**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 27 TO CHAPTER 1, TITLE 1 SO AS TO ADD DEFINITIONS AND TO PROVIDE FOR CERTAIN DISCLAIMERS ON PUBLIC RELATIONS COMMUNICATION DISSEMINATED BY AN AGENCY FUNDED IN WHOLE OR IN PART BY FEDERAL OR STATE FUNDS.

Whereas, the Framers established, and the States ratified, the United States Constitution for the purposes of protecting our rights and ensuring that citizens direct the course of government; and

Whereas, in order to preserve liberty, the constitutional structure rests on a system of dual sovereign governments; and

Whereas, under that structure, the federal government is intended to have limited powers, with the broader, residual powers being reserved for the states or the people; and

Whereas, the state constitution vests authority to control state taxation and appropriations and to establish laws governing state programs and policies in the state legislature; and

Whereas, federal funding to a state in the form of grants requires the state to surrender powers to the federal government and conform its policies and programs to those preferred by the federal government; and

Whereas, the Government Accountability Office reported that the federal government spends about $1.5 billion each year on public relations activities and advertising in part to promote and advance such policies; and

Whereas, in connection with federal grants, the federal government may finance and may encourage or require state executive agencies to finance or participate in public relations; and

Whereas, state executive agencies may be charged with providing information to the public, they are not charged with using federal or state tax dollars to engage in campaigns to influence state law making by swaying public opinion in favor of federal policies required as a condition of accepting federal grants; and

Whereas, the public should have full information about the advantages and disadvantages of policies and the motivations of state executive agencies in proposing or supporting them. Now therefore,

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

SECTION 1. Chapter 1, Title 1 of the 1976 Code is amended by adding:

“Article 27

Public Relations Communication

Section 1‑1‑1710. For purposes of this article:

(1) ‘Agency’ means an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive or judicial departments of state and local government, including administrative bodies. ‘Agency’ includes a political subdivision, a body corporate and politic established as an instrumentality of the State or local government.

(2) ‘Public relations communication’ means any communication for advertising or educational purposes sent to a broad audience and includes:

(a) mass mailings, emails, social media accounts, and text messages;

(b) print messages on billboards and in newspapers, magazines, pamphlets, or other instruments of general dissemination; and

(c) verbal messages disseminated through television, radio, Internet advertising, and phone campaigns.

It excludes emergency messages and messages that only provide information as to the status of governmental services and advertisements for employment opportunities.

Section 1‑1‑1720. (A) A public relations communication disseminated by any agency, funded in whole or in part by federal or state funds, must include a disclaimer that clearly states:

(1) in the case of a printed or visually represented communication, a written statement that the communication is paid for at taxpayer expense. In the case of a verbal message, that the communication is paid for at taxpayer expense;

(2) the name of the agency sponsoring the communication; and

(3) the sources of the funding for the communication, including, but not limited to, the federal and state agencies providing the funding.

(B) A public relations communication disseminated by an agency, funded by user fees or by dedicated fines or penalties or by sources other than or in addition to federal and state funds, must include a disclaimer clearly stating that the communication is paid for with government funds along with the name of the sponsoring agency or entity.

(C) A printed or otherwise visually represented disclaimer described in subsections (A) or (B) must:

(1) be of sufficient size to be clearly readable;

(2) to the extent feasible, be contained in a printed box set apart from the other contents of the communication; and

(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

(D) A disclaimer required for verbal communications described in subsections (A) or (B) must be made in a format that is audible and understandable to its intended audience.

(E) An agency communication described in subsections (A) or (B) must reference a source, including, but not limited to, research studies or analyses, or provide a webpage address containing the sources, for any statement of fact contained in the communication and supporting the policy or program that is the subject of the communication.

(F) An agency communication described in subsections (A) or (B) that advocates for a policy which is required as a condition of receiving a federal grant must include a statement that the policy is required by the federal grant. The statement is subject to the requirements of subsections (C) and (D).”

SECTION 2. This act takes effect upon approval by the Governor.

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