**Thursday, January 17, 2013**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

The image from Exodus is so bold and encouraging, that:

“By day the Lord went ahead of them in a pillar of cloud to guide them on their way and by night in a pillar of fire to give them light ...”

(Exodus 13:21)

Please, let us together pray:

Glorious and Ever-faithful God, the biblical stories remind us time and again of Your faithfulness to Your people. May we join in being counted among those who trust in Your guidance, those who count on You to bring us finally to the place You want us to be, those who freely and fully demonstrate our own faithfulness in Your promised love and care. Embrace and direct each Senator as he and she guides us along, O Lord. And equally bless all of our women and men in the Armed Forces who serve You in so many places around the globe and here at home. Help us all to follow where You lead. This we pray in our Lord’s loving name.

Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**Doctor of the Day**

Senator COURSON introduced Dr. Vytautas “Al” Pakalnis of Columbia, S.C., Doctor of the Day.

**Expression of Personal Interest**

Senator SETZLER rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator COURSON rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator CAMPSEN rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

S. 22 Sen. Nicholson

S. 213 Sen. Johnson

S. 229 Sens. O’Dell, Grooms

S. 256 Sen. Bennett

**RECALLED AND ADOPTED**

S. 246 -- Senator Bryant: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF SOUTH CAROLINA HIGHWAY 29 IN PENDLETON, SOUTH CAROLINA, AS “VETERANS MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “VETERANS MEMORIAL HIGHWAY”.

Senator BRYANT asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation.

Senator BRYANT asked unanimous consent to make a motion to take the Concurrent Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Concurrent Resolution. The question then was the adoption of the Concurrent Resolution.

On motion of Senator BRYANT, with unanimous consent, the Concurrent Resolution was adopted, ordered sent to the House.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 252 -- Senator Peeler: A SENATE RESOLUTION TO CONGRATULATE DR. BOBBY G. MOSS OF BLACKSBURG ON BEING NAMED CHEROKEE COUNTY HISTORIAN AND TO WISH HIM MUCH SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 253 -- Senators McGill, Leatherman, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Ford, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Lourie, Malloy, Larry Martin, Shane Martin, Massey, Matthews, McElveen, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF BRUCE FRANKLIN DUKE, JR., OF WEST COLUMBIA, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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Whereas, the members of the South Carolina Senate were deeply saddened to learn of the death of Bruce Franklin Duke, Jr., of West Columbia on January 13, 2013; and

Whereas, born November 24, 1953, in Tampa, Florida, Bruce Franklin Duke was the son of the late Bruce Franklin Duke, Sr., and Dr. Lois Duke Whitaker. In preparation for his career, which included service in the United States Marine Corp, the young Duke graduated from Lower Richland High School and the University of South Carolina; and

Whereas, Mr. Duke had a long state government career, most recently at the South Carolina Department of Labor, Licensing and Regulation serving as administrator for the boards of Medical Examiners and Podiatry Examiners where his staff considered him not only a boss, but a friend, mentor, and leader. He will also be remembered for his prior service for many years as a devoted staffer for the Senate Finance Committee; and

Whereas, as a man who believed in committed involvement with his community, he was an Eagle Scout, and he participated as a part‑time umpire for youth baseball teams; and

Whereas, Bruce Duke’s love of baseball made him many friends and his passion for animals was apparent in his admiration for the good works of the Society for the Prevention of Cruelty to Animals; and

Whereas, known as a true friend, family man, and gentleman in every respect, he was also a man of faith, prepared for meeting his God. As a member of Shandon United Methodist Church, he served as a youth member. The words of Galatians 5:22‑23 exemplify the heart of Bruce Franklin Duke: “But the fruit of the Spirit is love, joy, peace, long‑suffering, gentleness, goodness, faith, meekness, temperance...”; and

Whereas, he leaves his family, which he loved, including his wife of eight years, Daphne Duke; his mother, Dr. Lois Duke Whitaker and step‑father, Dr. Andrew Whitaker; father‑in‑law, Barrie Ray Baker; son, Christopher Ray Werts; grandchild, Carly Jane Hentz; sister, Louanne Duke Friend; sister‑in‑law, Melanie Baker Heyward; two nephews and five nieces; and a host of other family members and friends. He will be greatly missed. Now, therefore,

Be it resolved by the Senate:

That the members of the South Carolina Senate, by this resolution, express their profound sorrow upon the passing of Bruce Franklin Duke, Jr., of West Columbia, and extend the deepest sympathy to his family and many friends.

Be it further resolved that a copy of this resolution be forwarded to his loving family.

The Senate Resolution was adopted.

S. 254 -- Senator O'Dell: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE ANDERSON COUNTY FIRE DEPARTMENT FOR THE VALUABLE PUBLIC SERVICE IT RENDERS EVERY DAY, AND TO CONGRATULATE THE DEPARTMENT AT THE CELEBRATION OF ITS FIFTIETH ANNIVERSARY.

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The Senate Resolution was adopted.

S. 255 -- Senator Scott: A CONCURRENT RESOLUTION TO CONGRATULATE COMMAND SERGEANT MAJOR THOMAS L. BROWN OF THE SOLDIER SUPPORT INSTITUTE UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR MORE THAN THIRTY YEARS OF DISTINGUISHED SERVICE TO OUR STATE AND NATION, AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS AND FULFILLMENT IN THE YEARS TO COME.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 256 -- Senators Alexander, S. Martin and Bryant: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA REGULATORY REFORM ACT” BY ADDING SECTION 1-23-122 SO AS TO CLARIFY THE GENERAL ASSEMBLY OR A COMMITTEE OF THE GENERAL ASSEMBLY MAY NOT AMEND OR OTHERWISE CHANGE A REGULATION UNDER GENERAL ASSEMBLY REVIEW; TO AMEND SECTION 1-23-120, AS AMENDED, RELATING TO THE APPROVAL OF PROPOSED REGULATIONS, SO AS TO REQUIRE THAT AN AMENDMENT RECEIVE AN AFFIRMATIVE VOTE OF THE GENERAL ASSEMBLY TO TAKE EFFECT AND DELETE THE PROVISION THAT ALLOWED A REGULATION TO TAKE EFFECT AFTER ONE HUNDRED TWENTY DAYS; TO AMEND SECTION 1-23-125, AS AMENDED, RELATING TO CERTAIN EVENTS THAT TOLL THE ONE HUNDRED TWENTY DAY PERIOD, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 1-23-115, RELATING TO CERTAIN EVENTS THAT TOLL THE ONE HUNDRED TWENTY DAY PERIOD, SO AS TO MAKE CONFORMING CHANGES.

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Senator ALEXANDER spoke on the Bill.

Read the first time and referred to the Committee on Judiciary.

