**Wednesday, February 11, 2015**

**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 P.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:

Paul reminds believers in Rome -- indeed, he is reminding all of us -- that: “We have different gifts, according to the grace given us.”

(Romans 12:6)

Please bow in prayer with me:

Whenever we find time to pause, O God, and we take inventory of the gifts possessed by these, your servants, we are blown away. The extent, the variety, the depth of knowledge and insight these Senators and their aides bring to their work is mind-boggling. And that richness, that variety itself, is a great gift from You, dear Lord, one that strengthens this Senate in so many positive ways. Continue to give each of these leaders the grace to learn from one another, Lord. Guide them as they use their collective wisdom and their varied experiences to resolve the many, many challenges our State faces. May South Carolina be ever stronger as a result. In Your precious name we pray, Lord. Amen.

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

**Doctor of the Day**

Senator CAMPBELL introduced Dr. Todd Schlesinger of Charleston, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator GROOMS, at 6:03 P.M., Senator CAMPBELL was granted a leave of absence for the balance of the day until 6:00 P.M. tomorrow.

**Leave of Absence**

At 6:05 P.M., Senator LOURIE requested a leave of absence for the balance of the day.

**Expression of Personal Interest**

Senator ALEXANDER rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator MATTHEWS rose for an Expression of Personal Interest.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 440 -- Senators Setzler, Courson, Cromer, Shealy and Massey: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DICKERSON CHILDREN'S ADVOCACY CENTER, UPON THE OCCASION OF ITS TWENTIETH ANNIVERSARY, TO EXPRESS PROFOUND APPRECIATION FOR THE SIGNIFICANT SERVICES OFFERED TO THE MOST VULNERABLE CITIZENS IN OUR COMMUNITIES BY ITS DEDICATED STAFF AND VOLUNTEERS, AND TO WISH THEM CONTINUED SUCCESS AND FULFILLMENT IN THE YEARS AHEAD.

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The Senate Resolution was adopted.

S. 441 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 30 TO TITLE 37 SO AS TO ENACT THE "GUARANTEED ASSET PROTECTION ACT", TO PROVIDE A FRAMEWORK WITHIN WHICH GUARANTEED ASSET PROTECTION WAIVERS ARE DEFINED AND MAY BE OFFERED WITHIN THIS STATE, TO PROVIDE REQUIREMENTS FOR OFFERING GUARANTEED ASSET PROTECTION WAIVERS, TO PROVIDE THE DISCLOSURES REQUIRED, TO PROVIDE FOR CANCELLATION OF GUARANTEED ASSET PROTECTION WAIVERS, AND TO PROVIDE FOR ENFORCEMENT OF THIS CHAPTER.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 442 -- Senator L. Martin: A SENATE RESOLUTION TO HONOR THE PICKENS HIGH SCHOOL VOLLEYBALL TEAM FOR ITS SUPERLATIVE SEASON AND TO CELEBRATE THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF FOR CAPTURING THE 2014 CLASS AAA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 443 -- Senator Shealy: A CONCURRENT RESOLUTION TO CONGRATULATE MR. ELLIS STOCKMAN ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY ON FEBRUARY 26, 2015, AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HAPPINESS.

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

S. 444 -- Senators Gregory and Hayes: A BILL TO AMEND SECTION 12-6-3360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS PERTAINING TO THE JOB TAX CREDIT, SO AS TO ADD CERTAIN ESTABLISHMENTS TO THE DEFINITION OF "QUALIFYING SERVICE-RELATED FACILITY" IF THE ESTABLISHMENT HAS A NET INCREASE OF AT LEAST ONE THOUSAND NEW FULL-TIME JOBS AT A SINGLE CORPORATE CAMPUS IN THIS STATE, WITH AN AVERAGE CASH COMPENSATION LEVEL OF AT LEAST ONE AND ONE-HALF TIMES EITHER THE STATE OR COUNTY PER CAPITA INCOME.

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

S. 445 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 33 TO TITLE 33 SO AS TO ENACT THE "REVISED UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT" TO, AMONG OTHER THINGS, DEFINE TERMS, SPECIFY APPLICABILITY, SET FORTH POWERS OF UNINCORPORATED NONPROFIT ASSOCIATIONS, TO SPECIFY LIABILITY, AND TO SET FORTH THE PROCESS BY WHICH A LEGAL ACTION AGAINST AN ASSOCIATION IS ADJUDICATED.

