by the Internal Revenue Service for the reporting or disclosure of income received by an individual or a business. Income does not include retirement, annuity, pension, IRA, disability, or deferred compensation payments received by the filer or filer’s immediate family member.”

SECTION 4. Section 8‑13‑1300 of the 1976 Code is amended to read:

“Section 8‑13‑1300. As used in this article:

(1) ‘Appropriate supervisory office’ means:

(a) the State Ethics Commission for all candidates for public office in this State except for members or staff, including staff elected to serve as officers of or candidates for the office of State Senator or State Representative;

(b) the Senate Ethics Committee for members or staff, including staff elected to serve as officers~~,~~ of, or candidates for, the office of State Senator, and the House of Representatives Ethics Committee for members or staff, including staff elected to serve as officers~~,~~ of, or candidates for, the office of State Representative;

(c) the State Ethics Commission for all committees, except legislative caucus committees, supporting or opposing a ballot measure or supporting or opposing a candidate;

(d) the Senate Ethics Committee for all legislative caucus committees and legislative special interest caucuses affiliated with the Senate, the House of Representatives Ethics Committee for all legislative caucus committees and legislative special interest caucuses affiliated with the House of Representatives, and both ethics committees for all legislative caucus committees and legislative special interest caucuses affiliated with both houses.

(2) ‘Ballot measure’ means a referendum, proposition, or measure submitted to voters for their approval.

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

(4) ‘Candidate’ means:

(a) a person who seeks appointment, nomination for election, or election to a statewide or local office, or authorizes or knowingly permits the collection or disbursement of money for the promotion of his candidacy or election;

(b) a person who is exploring whether or not to seek election at the state or local level; or

(c) a person on whose behalf write‑in votes are solicited if the person has knowledge of ~~such~~ the solicitation. ‘Candidate’ does not include a candidate within the meaning of Section 431(b) of the Federal Election Campaign Act of 1976.

(5) ‘Charitable organization’ means an organization described in Title 26, Section 170(c) of the United States Code as it currently exists or as it may be amended.

(6) ‘Committee’ means an association, a club, an organization, or a group of ~~persons which, to influence the outcome of an elective office,~~ people, including a party committee, a legislative caucus committee, or a noncandidate committee that has as its major purpose the nomination, election, or defeat of one or more candidates, and that 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,~~ has the major purpose to support or oppose the nomination, election, or defeat of one or more candidates and 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.

~~“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.~~

(7) ‘Contribution’ means:

(a) 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~~ contributions are made or offered directly or indirectly; 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 within the forty‑five calendar days immediately prior to the election. Funds used pursuant to this subsection must be deposited in an account separate from a campaign account as required in Section 8‑13‑1312.

‘Contribution’ does not include ~~(a)~~ volunteer personal services on behalf of a candidate or committee for which the volunteer or ~~any~~ a 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~~.

(8) ‘Corporation’ means an entity organized in the corporate form under federal law or the laws of ~~any~~ a state.

(9) ‘Election’ means:

(a) a general, special, primary, or runoff election;

(b) a convention or caucus of a political party held to nominate a candidate; or

(c) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States or the Constitution of this State.

(10) ‘Election cycle’ means the period of a term of office beginning on the day after the general election for the office, up to and including the following general election for the same office, including a primary, special primary, or special election; however, the contribution limits under Sections 8‑13‑1314 and 8‑13‑1316 apply only to elections occurring on or after January 1, 1992, and are for each primary, runoff, or special election in which a candidate has opposition and for each general election. If the candidate remains unopposed during an election cycle, one contribution limit shall apply.

(11) ‘Elective office’ means an office at the state, county, municipal or political subdivision level. For ~~the~~ purposes of this article, the term ‘elective office’ does not include an office under the unified judicial system except for purposes of campaign practices, campaign disclosure, and disclosure of economic interests. ‘Elective office’ includes the office of probate judge.

(12) ‘Expenditure’ means a purchase, payment, loan, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit, transfer of funds, gift of money, or anything of value for any purpose.

(13) ‘Expenditures incurred’ means an amount owed to a creditor for purchase of delivered goods or completed services.

(14) ‘Family member’ means an individual who is:

(a) the spouse, parent, brother, sister, child, mother‑in‑law, father‑in‑law, son‑in‑law, daughter‑in‑law, grandparent, or grandchild; or

(b) a member of the individual’s immediate family.

(15) ‘Gift’ means anything of value, including entertainment, food, beverage, travel, and lodging given for pay to a public official or public employee to the extent that consideration of equal or greater value is not received. A gift includes a rebate or discount on the price of anything of value unless it is made in the ordinary course of business without regard to that person’s status. A gift does not include campaign contributions accepted pursuant to this article.