S. 257 -- Senators Peeler, Reese, Bright and S. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15-78-230 SO AS TO PROVIDE THAT THE POLITICAL SUBDIVISION MAY VOLUNTARILY ESTABLISH A FUND TO SETTLE MULTIPLE CLAIMS FOR LOSS RESULTING FROM A SINGLE OCCURRENCE WHEN THE AGGREGATE AMOUNT OF THE CLAIMS EXCEEDS THE LIMITS ESTABLISHED IN THE TORT CLAIMS ACT; AND BY ADDING SECTION 15-78-240 SO AS TO PROVIDE THAT THE BOARD OF ECONOMIC ADVISORS MUST CALCULATE ADJUSTMENTS IN THE LIMITATIONS ON DAMAGES.

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Read the first time and referred to the Committee on Judiciary.

S. 258 -- Senators Peeler, Reese and Bright: A JOINT RESOLUTION TO TRANSFER TWO MILLION DOLLARS FROM THE INSURANCE RESERVE FUND TO THE SPARTANBURG DISASTER RELIEF FUND; AND TO CREATE THE SPARTANBURG DISASTER RELIEF FUND TO COMPENSATE VICTIMS OF THE AMUSEMENT TRAIN DERAILMENT IN CLEVELAND PARK IN SPARTANBURG COUNTY FOR CERTAIN MEDICAL COSTS, TO SET FORTH A PROCESS FOR THE APPOINTMENT OF A FUND ADMINISTRATOR, AND TO SET FORTH THE MANNER IN WHICH CLAIMS ARE PAID.

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Read the first time and referred to the Committee on Finance.

S. 259 -- Senator Thurmond: A BILL TO AMEND SECTION 59-111-320 OF THE 1976 CODE, RELATING TO PERSONS AGE SIXTY AND OVER ATTENDING CLASSES AT STATE-SUPPORTED COLLEGES, UNIVERSITIES, AND TECHNICAL SCHOOLS WITHOUT PAYMENT OF TUITION, TO DELETE THE PROVISION THAT THESE PERSONS RECEIVING COMPENSATION AS FULL-TIME EMPLOYEES MUST PAY TUITION.

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Read the first time and referred to the Committee on Education.

S. 260 -- Senators Sheheen and Courson: A CONCURRENT RESOLUTION TO AUTHORIZE THE COMMISSIONING OF A PORTRAIT TO BE PLACED IN AN APPROPRIATE PLACE IN THE STATE HOUSE AS DETERMINED BY THE STATE HOUSE COMMITTEE OF THE LATE HONORABLE MATTHEW J. PERRY, JR., DISTINGUISHED SOUTH CAROLINA LAWYER, CIVIL RIGHTS PIONEER, AND FEDERAL JUDGE.

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The Concurrent Resolution was introduced and referred to the Committee on Finance.

S. 261 -- Senators Leatherman and Setzler: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO JANUARY 2, 2013, AND TO DELETE AN INAPPLICABLE SUBITEM.

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Read the first time and referred to the Committee on Finance.

S. 262 -- Senator Leatherman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 44 TO TITLE 11 SO AS TO ENACT THE “HIGH GROWTH SMALL BUSINESS JOB CREATION ACT OF 2013” BY PROVIDING FOR STATE NONREFUNDABLE INCOME TAX CREDITS FOR QUALIFIED INVESTMENTS IN BUSINESSES MEETING CERTAIN CRITERIA AND PRIMARILY ENGAGED IN MANUFACTURING, PROCESSING, WAREHOUSING, WHOLESALING, SOFTWARE DEVELOPMENT, INFORMATION TECHNOLOGY SERVICES, RESEARCH AND DEVELOPMENT OR OTHER NONPROHIBITED SERVICES, TO ESTABLISH THE CRITERIA AND PROCEDURES FOR THE CREDIT, AND TO MAKE THE CREDIT TRANSFERABLE.

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Read the first time and referred to the Committee on Finance.

S. 263 -- Senators Scott, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Ford, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SOUTH CAROLINA NATIVE HALLIE BRYANT ON HIS MULTIFACETED CAREER AS A WORLD FAMOUS HARLEM GLOBETROTTER, HIGH SCHOOL AND COLLEGIATE BASKETBALL STANDOUT, TEAM ADMINISTRATOR, AUTHOR, AND MOTIVATIONAL SPEAKER, AND TO WISH HIM WELL IN ALL HIS FUTURE ENDEAVORS.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 264 -- Senator Bryant: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE JAMES E. KOUTZ, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON TUESDAY, MARCH 5, 2013.

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The Concurrent Resolution was introduced and referred to the Committee on Invitations.

H. 3071 -- Reps. Delleney, Clemmons and Mack: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, JANUARY 30, 2013, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 3, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 4, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, FIFTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM WILL EXPIRE ON JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, NINTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, TENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A JUDGE TO A NEWLY CREATED SEAT FOR THE CIRCUIT COURT, AT LARGE, SEAT 14, WHOSE TERM WILL BE FROM JULY 1, 2013, UNTIL JUNE 30, 2019; TO ELECT A JUDGE TO A NEWLY CREATED SEAT FOR THE CIRCUIT COURT, AT LARGE, SEAT 15, WHOSE TERM WILL BE FROM JULY 1, 2013, UNTIL JUNE 30, 2019; TO ELECT A JUDGE TO A NEWLY CREATED SEAT FOR THE CIRCUIT COURT, AT LARGE, SEAT 16, WHOSE TERM WILL BE FROM JULY 1, 2013, UNTIL JUNE 30, 2019; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIRST JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SECOND JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRD JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRD JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FIFTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE JUNE 30, 2013, AND TO FILL THE SUBSEQUENT FULL TERM WHICH WILL EXPIRE JUNE 30, 2019; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SIXTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SEVENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SEVENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, EIGHTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, EIGHTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE JUNE 30, 2013, AND TO FILL THE SUBSEQUENT FULL TERM WHICH WILL EXPIRE JUNE 30, 2019; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, NINTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, NINTH JUDICIAL CIRCUIT, SEAT 4, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TENTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, ELEVENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TWELFTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TWELFTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRTEENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRTEENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTEENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SIXTEENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE JUNE 30, 2013; TO ELECT A JUDGE TO A NEWLY CREATED SEAT FOR THE FAMILY COURT, AT LARGE, SEAT 1, WHOSE TERM WILL BE FROM JULY 1, 2013, UNTIL JUNE 30, 2019; TO ELECT A JUDGE TO A NEWLY CREATED SEAT FOR THE FAMILY COURT, AT LARGE, SEAT 2, WHOSE TERM WILL BE FROM JULY 1, 2013, UNTIL JUNE 30, 2019; TO ELECT A JUDGE TO A NEWLY CREATED SEAT FOR THE FAMILY COURT, AT LARGE, SEAT 3, WHOSE TERM WILL BE FROM JULY 1, 2013, UNTIL JUNE 30, 2019; TO ELECT A JUDGE TO A NEWLY CREATED SEAT FOR THE FAMILY COURT, AT LARGE, SEAT 4, WHOSE TERM WILL BE FROM JULY 1, 2013, UNTIL JUNE 30, 2019; TO ELECT A JUDGE TO A NEWLY CREATED SEAT FOR THE FAMILY COURT, AT LARGE, SEAT 5, WHOSE TERM WILL BE FROM JULY 1, 2013, UNTIL JUNE 30, 2019; TO ELECT A JUDGE TO A NEWLY CREATED SEAT FOR THE FAMILY COURT, AT LARGE, SEAT 6, WHOSE TERM WILL BE FROM JULY 1, 2013, UNTIL JUNE 30, 2019; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, WHOSE TERM WILL EXPIRE JUNE 30, 2013.

