**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4660**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. H.B. Brown

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Introduced in the House on January 24, 2012

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

Summary: Campaign Finance Reform Act of 2012

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/24/2012 House Introduced and read first time ([House Journal‑page 18](file:///h:\hj%20archive\2012\01-24-12.docx))

1/24/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 18](file:///h:\hj%20archive\2012\01-24-12.docx))

**VERSIONS OF THIS BILL**

[1/24/2012](file:///p:\pprever\2011-12\4660_20120124.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “SOUTH CAROLINA CAMPAIGN FINANCE REFORM ACT OF 2012”; BY ADDING SECTION 8‑13‑1339 SO AS TO PROHIBIT A POLITICAL ACTION COMMITTEE ORGANIZED BY OR ON BEHALF OF A STATEWIDE CONSTITUTIONAL OFFICER, A MEMBER OF THE GENERAL ASSEMBLY, AND CERTAIN GUBERNATORIAL APPOINTEES; TO AMEND SECTION 2‑17‑110, AS AMENDED, RELATING TO ACTS PROHIBITED BY LOBBYISTS, LOBBYISTS’ PRINCIPALS, PUBLIC OFFICIALS, AND PUBLIC EMPLOYEES, SO AS TO PROHIBIT LOBBYISTS’ PRINCIPALS FROM OFFERING, MAKING, OR FACILITATING A CAMPAIGN CONTRIBUTION TO A MEMBER OF THE GENERAL ASSEMBLY OR A STATEWIDE CONSTITUTIONAL OFFICER FROM DECEMBER THIRTY‑FIRST THROUGH JULY FIRST OF THE CALENDAR YEAR IMMEDIATELY FOLLOWING; TO AMEND SECTION 8‑13‑1308, AS AMENDED, RELATING TO THE FILING OF CERTIFIED CAMPAIGN REPORTS BY CANDIDATES AND COMMITTEES, SO AS TO REQUIRE CANDIDATES FOR STATEWIDE OFFICE OR FOR THE GENERAL ASSEMBLY TO REPORT CAMPAIGN CONTRIBUTIONS ONLINE WITHIN FIVE DAYS AFTER RECEIPT; TO AMEND SECTION 8‑13‑1314, AS AMENDED, RELATING TO CAMPAIGN CONTRIBUTION LIMITS AND RESTRICTIONS, SO AS TO INCREASE THE MAXIMUM CAMPAIGN CONTRIBUTION LIMITS; AND TO AMEND SECTION 8‑13‑1340, AS AMENDED, RELATING TO COMMITTEES BEING ESTABLISHED, FINANCED, OR CONTROLLED BY A CANDIDATE, SO AS TO DELETE REFERENCES TO A COMMITTEE ORGANIZED DIRECTLY OR INDIRECTLY, ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A CANDIDATE OR PUBLIC OFFICIAL.

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

SECTION 1. This act may be cited as the “South Carolina Campaign Finance Reform Act of 2012”.

SECTION 2. Article 13, Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1339. A political action committee organized by or on behalf of the Governor, the Lieutenant Governor, another statewide constitutional officer, a member of the General Assembly, or a director or deputy director of a state department appointed by the Governor is prohibited. A political action committee prohibited by this section in existence on the effective date of this act must distribute all unexpended contributions pursuant to Section 8‑13‑1370(C). A political action committee does not include a candidate committee.”

SECTION 3. Section 2‑17‑110 of the 1976 Code, as last amended by Act 344 of 2006, is further amended by adding at the end to read:

“(K)(1) From December thirty‑first through July first of the calendar year immediately following, a lobbyist’s principal may not offer, make, or facilitate a contribution as defined in Section 8‑13‑1300(7), to a member of the General Assembly, or to a statewide constitutional officer.

(2) From December thirty‑first through July first of the calendar year immediately following, a member of the General Assembly or statewide constitutional officer may not solicit or accept a contribution as defined in Section 8‑13‑1300(7).

(3) A person found guilty of violating this section is subject to penalties pursuant to Section 2‑17‑130.”

