**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3173**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Miller, Battle and H.B. Brown

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Introduced in the House on January 13, 2009

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

Summary: Campaign practices

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2008 House Prefiled

12/16/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑77

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑78

**VERSIONS OF THIS BILL**

[12/16/2008](file:///p:\pprever\2009-10\3173_20081216.docx)

**A** **BILL**

TO AMEND SECTION 8‑13‑1300, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF CAMPAIGN PRACTICES, SO AS TO PROVIDE THAT ANYTHING OF VALUE GIVEN TO MAKE COMMUNICATIONS MORE THAN FORTY‑FIVE DAYS BEFORE AN ELECTION TO INFLUENCE THE OUTCOME OF AN ELECTED OFFICE IS SUBJECT TO THE PROVISIONS OF SECTIONS 8‑13‑1302 AND 8‑13‑1308.

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

SECTION 1. Section 8‑13‑1300(7) of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“(7) ‘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 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 are made or offered directly or indirectly. ‘Contribution’ does not include:

(a) volunteer personal services on behalf of a candidate or committee for which the volunteer or any 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. Anything of value pursuant to subitem (b) is subject to the provisions of Sections 8‑13‑1302 and 8‑13‑1308(F).”

SECTION 2. Section 8‑13‑1300(31)(c), as added by Act 76 of 2003, is amended to read:

“(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 any:

(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 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.”

SECTION 3. This act takes effect upon approval by the Governor.

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