The Concurrent Resolution was introduced and referred to the Committee on Judiciary.

H. 3248 -- Reps. Rutherford, King, Loftis, Gilliard, Jefferson and Williams: A BILL TO AMEND SECTION 16-13-510, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FINANCIAL IDENTITY FRAUD, SO AS TO ADD CONFORMING LANGUAGE CONTAINED IN FINANCIAL TRANSACTION CARD CRIME TO PROVIDE THAT IT IS NOT A DEFENSE WHEN SOME OF THE ACTS OF THE CRIME DID NOT OCCUR IN THIS STATE OR WITHIN A CITY, COUNTY, OR LOCAL JURISDICTION; AND TO AMEND SECTION 37-20-130, RELATING TO THE INITIATION OF A LAW ENFORCEMENT INVESTIGATION OF IDENTITY THEFT, SO AS TO DELETE THE LANGUAGE ALLOWING REFERRAL OF THE MATTER TO THE LAW ENFORCEMENT AGENCY WHERE THE CRIME WAS COMMITTED FOR INVESTIGATION.

Read the first time and referred to the Committee on Judiciary.

H. 3336 -- Reps. Riley, Parks, Pitts, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Patrick, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE THE GREENWOOD HIGH SCHOOL FOOTBALL TEAM ON ITS UNDEFEATED 15-0 SEASON AND IMPRESSIVE WIN OF THE 2012 CLASS AAAA DIVISION II STATE CHAMPIONSHIP TITLE.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 3337 -- Reps. Delleney, Bannister, Cole, Clemmons, Horne, McCoy and Weeks: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE JEAN HOEFER TOAL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON THE STATE OF THE JUDICIARY AT 12:00 NOON ON WEDNESDAY, FEBRUARY 20, 2013.

The Concurrent Resolution was introduced and referred to the Committee on Judiciary.

H. 3338 -- Reps. Clemmons, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Chumley, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO PROCLAIM THE WEEK OF FEBRUARY 7 - 14, 2013, AS CONGENITAL HEART DEFECT AWARENESS WEEK IN SOUTH CAROLINA FOR THE PURPOSE OF ENCOURAGING EARLY DETECTION AND TREATMENT OF THIS SERIOUS HEALTH ISSUE AFFECTING SO MANY CITIZENS.

The Concurrent Resolution was introduced and referred to the Committee on Medical Affairs.

**REPORTS OF STANDING COMMITTEES**

Senator CAMPSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

S. 91 -- Senator Gregory: A BILL TO AMEND SECTION 50‑11‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE HUNTING AND TAKING OF ANTLERED DEER, SO AS TO DELETE A PROHIBITION ON BAITING DEER IN GAME ZONES 1 AND 2.

Ordered for consideration tomorrow.

Senator CAMPSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

S. 165 -- Senator Campsen: A BILL TO AMEND SECTION 50-15-65 OF THE 1976 CODE, RELATING TO MANAGEMENT AND CONTROL OF ALLIGATORS ON PRIVATE LAND, TO PROVIDE FOR A HUNTING SEASON OF ALLIGATORS ON PRIVATE LAND FROM SEPTEMBER FIRST THROUGH MAY THIRTY-FIRST.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

The following Resolutions were returned from the House with concurrence and received as information:

S. 220 -- Senator Sheheen: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JANE ELIZABETH DAVIS PIGG, OWNER OF CHERAW’S WCRE RADIO STATIONS AND EXECUTIVE PRODUCER OF THE PEE DEE BROADCASTING SPORTS NETWORK, FOR MORE THAN THIRTY‑EIGHT YEARS OF OUTSTANDING RADIO BROADCASTING IN THE PALMETTO STATE, AND TO CONGRATULATE HER FOR BEING NOMINATED FOR INDUCTION INTO THE SOUTH CAROLINA BROADCASTERS ASSOCIATION HALL OF FAME.

S. 236 -- Senators Nicholson and O’Dell: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE THE GREENWOOD HIGH SCHOOL FOOTBALL TEAM ON ITS UNDEFEATED 15‑0 SEASON AND IMPRESSIVE WIN OF THE 2012 CLASS AAAA DIVISION II STATE CHAMPIONSHIP TITLE.

S. 252 -- Senator Peeler: A SENATE RESOLUTION TO CONGRATULATE DR. BOBBY G. MOSS OF BLACKSBURG ON BEING NAMED CHEROKEE COUNTY HISTORIAN AND TO WISH HIM MUCH SUCCESS IN ALL HIS FUTURE ENDEAVORS.

S. 253 -- Senator McGill: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF BRUCE FRANKLIN DUKE, JR., OF WEST COLUMBIA, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

S. 254 -- Senator O’Dell: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE ANDERSON COUNTY FIRE DEPARTMENT FOR THE VALUABLE PUBLIC SERVICE IT RENDERS EVERY DAY, AND TO CONGRATULATE THE DEPARTMENT AT THE CELEBRATION OF ITS FIFTIETH ANNIVERSARY.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**AMENDED, COMMITTEE AMENDMENT WITHDRAWN**

**READ THE SECOND TIME**

S. 2 -- Senators Campsen, L. Martin, Cromer, Hayes and Grooms: A BILL TO ESTABLISH THE “EQUAL ACCESS TO THE BALLOT ACT”, BY AMENDING SECTION 8‑13‑1356, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FILING OF A STATEMENT OF ECONOMIC INTERESTS BY A CANDIDATE, TO PROVIDE THAT A CANDIDATE WHO IS NOT A PUBLIC OFFICIAL AND A CANDIDATE WHO IS A PUBLIC OFFICIAL SHALL ELECTRONICALLY FILE OR UPDATE A STATEMENT OF ECONOMIC INTERESTS, AS APPLICABLE, PRIOR TO FILING A STATEMENT OF INTENTION OF CANDIDACY OR NOMINATION FOR PETITION; TO AMEND SECTION 7‑11‑15, TO PROVIDE THAT THE FILING PERIOD RUNS FROM MARCH TWENTY‑THIRD TO MARCH THIRTIETH, TO REQUIRE THAT THE PARTY EXECUTIVE COMMITTEE NOT ACCEPT A STATEMENT OF INTENTION OF CANDIDACY UNLESS THE COMMITTEE VERIFIES THAT THE CANDIDATE FILED AN ELECTRONIC STATEMENT OF ECONOMIC INTEREST, AND TO PROVIDE THAT INTENTIONS OF CANDIDACY ARE TO BE SUBMITTED TO THE APPROPRIATE ELECTION COMMISSION BY NOON ON THE FIFTH DAY AFTER THE FILING DEADLINE.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

Senator LARRY MARTIN was recognized.