SECTION 4. Section 8‑13‑1308 of the 1976 Code, as last amended by Act 245 of 2008, is further amended by adding at the end to read:

“(I) Notwithstanding another provision of law, candidates for statewide office or for the General Assembly shall report campaign contributions online no later than five days after receipt.”

SECTION 5. Section 8‑13‑1314 of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“Section 8‑13‑1314. (A) Within an election cycle, ~~no~~a candidate or anyone acting on his behalf shall not solicit or accept, and ~~no~~a person shall not give or offer to give to a candidate or person acting on the candidate’s behalf:

(1) a contribution which exceeds:

(a) ~~three thousand five hundred~~five thousand dollars in the case of a candidate for statewide office; or

(b) ~~one thousand~~two thousand five hundred dollars in the case of a candidate for ~~any other~~another office;

(2) a cash contribution from an individual unless the cash contribution does not exceed twenty‑five dollars and is accompanied by a record of the amount of the contribution and the name and address of the contributor;

(3) a contribution from, whether directly or indirectly, a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election;

(4) contributions for two elective offices simultaneously, except ~~as provided in~~pursuant to Section 8-13‑1318.

(B) The restrictions on contributions in subsections (A)(1) and (A)(2) do not apply to a candidate making a contribution to his own campaign.”

SECTION 6. Section 8‑13‑1340 of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“Section 8‑13‑1340. (A) Except as provided in ~~subsections~~subsection (B) ~~and (E)~~, a candidate or public official shall not make a contribution to another candidate or make an independent expenditure on behalf of another candidate or public official from the candidate’s or public official’s campaign account or through a committee, except legislative caucus committees~~, directly or indirectly established, financed, maintained, or controlled by the candidate or public official~~.

(B) This section does not prohibit a candidate from:

(1) making a contribution from the candidate’s own personal funds on behalf of the candidate’s candidacy or to another candidate for a different office; or

(2) providing the candidate’s surplus funds or material assets upon final disbursement to a legislative caucus committee or party committee in accordance with the procedures for the final disbursement of a candidate ~~under~~pursuant to Section 8‑13‑1370 of this article.

(C) Assets or funds ~~which~~that are the proceeds of a campaign contribution and ~~which~~ are held by or under the control of a public official or a candidate for public office on January 1, 1992, are considered to be funds held by a candidate and subject to subsection (A).

~~(D)~~ ~~A committee is considered to be directly or indirectly established, financed, maintained, or controlled by a candidate or public official if any of the following are applicable:~~

~~(1)~~ ~~the candidate or public official, or an agent of either, has signature authority on the committee’s checks;~~

~~(2)~~ ~~funds contributed or disbursed by the committee are authorized or approved by the candidate or public official;~~

~~(3)~~ ~~the candidate or public official is clearly identified on either the stationery or letterhead of the committee;~~

~~(4)~~ ~~the candidate or public official signs solicitation letters or other correspondence on behalf of the entity;~~

~~(5)~~ ~~the candidate, public official, or his campaign staff, office staff, or immediate family members, or any other agent of either, has the authority to approve, alter, or veto the committee’s solicitations, contributions, donations, disbursements, or contracts to make disbursements; or~~

~~(6)~~ ~~the committee pays for travel by the candidate or public official, his campaign staff or office staff, or any other agent of the candidate or public official, in excess of one hundred dollars per calendar year.~~

~~(E)~~ ~~The provisions of subsection (A) do not apply to a committee directly or indirectly established, financed, maintained, or controlled by a candidate or public official if the candidate or public official directly or indirectly establishes, finances, maintains, or controls only one committee in addition to any committee formed by the candidate or public official to solely promote his own candidacy and one legislative caucus committee.~~

~~(F)~~ ~~No committee operating under the provisions of Section 8‑13‑1340(E) may:~~

~~(1)~~ ~~solicit or accept a contribution from a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election; or~~

~~(2)~~ ~~transfer anything of value to any other committee except as a contribution under the limitations of Section 8‑13‑1314(A) or the dissolution provisions of Section 8‑13‑1370.~~”

SECTION 7. This act takes effect upon approval by the Governor.

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