**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33‑56‑75 SO AS TO REQUIRE PROFESSIONAL FUNDRAISING COUNSEL, PROFESSIONAL SOLICITORS AND COMMERCIAL CO‑VENTURERS TO MAINTAIN LISTS OF DONORS FROM CAMPAIGNS AND SOLICITATONS CONDUCTED BY THE SOLICITOR; TO PROVIDE THAT THESE LISTS ARE THE PROPERTY OF THE CHARITABLE ORGANIZATION; TO RESTRICT THE USE OF DONOR LISTS BY THE CAMPAIGN SOLICITOR; AND TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS.

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

SECTION 1. Chapter 56, Title 33 of the 1976 Code is amended by adding:

“Section 33‑56‑75. (A) A professional fundraising counsel, professional solicitor, or commercial co‑venturer shall maintain a list of donors, including names, addresses, telephone numbers, and donation amounts for each donor who contributed to a campaign or solicitation conducted by the professional fundraising counsel, professional solicitor, or commercial co‑venturer for a charitable organization or the sponsor of a charitable event.

(B) The donor list compiled pursuant to subsection (A) is the property of the charitable organization or the sponsor of the charitable event, and the professional fundraising counsel, professional solicitor, or commercial co‑venturer must give the donor list to the charitable organization or the sponsor of the charitable event within fifteen days of completion of the campaign or solicitation.

(C) A professional fundraising counsel, professional solicitor, or commercial co‑venturer must not restrict the use of the donor list by the charitable organization or sponsor of the charitable event after completion of the campaign or solicitation.

(D) A professional fundraising counsel, professional solicitor, or commercial co‑venturer must not sell, transfer, distribute, or allow the use of a donor list to or by any other charitable organization or sponsor of a charitable event for any purpose other than the purpose specified by the charitable organization or sponsor of the charitable event in the contract.

(E)(1) If a professional fundraising counsel, professional solicitor, or commercial co‑venturer violates any provision of this section, the Secretary of State shall notify the professional fundraising counsel, professional solicitor, or commercial co‑venturer of the violation by registered or certified mail, with return receipt requested, to the last known address of the professional fundraising counsel, professional solicitor, or commercial co‑venturer. If the violation is not remedied within fifteen days after receipt of the notice, the professional fundraising counsel, professional solicitor, or commercial co‑venturer must be fined one hundred dollars for each day of noncompliance, not to exceed twenty five thousand dollars for each violation.

(2) A professional fundraising counsel, professional solicitor, or commercial co‑venturer who has been assessed a fine pursuant to subsection (E)(1) may request a contested case hearing pursuant to the Administrative Procedures Act. If the professional fundraising counsel, professional solicitor, or commercial co‑venturer fails to remit the fine or request a hearing, the Secretary of State may suspend the person’s registration pending final resolution and may seek relief by applying to an administrative law judge for an injunction or other equitable relief to enjoin the person from engaging in further charitable solicitation activities in this State. The decision of the administrative law judge may be appealed as provided for in Section 1‑23‑610.”

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

‑‑‑‑XX‑‑‑‑