Senator LARRY MARTIN asked unanimous consent to make a motion to take up Amendment No. 2 for immediate consideration.

There was no objection.

**Amendment No. 2**

Senators LARRY MARTIN, CAMPSEN, MALLOY, SHEHEEN, MASSEY, SCOTT, COLEMAN and CROMER proposed the following Amendment No. 2 (JUD0002.020), which was adopted:

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

/ SECTION 1. Section 7-11-15 of the 1976 Code is amended to read:

“Section 7-11-15. (A) In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary or political party convention must file a statement of intention of candidacy between noon on March sixteenth and noon on March thirtieth as provided in this section.

(1) Candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy with the ~~state executive committee of their respective party~~ State Election Commission.

(2) Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy with the county ~~executive committee of their respective party~~ election commission in the county of their residence. ~~The county committees must, within five days of the receipt of the statements, transmit the statements along with the applicable filing fees to the respective state executive committees. However, the county committees must report all filings to the state committees no later than five p.m. on March thirtieth.~~ The state executive committees must certify candidates pursuant to Section 7‑13‑40.

(3) Candidates seeking nomination for a countywide or less than countywide office shall file their statements of intention of candidacy with the county ~~executive committee of their respective party~~ election commission in the county of their residence.

(B) Except as provided herein, the county ~~executive committee of any political party~~ election commission with whom statements of intention of candidacy are filed must ~~file, in turn,~~ provide a copy of all statements of intention of candidacy ~~with the county election commission by noon on the tenth~~ to the appropriate political party executive committee within two days following the deadline for filing statements by candidates. If the ~~tenth~~ second day falls on Saturday, Sunday, or a legal holiday, the statements must be filed by noon the following day that is not a Saturday, Sunday, or legal holiday. ~~The state executive committee of any political party with whom statements of intention of candidacy are filed must file, in turn, all the statements of intention of candidacy with the State Election Commission by noon on the tenth day following the deadline for filing statements by candidates. If the tenth day falls on Saturday, Sunday, or a legal holiday, the statements must be filed by noon the following day.~~ No candidate's name may appear on a primary election ballot, convention slate of candidates, general election ballot, or special election ballot, except as otherwise provided by law, if (1) the candidate's statement of intention of candidacy has not been filed with the County Election Commission or State Election Commission, as the case may be, by the deadline and (2) the candidate has not been certified by the appropriate political party as required by Sections 7‑13‑40 and 7‑13‑350, as applicable. The candidate's name must appear if the candidate produces the signed and dated copy of his timely filed statement of intention of candidacy. An error or omission by a person seeking to qualify as a candidate pursuant to this section that is not directly related to a constitutional or statutory qualification must be construed in a manner that favors the person's access to the ballot.

(C) The statement of intention of candidacy required in this section and in Section 7‑13‑190(B) must be on a form designed and provided by the State Election Commission. This form, in addition to all other information, must contain an affirmation that the candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. ~~It must be filed in triplicate by the candidate~~ The candidate must file three signed copies and the election commission with whom it is filed and the ~~political party committee~~ election commission with whom it is filed must stamp ~~it~~ each copy with the date and time received, ~~sign it,~~ keep one copy, return one copy to the candidate, and send one copy to ~~either the county election commission or the State Election Commission, as the case may be~~ the appropriate political party executive committee.

(D) If, after the closing of the time for filing statements of intention of candidacy, there are not more than two candidates for any one office and one or more of the candidates dies, or withdraws, the state or county committee, as the case may be, if the nomination is by political party primary or political party convention only may, in its discretion, afford opportunity for the entry of other candidates for the office involved; however, for the office of State House of Representatives or State Senator, the discretion must be exercised by the state committee.

(E) The provisions of this section do not apply to nonpartisan school trustee elections in any school district where local law provisions provide for other dates and procedures for filing statements of candidacy or petitions, and to the extent the provisions of this section and the local law provisions conflict, the local law provisions control.”

SECTION 2. Section 7-11-55 of the 1976 Code is amended to read:

“Section 7‑11‑55. If a party nominee dies, becomes disqualified after his nomination, or resigns his candidacy for a legitimate nonpolitical reason as defined in Section 7‑11‑50 and was selected through a party primary election, the vacancy must be filled in a special primary election to be conducted as provided in this section. The filing period for this special primary election opens the second Tuesday after the death, disqualification, or approval of the resignation for one week. The special primary election then must be conducted on the second Tuesday immediately following the close of the filing period. A runoff, if necessary, must be held two weeks after the first primary. The nomination must be certified not less than two weeks before the date of the general election. If the nomination is certified two weeks or more before the date of the general election, that office is to be filled at the general election.

If the nomination is certified less than two weeks before the date of the general election, that office must not be filled at the general election but must be filled in a special election to be held on the second Tuesday in the month following the election, provided that the date of the special election to be conducted after the general election may be combined with other necessary elections scheduled to occur within a twenty‑eight day period in the manner authorized by Section 7‑13‑190(D).

The procedures for resigning a candidacy under this section for legitimate nonpolitical reasons are the same as provided in Section 7‑11‑50.

In order to qualify as a candidate, the person must file his statement of intention of candidacy in the manner provided in Section 7-11-15. A candidate must also file his statement of economic interests electronically with the State Ethics Commission pursuant to Section 8-13-1356(A).

Where the party nominee was unopposed, each political party registered with the State Election Commission has the privilege of nominating a candidate for the office involved through a special primary election in the same manner and under the same procedures stipulated by this section.”