(16) ‘Immediate family’ means:

(a) a child residing in a candidate’s, public official’s, public member’s, or public employee’s household;

(b) a spouse of a candidate, public official, public member, or public employee; or

(c) an individual claimed by the candidate, public official, public member, or public employee or the candidate’s, public official’s, public member’s, or public employee’s spouse as a dependent for income tax purposes.

(17) ‘Independent expenditure’ means:

(a) an expenditure made 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.

Expenditures by party committees or expenditures by legislative caucus committees based upon party affiliation are considered to be controlled by, coordinated with, requested by, or made upon consultation with a candidate or an agent of a candidate.

(18) ‘Individual’ means one human being.

(19) ‘Individual with whom he is associated’ means an individual with whom the person or a member of his immediate family mutually has an interest in a business of which the person or a member of his immediate family is a director, an officer, owner, employee, a compensated agent, or holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of ~~any~~ a class.

(20) ‘In‑kind contribution or expenditure’ means goods or services ~~which~~ that are provided to or by a person at no charge or for less than their fair market value.

(21) ‘Legislative caucus committee’ means:

(a) a committee of either house of the General Assembly controlled by the caucus of a political party or a caucus based upon racial or ethnic affinity, or gender; however, each house may establish only one committee for each political, racial, ethnic, or gender‑based affinity;

(b) a party or group of either house of the General Assembly based upon racial or ethnic affinity, or gender;

(c) ‘legislative caucus committee’ does not include a ‘legislative special interest caucus’ as defined in Section 2‑17‑10(21).

(22) ‘Loan’ means a transfer of money, property, guarantee, or anything of value in exchange for an obligation, conditional or not, to repay in whole or in part.

(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~~ has as its major purpose the nomination, election, or defeat of one or more candidates, ~~which~~ that 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.

(24) ‘Party committee’ means a committee established by a political party.

(25) ‘Person’ means an individual, a proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, an estate, a company, committee, an association, a corporation, club, labor organization, or ~~any other~~ another organization or group of persons acting in concert.

(26) ‘Political party’ means an association, a committee, or an organization ~~which~~ that nominates a candidate whose name appears on the election ballot as the candidate of that association, committee, or organization.

(27) ‘Public employee’ means a person employed by the State, a county, a municipality, or a political subdivision ~~thereof~~ of them.

(28) ‘Public official’ means an elected or appointed official of the State, a county, a municipality or a political subdivision ~~thereof~~ of them, including candidates for the office. However, ‘public official’ does not mean a member of the judiciary except for purposes of campaign financing. A probate judge is considered a public official and must meet the requirements of this article.

(29) ‘Statewide office’ means an elective office other than a federal office eligible to be voted upon by all electors of the State.

(30) ‘Transfer’ means the movement or exchange of funds or anything of value between committees and candidates except the disposition of surplus funds or material assets by a candidate to a party committee, as provided in this article.

(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’;

(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 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 a:

(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~~ which 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.

(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,~~ people whose major purpose is to promote or defeat a ballot measure and who 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,~~ whose major purpose is to promote or defeat a ballot measure and who 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,~~ whose major purpose is to promote or defeat a ballot measure and who makes independent expenditures aggregating two thousand five hundred dollars or more during an election cycle.

(33) ‘Coordinated with’ means discussion or negotiation between a candidate or a candidate’s agent and:

(a) a person;

(b) an agent of a person;

(c) ~~any other~~ another agent of a candidate; or

(d) ~~any~~ a combination of these concerning, but not limited to, a political communication’s:

~~(1)~~(i) contents, including the specific wording of print, broadcast, or telephone communications; appearance of print or broadcast communications; the message or theme of print or broadcast communications;

~~(2)~~(ii) timing, including the proximity to general or primary elections, proximity to other political communications, and proximity to other campaign events;

~~(3)~~(iii) location, including the proximity to other political communications, or geographical targeting, or both;

~~(4)~~(iv) mode, including the medium (phone, broadcast, print, etc.) of the communication;

~~(5)~~(v) intended audience, including the demographic or political targeting, or geographical targeting; and

~~(6)~~(vi) volume, including the amount, frequency, or size of the political communication.

(34) ‘Operation expenses’ means expenditures for salaries and/or fringe benefits for part‑time, full‑time, temporary and/or contract employees; meeting expenses, travel, utilities, communications and/or communications equipment whether leased or purchased, printing or printing services, postage, food and/or beverage, advertising, consulting services, and/or any other expenditures ~~which~~ that are not an authorized contribution to a candidate, committee, or ballot measure committee.”

SECTION 5. This act takes effect upon approval by the Governor.

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