**A** **BILL**

TO AMEND SECTION 30‑4‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE FREEDOM OF INFORMATION ACT, SO AS TO REMOVE EXISTING EXEMPTIONS FOR MEMBERS OF THE GENERAL ASSEMBLY AND THEIR IMMEDIATE STAFF, AND TO INSTEAD ONLY PROVIDE A LIMITED EXEMPTION FOR DRAFTS OF POTENTIAL ORDINANCES, LEGISLATION, AMENDMENTS TO LEGISLATION, AND RELATED DEVELOPMENTAL DOCUMENTS IN THE POSSESSION OF ANY INDIVIDUAL ELECTED OR APPOINTED OFFICIAL OR HIS STAFF; TO PROVIDE AN EXEMPTION FOR WRITTEN OR ELECTRONIC CORRESPONDENCE FROM A MEMBER OF THE PUBLIC; AND TO PROVIDE THAT NEITHER OF THESE EXEMPTIONS LIMIT OR RESTRICT PUBLIC ACCESS TO SOURCE DOCUMENTS OR RECORDS, FACTUAL DATA OR SUMMARIES OF FACTUAL DATA, PAPERS, MINUTES, OR REPORTS OTHERWISE CONSIDERED TO BE PUBLIC INFORMATION UNDER THESE PROVISIONS.

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

SECTION 1. Section 30‑4‑40(a)(8) of the 1976 Code is amended to read:

“(8) ~~Memoranda, correspondence, and working papers in the possession of individual members of the General Assembly or their immediate staffs; however, nothing herein may be construed as limiting or restricting public access to source documents or records, factual data or summaries of factual data, papers, minutes, or reports otherwise considered to be public information under the provisions of this chapter and not specifically exempted by any other provisions of this chapter~~ (A) Memoranda, correspondence, and other working papers of an individual elected or appointed public official or a member of his immediate staff that are:

(i) in the possession of the individual elected or appointed public official or a member of his immediate staff; and

(ii) internally created deliberative precursors to legislation, an amendment to introduced legislation, or an ordinance, meaning they pertain to the work of the elected or appointed public official and his staff in developing, drafting, or evaluating potential legislation, amendments to introduced legislation, or ordinances. Once an ordinance or piece of legislation is given first reading or is otherwise formally introduced in the body in which the elected or appointed public official serves, any subsequent communications of the elected or appointed public official or his staff about the ordinance or legislation are not exempt from disclosure by the provisions of this item. Once an amendment has been introduced in the body or a committee of the body in which the elected or appointed official serves, any subsequent communications of the elected or appointed official or his staff about the amendment are not exempt from disclosure by the provisions of this item.

(B) Nothing in this item may be construed as limiting or restricting public access to source documents or records, factual data or summaries of factual data, papers, minutes, or reports otherwise considered to be public information under the provisions of this chapter and not specifically exempted by any other provisions of this chapter.”

SECTION 2. Section 30‑4‑40(a) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( )(A) Written or electronic correspondence sent to an individual public official from an individual member of the public, except for:

(i) a lobbyist or a lobbyist’s principal;

(ii) another public official or a member of their immediate staff; and

(iii) entities such as public and private corporations, partnerships, and associations, whether organized as profit‑seeking or not‑for‑profit.

(B) This exemption does not apply to written or electronic correspondence that the individual public official makes in response.

(C) Nothing in this item may be construed as limiting or restricting public access to source documents or records, factual data or summaries of factual data, papers, minutes, or reports otherwise considered to be public information under the provisions of this chapter and not specifically exempted by any other provisions of this chapter.”

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

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