SECTION 3. Section 7-13-40 of the 1976 Code is amended to read:

“Section 7-13-40. In the event that a party nominates candidates by party primary, a party primary must be held by the party and conducted by the State Election Commission and the respective county election commissions on the second Tuesday in June of each general election year, and a second and third primary each two weeks successively thereafter, if necessary. Written certification of the names of all candidates to be placed on primary ballots must be made by the political party chairman, vice chairman, or secretary to the State Election Commission or the county election commission, whichever is responsible under law for preparing the ballot, not later than twelve o'clock noon on April ninth, or if April ninth falls on a Saturday or Sunday, not later than twelve o'clock noon on the following Monday. Political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate election commission of the names of candidates to be placed on primary ballots. The written verification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for office for which he has filed. ~~Political parties must not accept the filing of~~ A political party must not certify any candidate who does not or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which the candidate ~~desires to file~~ has filed, and such candidate's name shall not be placed on a primary ballot. The filing fees for all candidates filing to run in all primaries, except municipal primaries, must be transmitted by the respective political parties to the State Election Commission and placed by the executive director of the commission in a special account designated for use in conducting primary elections and must be used for that purpose. The filing fee for each office is one percent of the total salary for the term of that office or one hundred dollars, whichever amount is greater."

SECTION 4. Section 7-13-45 of the 1976 Code is amended to read:

“Section 7‑13‑45. (A) In every general election year, the county chairman shall:

(1) designate a specified place other than a private residence where ~~persons may file a statement of intention of candidacy;~~  the county chairman, or his designee, will accept a candidate’s filing fee and provide for the signing of the party pledge as provided by Section 7-11-210. The specified place may include the county election commission office, and the county election commission shall cooperate to the extent necessary to facilitate this designation. The county chairman may also designate the county election commission director as the person to accept the filing fee and provide for the signing of the party pledge. If so designated, the county election commission director, or his designee, shall collect filing fees and provide for the signing of the party pledge at the times established pursuant to this section and shall transmit the fees and pledges to the county chairman periodically during and at the conclusion of the filing period at times agreed to by the county party chairman and the county election commission director;

~~(2)~~ ~~designate a specified place other than a private residence where persons may file as candidates;~~

(2)~~(3)~~ establish regular hours of not less than four hours a day during the final seventy‑two hours of the filing period in which he or some person he designates must be present at the designated place to accept ~~filings~~ filing fees and provide for the signing of the party pledge;

~~(4)~~(3) place an advertisement to appear two weeks before the filing period begins in a newspaper of general circulation in the county at least five by seven inches in size that notifies the public of the dates of the filing periods, the offices which may be filed for, the place and street address where filings may be made, and the hours that an authorized person will be present to receive filings.”

SECTION 5. Section 8‑13‑365 of the 1976 Code is amended to read:

“Section 8-13-365. ~~(A)~~ The commission shall establish a system of electronic filing for all disclosures and reports required pursuant to Chapter 13, Title 8, and Chapter 17, Title 2 from all persons and entities subject to its jurisdiction except for forms and reports required pursuant to Article 9, Chapter 13, Title 8. These disclosures and reports must be filed using an Internet‑based filing system as prescribed by the commission. ~~Reports and disclosures filed with the Ethics Committees of the Senate and House of Representatives for legislative offices must be in a format such that these filings can be forwarded to the State Ethics Commission using an Internet‑based system~~. The information contained in the reports and disclosure forms, with the exception of social security numbers, campaign bank account numbers, and tax ID numbers, must be publicly accessible, searchable, and transferable.

~~(B)~~ ~~The Ethics Commission must submit to the General Assembly a report no later than one year after implementation of subsection (A), concerning the effectiveness of mandatory electronic filing, and must make recommendations as to the implementation of mandatory filing for all other candidates and entities.~~”

SECTION 6. Section 8‑13‑1140 of the 1976 Code is amended to read:

“Section 8‑13‑1140. A person required to file a statement of economic interests under this chapter shall annually file, pursuant to Section 8‑13‑365, an updated statement for the previous calendar year ~~with the appropriate supervisory office~~ ~~annually~~, no later than ~~April fifteenth~~ noon on March thirtieth of each calendar year~~, listing any addition, deletion, or change in his economic status with respect to which information is required to be supplied under this article~~. If the person has filed the description by name, amount, and schedule of payments of a continuing arrangement relating to an item required to be reported under this article, an updating statement need not be filed for each payment under the continuing arrangement, but only if the arrangement is terminated or altered.”

SECTION 7. Section 8‑13‑1356 of the 1976 Code is amended to read:

“Section 8‑13‑1356. (A) ~~This section does not apply to a public official who has a current disclosure statement on file with the appropriate supervisory office pursuant to Sections 8‑13‑1110 or 8‑13‑1140.~~

~~(B)~~ A person who becomes a candidate by filing a statement of intention of candidacy seeking nomination by political party primary or political party convention must electronically file a statement of economic interests for the preceding calendar year ~~at the same time and with the same official with whom the candidate files~~ pursuant to Section 8‑13‑365 prior to the close of filing for the particular office ~~a~~ ~~declaration of candidacy~~ ~~or petition for nomination~~.

(B) A person who becomes a candidate by filing a petition for nomination must electronically file a statement of economic interests for the preceding calendar year pursuant to Section 8-13-365 within fifteen days of submitting the petition pursuant to Section 7-11-70 or 7-11-71.

(C) A person who becomes a write-in candidate must electronically file a statement of economic interests for the preceding calendar year within twenty-four hours of filing an initial campaign finance report pursuant to Section 8-13-1308(A) or before taking the oath of office, whichever occurs earlier.

~~(C)~~ ~~The official with whom the candidate files a declaration of candidacy or petition for nomination, no later than five business days after candidacy books close, must file a copy of the statement with the appropriate supervisory office.~~

~~(D)~~ ~~An individual who becomes a candidate other than by filing must, no later than fifteen business days after becoming a candidate, file a statement of economic interests for the preceding calendar year with the appropriate supervisory office~~.

~~(E)~~ ~~An officer authorized to receive declarations of candidacy and petitions for nominations under the provisions of Chapter 11 of Title 7 may not accept a declaration of candidacy or petition for nomination unless the declaration or petition is accompanied by a statement of economic interests. If the candidate’s name inadvertently appears on the ballot, the officer authorized to receive declarations of candidacy or petitions for nomination must not certify the candidate subsequent to the election.~~

~~(F)~~ ~~If the candidate files for office before January first of the year in which the election is held, he must file a supplementary statement covering the preceding calendar year no later than April first of the year in which the election is held.~~

~~(G)~~(D) A candidate who is not a public official otherwise filing a statement has the same disclosure requirements as a public official with the exception of reporting gifts.

~~(H)~~ ~~The State Ethics Commission must furnish to each clerk of court in the State forms on which the statement of economic interests shall be filed.~~

(E) The appropriate supervisory office shall assess a civil penalty pursuant to Section 8-13-1510 against a candidate who fails to timely file a statement of economic interests as required by this section.”

SECTION 8. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17, Article III of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of election reform as stated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act.

SECTION 9. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 10. This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senator GROOMS desired to be recorded as voting in favor of the adoption of Amendment No. 2.

On motion of Senator LARRY MARTIN, with unanimous consent, the committee amendment, as reflected, was withdrawn.

