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Indicates New Matter

COMMITTEE REPORT

April 24, 2013

**S. 412**

Introduced by Senators Thurmond, Lourie, Hayes, McElveen, Turner and Rankin

S. Printed 4/24/13--S.

Read the first time February 20, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 412) to amend Section 8-13-1308 of the 1976 Code, relating to the contents of certified campaign reports of candidates and committees, and to amend Section 8-13-1309, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting language and inserting:

/ SECTION 1. Section 8-13-1308 of the 1976 Code is amended to read:

“(A) Upon the receipt or expenditure of campaign contributions or the making of independent expenditures totaling an accumulated aggregate of five hundred dollars or more, a candidate or committee required to file a statement of organization pursuant to Section 8‑13‑1304(A) must file an initial certified campaign report within ten days of these initial receipts or expenditures. However, a candidate who does not receive or expend campaign contributions totaling an accumulated aggregate of five hundred dollars or more must file an initial certified campaign report fifteen days before an election.

(B) Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8‑13‑1370.

(C) Campaign reports filed by a candidate must be certified by the candidate. Campaign reports filed by a committee must be certified by a duly authorized officer of the committee.

(D)(1) At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars and expenditures. The list must be open to public inspection upon request.

(2) A committee immediately shall file a campaign report listing expenditures if it makes an independent expenditure or an incurred expenditure within the calendar quarter in which the election is conducted or twenty days before the election, whichever period of time is greater, in excess of:

(a) ten thousand dollars in the case of a candidate for statewide office; or

(b) two thousand dollars in the case of a candidate for any other office.

(3) In the event of a runoff election, candidates or committees are not required to file another campaign report in addition to the reports already required under this section. However, records must remain open to public inspection upon request between the election and the runoff.

(E) Notwithstanding the provisions of subsections (B) and (D), if a pre‑election campaign report provided for in subsection (D) is required to be filed within thirty days of the end of the prior quarter, a candidate or committee must combine the quarterly report provided for in subsection (B) and the pre‑election report and file the combined report subject to the provisions of subsection (D) no later than fifteen days before the election.

(F) Five days before an election, a candidate or committee must amend and file the previously filed pre-election certified campaign report required under subsection (D) showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee to that date not previously reported and through the sixth day before the election. The report required by this section must be electronically filed and publicly accessible in the manner provided by Section 8‑13‑365.

~~(F)~~(G) Certified campaign reports detailing campaign contributions and expenditures must contain:

(1) the total of contributions accepted by the candidate or committee;

(2) the name and address of each person making a contribution of more than one hundred dollars and the amount and date of receipt of each contribution;

(3) the total expenditures made by or on behalf of the candidate or committee;

(4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose, and beneficiary of the expenditure.

~~(G)~~(H) Notwithstanding any other reporting requirements in this chapter, a political party, legislative caucus committee, and a party committee must file a certified campaign report upon the receipt of anything of value which totals in the aggregate five hundred dollars or more. For purposes of this section, ‘anything of value’ includes contributions received which may be used for the payment of operation expenses of a political party, legislative caucus committee, or a party committee. A political party also must comply with the reporting requirements of subsections (B), (C), ~~and~~ (F), and (G) of Section 8‑13‑1308 in the same manner as a candidate or committee.

~~(H)~~(I) A committee that solicits contributions pursuant to Section 8‑13‑1331 must certify compliance with that section on a form prescribed by the State Ethics Commission.”

SECTION 2. Section 8‑13‑1309 of the 1976 Code is amended to read:

“(A) Upon the receipt or expenditure of campaign contributions or the making of independent expenditures totaling, in an accumulated aggregate, two thousand five hundred dollars or more, a ballot measure committee required to file a statement of organization pursuant to Section 8‑13‑1304(B) must file an initial certified campaign report within ten days of these initial receipts or expenditures.

(B) Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after a ballot measure election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8‑13‑1370(C).

(C) At least fifteen days before a ballot measure election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the ballot measure committee for the period ending twenty days before the ballot measure election. The ballot measure committee must maintain a current list during the period before the ballot measure election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars. The list must be open to public inspection upon request.

(D) Notwithstanding the provisions of subsections (B) and (C), if a pre‑election campaign report provided for in subsection (C) is required to be filed within thirty days of the end of the prior quarter, a ballot measure committee must combine the quarterly report provided for in subsection (B) and the pre‑election report and file the combined report subject to the provisions of subsection (C) no later than fifteen days before the ballot measure election.

(E) Five days before a ballot measure election, a ballot measure committee must amend and file the previously filed pre-election certified campaign report required under subsection (C) showing contributions of more than one hundred dollars and expenditures to the committee to that date not previously reported and through the sixth day before the election. The report required by this section must be filed electronically and publicly accessible in the manner provided by Section 8-13-365.

~~(E)~~(F) Certified campaign reports detailing campaign contributions and expenditures must contain:

(1) the total amount of contributions accepted by the ballot measure committee;

(2) the name and address of each person making a contribution of more than one hundred dollars and the amount and date of receipt of each contribution;

(3) the total amount of expenditures made by or on behalf of the ballot measure committee; and

(4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose, and beneficiary of the expenditure.”

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

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

LUKE A. RANKIN LEE BRIGHT

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The South Carolina Ethics Commission estimates this bill will have no fiscal impact on the state general fund or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 8-13-1308 OF THE 1976 CODE, RELATING TO THE CONTENTS OF CERTIFIED CAMPAIGN REPORTS OF CANDIDATES AND COMMITTEES, AND TO AMEND SECTION 8-13-1309, RELATING TO THE CONTENTS OF CERTIFIED CAMPAIGN REPORTS OF BALLOT MEASURE COMMITTEES, TO REQUIRE A CANDIDATE OR COMMITTEE OR BALLOT MEASURE COMMITTEE TO ELECTRONICALLY REPORT DURING THE TWENTY DAY PERIOD PRIOR TO AN ELECTION THE RECEIPT OF A CONTRIBUTION FROM A PERSON THAT EXCEEDS TWO HUNDRED FIFTY DOLLARS BY A SINGLE CONTRIBUTION OR WHEN COMBINED WITH ALL OTHER CONTRIBUTIONS MADE DURING THE PERIOD.

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

SECTION 1. Section 8‑13‑1308 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) During the twenty day period prior to an election, a candidate or committee must electronically report the name and address and amount accepted from each person who makes:

(1) a contribution of more than two hundred fifty dollars; or

(2) a contribution of less than two hundred fifty dollars that when combined with all other contributions accepted from the person during the period that have not been reported, exceed two hundred fifty dollars.

The electronic report required by this section must be made on the day that the applicable contribution is accepted, must include in the total the amount of any contribution from the person accepted during the period not previously reported, and must be filed and publicly accessible in the manner provided by Section 8‑13‑365.”

SECTION 2. Section 8‑13‑1309 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) During the twenty day period prior to an election, a ballot measure committee must electronically report the name and address and amount accepted from each person who makes:

(1) a contribution of more than two hundred fifty dollars; or

(2) a contribution of less than two hundred fifty dollars that when combined with all other contributions accepted from the person during the period that have not been reported, exceed two hundred fifty dollars.

The electronic report required by this section must be made on the day that the applicable contribution is accepted, must include in the total the amount of any contribution accepted from the person during the period not previously reported, and must be filed and publicly accessible in the manner provided by Section 8‑13‑365.”

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

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