The Committee on Judiciary proposed the following amendment (JUD0002.008), which was withdrawn:

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

/ SECTION 1. Section 7‑11‑15 of the 1976 Code is amended to read:

“Section 7‑11‑15.(A) In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary or political party convention must file a statement of intention of candidacy between noon on March ~~sixteenth~~ twenty‑third and noon on March thirtieth as provided in this section. If March thirtieth falls on Saturday, Sunday, or a legal holiday, the filing must be filed by noon the next day that is not a Saturday, Sunday, or legal holiday.

(1) Candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy with the state executive committee of their respective party. The party state executive committee must not accept a statement of intention of candidacy unless the committee verifies that the candidate filed an electronic statement of economic interests pursuant to Section 8‑13‑1356.

(2) Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy with the county executive committee of their respective party at the county election commission headquarters in the county of their residence. The county executive committee must not accept a statement of intention of candidacy unless the committee verifies that the candidate filed an electronic statement of economic interests pursuant to Section 8‑13‑1356. The county committees must, within five days of the receipt of the statements, transmit the statements along with the applicable filing fees to the respective state executive committees. However, the county committees must report all filings to the state committees no later than five p.m. on March thirtieth, or March thirtieth falls on Saturday, Sunday, or a legal holiday, the report must be made filed by five p.m. on the next day that is not a Saturday, Sunday, or legal holiday. The state executive committees must certify candidates pursuant to Section 7‑13‑40.

(3) Candidates seeking nomination for a countywide or less than countywide office shall file their statements of intention of candidacy with the county executive committee of their respective party at the county election commission headquarters. The county executive committee must not accept a statement of intention of candidacy unless the committee verifies that the candidate filed an electronic statement of economic interests pursuant to Section 8‑13‑1356.

(B) Except as provided herein, the county executive committee of any political party with whom statements of intention of candidacy are filed must file, in turn, all statements of intention of candidacy with the county election commission by noon on the ~~tenth~~ third day following the deadline for filing statements by candidates. If the ~~tenth~~ third day falls on Saturday, Sunday, or a legal holiday, the statements must be filed by noon the ~~following day~~ next day that is not a Saturday, Sunday, or legal holiday. The state executive committee of any political party with whom statements of intention of candidacy are filed must file, in turn, all the statements of intention of candidacy with the State Election Commission by noon on the ~~tenth~~ third day following the deadline for filing statements by candidates. If the ~~tenth~~ third day falls on Saturday, Sunday, or a legal holiday, the statements must be filed by noon the ~~following day~~ next day that is not a Saturday, Sunday, or a legal holiday. No candidate’s name may appear on a primary election ballot, convention slate of candidates, general election ballot, or special election ballot, except as otherwise provided by law, if (1) the candidate’s statement of intention of candidacy has not been filed with the county election commission or State Election Commission, as the case may be, by the deadline, and (2) the candidate has not been certified by the appropriate political partyas required by Sections 7‑13‑40 and 7‑13‑350, as applicable. The candidate’s name must appear if the candidate produces the signed and dated copy of his timely filed statement of intention of candidacy and has timely filed a statement of economic interests pursuant to Section 8-13-1356.

(C) The statement of intention of candidacy required in this section and in Section 7‑13‑190(B) must be on a form designed and provided by the State Election Commission. This form, in addition to all other information, must contain an affirmation that the candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. It must be filed in triplicate by the candidate, and the political party committee with whom it is filed must stamp it with the date and time received, sign it, keep one copy, return one copy to the candidate, and send one copy to either the county election commission or the State Election Commission, as the case may be.

(D) Upon the party official accepting a statement of intention of candidacy, the official must complete a verification form that is designed and provided by the State Election Commission. This verification form must contain an affirmation that the candidate filed the statement of economic interests prior to filing the statement of intention of candidacy, the receiving official verified the statement of economic interests was filed prior to accepting the statement of intention of candidacy, and the date and time the official accepted the statement of intention of candidacy. This form, to be filed in triplicate, must be signed by the party official that accepts the statement of intention of candidacy and the candidate. The political party committee must keep one copy, return one copy to the candidate, and send one copy to either the county election commission or the State Election Commission, as the case may be. Receipt of the verification form is a prima facie showing that the candidate complied, in good faith, with the filing deadlines as mandated by law. If any question arises regarding compliance with a filing deadline after a candidate receives the verification form, the candidate shall rectify the question prior to the party certifying candidates pursuant to Section 7-13-40. There shall be imposed a late fee of two hundred fifty dollars for any correction submitted by the candidate after the filing deadline. The party must not certify a candidate who failed to rectify a question pursuant to this subsection.

(E) If, after the closing of the time for filing statements of intention of candidacy, there are not more than two candidates for any one office and one or more of the candidates dies, or withdraws, the state or county committee, as the case may be, if the nomination is by political party primary or political party convention only may, in its discretion, afford opportunity for the entry of other candidates for the office involved; however, for the office of State House of Representatives or State Senator, the discretion must be exercised by the state committee.

(F) The provisions of this section do not apply to nonpartisan school trustee elections in any school district where local law provisions provide for other dates and procedures for filing statements of candidacy or petitions, and to the extent the provisions of this section and the local law provisions conflict, the local law provisions control.”

SECTION 2. Section 7-13-40 of the 1976 Code is amended to read:

“Section 7-13-40. In the event that a party nominates candidates by party primary, a party primary must be held by the party and conducted by the State Election Commission and the respective county election commissions on the second Tuesday in June of each general election year, and a second and third primary each two weeks successively thereafter, if necessary. Written certification of the names of all candidates to be placed on primary ballots must be made by the political party chairman, vice chairman, or secretary to the State Election Commission or the county election commission, whichever is responsible under law for preparing the ballot, not later than twelve o'clock noon on ~~April ninth~~ the third day after filing closes pursuant to Section 7-11-15, or ~~if April ninth~~ the third day falls on a Saturday, ~~or~~ Sunday, or a legal holiday, not later than twelve o'clock noon on the ~~following Monday~~ next day that is not a Saturday, Sunday, or a legal holiday. Political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate election commission of the names of candidates to be placed on primary ballots. The written verification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for office for which he has filed. Political parties must not accept the filing of any candidate who does not or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which the candidate desires to file, and such candidate's name shall not be placed on a primary ballot. The filing fees for all candidates filing to run in all primaries, except municipal primaries, must be transmitted by the respective political parties to the State Election Commission and placed by the executive director of the commission in a special account designated for use in conducting primary elections and must be used for that purpose. The filing fee for each office is one percent of the total salary for the term of that office or one hundred dollars, whichever amount is greater.”

SECTION 3. Section 7-13-45 of the 1976 Code is amended to read:

“Section 7‑13‑45. In every general election year, the county election commission shall establish designated areas at their headquarters where representatives of party executive committees may accept filings of statements of intentions of candidacy from potential candidates. ~~the~~The county chairman shall~~:~~

~~(1)~~ ~~designate a specified place other than a private residence where persons may file a statement of intention of candidacy;~~

~~(2)~~ ~~designate a specified place other than a private residence where persons may file as candidates;~~

~~(3)~~ establish regular hours of not less than four hours a day during the final seventy‑two hours of the filing period in which he or some person he designates must be present at the ~~designated place~~ county election commission headquarters to accept filings~~;~~, and

~~(4)~~ place an advertisement to appear two weeks before the filing period begins in a newspaper of general circulation in the county at least five by seven inches in size that notifies the public of the dates of the filing periods, the offices which may be filed for, the place and street address where filings may be made, and the hours that an authorized person will be present to receive filings.”

SECTION 4. Section 8‑13‑365 of the 1976 Code is amended to read:

“Section 8-13-365. ~~(A)~~ The commission shall establish a system of electronic filing for all disclosures and reports required pursuant to Chapter 13, Title 8, except for forms and reports required pursuant to Article 9, Chapter 13, Title 8, and Chapter 17, Title 2 ~~from all persons and entities subject to its jurisdiction~~. These disclosures and reports must be filed using an Internet‑based filing system as prescribed by the commission. ~~Reports and disclosures filed with the Ethics Committees of the Senate and House of Representatives for legislative offices must be in a format such that these filings can be forwarded to the State Ethics Commission using an Internet‑based system~~. The information contained in the reports and disclosure forms, with the exception of social security numbers, campaign bank account numbers, and tax ID numbers, must be publicly accessible, searchable, and transferable. A report or disclosure required to be filed electronically pursuant to Chapter 13, Title 8 and Chapter 17, Title 2 is deemed to be filed upon the electronic submission of the disclosure or report and is immediately available in public reporting.

~~(B)~~ ~~The Ethics Commission must submit to the General Assembly a report no later than one year after implementation of subsection (A), concerning the effectiveness of mandatory electronic filing, and must make recommendations as to the implementation of mandatory filing for all other candidates and entities.~~”

SECTION 5. Section 8‑13‑1140 of the 1976 Code is amended to read:

“Section 8‑13‑1140. A person required to file a statement of economic interests under this chapter shall annually file, pursuant to Section 8‑13‑365, an updated statement for the previous calendar year ~~with the appropriate supervisory office~~ ~~annually~~, no later than April fifteenth of each calendar year~~, listing any addition, deletion, or change in his economic status with respect to which information is required to be supplied under this article~~. If the person has filed the description by name, amount, and schedule of payments of a continuing arrangement relating to an item required to be reported under this article, an updating statement need not be filed for each payment under the continuing arrangement, but only if the arrangement is terminated or altered.”

SECTION 6. Section 8‑13‑1356 of the 1976 Code is amended to read:

“Section 8‑13‑1356. (A) ~~This section does not apply to a public official who has a current disclosure statement on file with the appropriate supervisory office pursuant to Sections 8‑13‑1110 or 8‑13‑1140.~~

~~(B)~~ A candidate must electronically file a statement of economic interests for the preceding calendar year ~~at the same time and with the same official with whom the candidate files~~ pursuant to Section 8‑13‑365 prior to filing a ~~declaration~~ statement of intention of candidacy or petition for nomination. A candidate who is a public official may electronically file one statement of economic interests for the preceding calendar year to meet the requirements of this subsection and Section 8-13-1140, provided that the filing is made prior to filing a statement of intention of candidacy or petition for nomination.

~~(C)~~ ~~The official with whom the candidate files a declaration of candidacy or petition for nomination, no later than five business days after candidacy books close, must file a copy of the statement with the appropriate supervisory office.~~

~~(D)~~(B) An individual who becomes a candidate other than by filing must, no later than fifteen business days after becoming a candidate, electronically file a statement of economic interests for the preceding calendar year ~~with the appropriate supervisory office~~ pursuant to Section 8‑13‑365.

~~(E)~~(C) An officer authorized to receive ~~declarations~~ a statement of intention of candidacy and petitions for nominations under the provisions of Chapter 11 of Title 7 ~~may~~ must not accept a ~~declaration~~ statement of intention of candidacy or petition for nomination unless the ~~declaration or petition is accompanied by a statement of economic interests~~ officer verifies that the candidate has complied with subsection (A). If the candidate’s name inadvertently appears on the ballot, the officer authorized to receive ~~declarations~~ statements of intention of candidacy or petitions for nomination must not certify the candidate subsequent to the election.

~~(F) If the candidate files for office before January first of the year in which the election is held, he must file a supplementary statement covering the preceding calendar year no later than April first of the year in which the election is held.~~

~~(G)~~(D) A candidate who is not a public official otherwise filing a statement has the same disclosure requirements as a public official with the exception of reporting gifts.

~~(H) The State Ethics Commission must furnish to each clerk of court in the State forms on which the statement of economic interests shall be filed.~~”

SECTION 7. In order to educate various parties regarding the provisions contained in this act, the following notifications must be made:

(1) The State Election Commission must notify each county election commission of the provisions of this act.

(2) The State Election Commission must post the provisions of this act on its website.

(3) The State Election Commission must include a statement on the statement of intention of candidacy, in bold and conspicuous font, that the Statement of Economic Interests must be filed prior to a political party official accepting the statement of intention of candidacy.

(4) Each state party executive committee must notify their respective county executive parties of the provisions of this act.

SECTION 8. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 9. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17, Article III of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of election reform as stated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act.

SECTION 10. This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was withdrawn.

**Amendment No. 3**

Senators HUTTO and SCOTT proposed the following Amendment No. 3 (2MW.EDUCATE), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION\_\_\_. In order to educate various parties regarding the provisions contained in this act, the following notifications must be made:

(1) The State Election Commission must notify each county election commission of the provisions of this act.

(2) The State Election Commission must post the provisions of this act on its website.

(3) Each state party executive committee must notify their respective county executive parties of the provisions of this act. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

**Amendment No. 4**

Senator COLEMAN proposed the following Amendment No. 4 (2R002.CC), which was adopted:

Amend the bill, as and if amended, by striking Section 7-11-15(A)(1) and inserting:

/ (1) ~~Candidates~~ Except as otherwise provided in this section, candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy with the ~~state executive committee of their respective party~~ State Election Commission. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

**Amendment No. 5**

Senator HUTTO proposed the following Amendment No. 5 (JUD0002.022), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered new section:

SECTION \_\_. Section 7-11-210 of the 1976 Code is amended to read:

“Section 7‑11‑210. Every candidate for selection as a nominee of any political party for any state office, United States Senator, member of Congress, or solicitor, to be voted for in any party primary election or political party convention, shall file with and place in the possession of the ~~treasurer of the state committee~~ state chairman or his designee by twelve o’clock noon on March thirtieth pursuant to Section 7‑13‑45 a notice or pledge in the following form, the blanks being properly filled in and the notice or pledge signed by the candidate: ‘I hereby file my notice as a candidate for the nomination as \_\_\_\_\_\_\_\_\_\_ in the primary election or convention to be held on \_\_\_\_\_\_\_\_\_\_. I affiliate with the \_\_\_\_\_\_\_\_\_\_ Party, and I hereby pledge myself to abide by the results of the primary or convention. I shall not authorize my name to be placed on the general election ballot by petition and will not offer or campaign as a write‑in candidate for this office or any other office for which the party has a nominee. I authorize the issuance of an injunction upon ex parte application by the party chairman, as provided by law, should I violate this pledge by offering or campaigning in the ensuing general election for election to this office or any other office for which a nominee has been elected in the party primary election, unless the nominee for the office has become deceased or otherwise disqualified for election in the ensuing general election. I hereby affirm that I meet, or will meet by the time of the general or special election, or as otherwise required by law, the qualifications for this office’.

Every candidate for selection in a primary election as the nominee of any political party for member of the Senate, member of the House of Representatives, and all county and township offices shall file with and place in the possession of the county chairman or other officer as may be named by the county committee of the county in which they reside by twelve o’clock noon on March thirtieth a like notice and pledge.

The notice of candidacy required by this section to be filed by a candidate in a primary must be signed personally by the candidate, and the signature of the candidate must be signed in the presence of the county chairman or other officer as may be named by the county committee with whom the candidate is filing, or a candidate must have his signature on the notice of the candidacy acknowledged and certified by any officer authorized to administer an oath. Any notice of candidacy of any candidate signed by an agent in behalf of a candidate shall not be valid.

In the event that a person who was defeated as a candidate for nomination to an office in a party’s primary election shall thereafter offer or campaign as a candidate against any nominee for election to any office in the ensuing general election, the state chairman of the party which held the primary (if the office involved is one voted for in the general election by the electors of more than one county), or the county chairman of the party which held the primary (in the case of all other offices), shall forthwith institute an action in a court of competent jurisdiction for an order enjoining the person from so offering or campaigning in the general election, and the court is hereby empowered upon proof of these facts to issue an order.

Amend the bill further, as and if amended, by adding an appropriately numbered new section:

SECTION \_\_. Section 7-11-220 of the 1976 Code is amended to read:

“Section 7‑11‑220. Every candidate for selection in a primary election as the nominee of a political party for the office of State Senator shall file with and place in the possession of the county chairman of the county or his designee in which he resides, or such other officer as may be named by the county committee of the county in which he resides, at the same time as those wishing to offer for nomination in such primary for countywide or less than countywide office, a notice or pledge as required by Section 7‑11‑210.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

On motion of Senator LARRY MARTIN, with unanimous consent, the amendment was withdrawn.

**Amendment No. 6**

Senator HUTTO proposed the following Amendment No. 6 (JUD0002.023), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new section:

SECTION \_\_. Section 7-11-210 of the 1976 Code is amended to read:

“Section 7‑11‑210. Every candidate for selection as a nominee of any political party for any state office, United States Senator, member of Congress, or solicitor, to be voted for in any party primary election or political party convention, shall file with and place in the possession of the ~~treasurer of the state committee~~ state chairman or his designee by twelve o’clock noon on March thirtieth pursuant to Section 7‑13‑45 a notice or pledge in the following form, the blanks being properly filled in and the notice or pledge signed by the candidate: ‘I hereby file my notice as a candidate for the nomination as \_\_\_\_\_\_\_\_\_\_ in the primary election or convention to be held on \_\_\_\_\_\_\_\_\_\_. I affiliate with the \_\_\_\_\_\_\_\_\_\_ Party, and I hereby pledge myself to abide by the results of the primary or convention. I shall not authorize my name to be placed on the general election ballot by petition and will not offer or campaign as a write‑in candidate for this office or any other office for which the party has a nominee. I authorize the issuance of an injunction upon ex parte application by the party chairman, as provided by law, should I violate this pledge by offering or campaigning in the ensuing general election for election to this office or any other office for which a nominee has been elected in the party primary election, unless the nominee for the office has become deceased or otherwise disqualified for election in the ensuing general election. I hereby affirm that I meet, or will meet by the time of the general or special election, or as otherwise required by law, the qualifications for this office’.

Every candidate for selection in a primary election as the nominee of any political party for member of the Senate, member of the House of Representatives, and all county and township offices shall file with and place in the possession of the county chairman of the county in which they reside, or the chairman’s designee, ~~or other officer as may be named by the county committee of the county in which they reside~~ by twelve o’clock noon on March thirtieth a like notice and pledge.

The notice of candidacy required by this section to be filed by a candidate in a primary must be signed personally by the candidate, and the signature of the candidate must be signed in the presence of the county chairman or his designee ~~or other officer as may be named by the county committee with whom the candidate is filing, or a candidate must have his signature on the notice of the candidacy acknowledged and certified by any officer authorized to administer an oath~~. Any notice of candidacy of any candidate signed by an agent in behalf of a candidate shall not be valid.

In the event that a person who was defeated as a candidate for nomination to an office in a party’s primary election shall thereafter offer or campaign as a candidate against any nominee for election to any office in the ensuing general election, the state chairman of the party which held the primary (if the office involved is one voted for in the general election by the electors of more than one county), or the county chairman of the party which held the primary (in the case of all other offices), shall forthwith institute an action in a court of competent jurisdiction for an order enjoining the person from so offering or campaigning in the general election, and the court is hereby empowered upon proof of these facts to issue an order.

Amend the bill further, as and if amended, by adding an appropriately numbered new section:

SECTION \_\_. Section 7-11-220 of the 1976 Code is amended to read:

“Section 7‑11‑220. Every candidate for selection in a primary election as the nominee of a political party for the office of State Senator shall file with and place in the possession of the county chairman of the county or his designee in which he resides~~, or such other officer as may be named by the county committee of the county in which he resides,~~ at the same time as those wishing to offer for nomination in such primary for countywide or less than countywide office, a notice or pledge as required by Section 7‑11‑210.

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

**Motion Adopted**

Senator LARRY MARTIN asked unanimous consent to make a motion to take up further amendments on third reading.

There was no objection.

The question then was the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 43; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Ford

Grooms Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**MOTION ADOPTED**

On motion of Senators FAIR and ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Kizer Andrew Baker, Jr., 86, of Greenville, S.C. He was a loving husband of 65 years to Elizabeth, devoted father and doting grandfather and great-grandfather. He was a kind man who will be missed deeply by his family and friends.

**ADJOURNMENT**

At 12:48 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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