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

S. 446 -- Senator Hayes: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE SIGNIFICANT CONTRIBUTIONS OF SHEILA CALDWELL, PRESIDENT/CEO OF THE HEART2HEART FOUNDATION, AND HER CADRE OF DEDICATED VOLUNTEERS AND TO DECLARE THURSDAY, FEBRUARY 19, 2015, AS "STATEWIDE HEART HEALTH SCREENING DAY" IN SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 447 -- Senator Campbell: A SENATE RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 18, 2015, AS "UNCLAIMED PROPERTY DAY" AND IN DOING SO, URGE ALL CITIZENS TO UTILIZE THE OFFICE OF STATE TREASURER'S DATABASE TO SEARCH FOR UNCLAIMED PROPERTY FOR THEMSELVES, THEIR FRIENDS AND FAMILY, AND THEIR BUSINESSES.

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

S. 448 -- Senator Davis: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND SHERRI GILLIS ZEDD FOR HER DEDICATED SERVICE TO SENATOR TOM DAVIS AND TO THE RESIDENTS OF BEAUFORT COUNTY AND TO WISH HER SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 449 -- Senator Lourie: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE REMARKABLE MEMBERS OF THE SOUTH CAROLINA BLACK BELT HALL OF FAME FOR FORTY YEARS OF OUTSTANDING COMMITMENT TO TEACHING THE CHILDREN OF OUR STATE THE SIGNIFICANT LIFE SKILLS LEARNED THROUGH THE DISCIPLINE OF MARTIAL ARTS.

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

S. 450 -- Senators McElveen, Lourie and Sheheen: A SENATE RESOLUTION TO COMMEND MAYOR BRAD HANLEY FOR HIS DEDICATED PUBLIC SERVICE TO THE TOWN OF ELGIN AND TO WISH HIM MUCH SUCCESS, HAPPINESS, AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

H. 3179 -- Reps. Toole, Sandifer, Bales and Anthony: A BILL TO AMEND SECTION 40-2-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERS OF THE SOUTH CAROLINA BOARD OF ACCOUNTANCY, SO AS TO REVISE THE BOARD COMPOSITION; TO AMEND SECTION 40-2-35, RELATING TO CERTIFIED PUBLIC ACCOUNTANT LICENSURE REQUIREMENTS, SO AS TO ALSO REQUIRE APPLICANTS TO UNDERGO STATE AND FEDERAL CRIMINAL RECORDS CHECKS AND TO REQUIRE CONTINUING EDUCATION OR ADDITIONAL EXPERIENCE, AS APPLICABLE, FOR APPLICANTS WHO DELAY SUBMITTING AN APPLICATION FOR A SUBSTANTIAL PERIOD OF TIME AFTER PASSING THE CERTIFIED PUBLIC ACCOUNTING EXAMINATION OR OBTAINING ACCOUNTING EXPERIENCE; TO AMEND SECTION 40-2-40, RELATING TO QUALIFICATIONS FOR REGISTRATION OF A CERTIFIED PUBLIC ACCOUNTING FIRM, SO AS TO PROVIDE THAT A SIMPLE MAJORITY OF THE FIRM OWNERSHIP MUST BE CERTIFIED PUBLIC ACCOUNTANTS, TO FURTHER PROVIDE QUALIFICATIONS AND CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS FOR NONCERTIFIED PUBLIC ACCOUNTANT OWNERS, AND TO GIVE THE BOARD OF ACCOUNTANCY THE DISCRETION TO CHARGE REGISTRATION AND RENEWAL FEES; TO AMEND SECTION 40-2-80, AS AMENDED, RELATING TO THE INVESTIGATION OF COMPLAINTS AND DISCIPLINARY PROCEEDINGS, SO AS TO PROVIDE THAT IN CONDUCTING INVESTIGATIONS AND PROCEEDINGS THE DEPARTMENT OF LABOR, LICENSING AND REGULATION MAY REQUIRE STATE AND FEDERAL CRIMINAL RECORDS CHECKS; TO AMEND SECTION 40-2-250, AS AMENDED, RELATING TO APPLICATIONS FOR LICENSE RENEWAL, SO AS TO PROVIDE THAT APPLICATIONS MUST BE FILED ON OR BEFORE FEBRUARY FIRST AND TO PROVIDE THAT LATE FILINGS MAY RESULT IN REINSTATEMENT FEES AND SANCTIONING OF THE LICENSEE; AND TO AMEND SECTION 40-2-255, RELATING TO APPLICATIONS FOR REGISTRATION RENEWAL, SO AS TO PROVIDE THAT APPLICATIONS MUST BE FILED ON OR BEFORE FEBRUARY FIRST AND TO PROVIDE THAT LATE FILINGS MAY RESULT IN SANCTIONING OF THE REGISTRANT.

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 3194 -- Reps. Cole, Finlay, Newton, Pope, Anderson, Bales, G. A. Brown, R. L. Brown, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Norman, Norrell, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Henderson, G. M. Smith, G. R. Smith, McCoy, Clary, M. S. McLeod, Weeks, W. J. McLeod, Whipper and Hicks: A BILL TO AMEND SECTIONS 8-13-100 AND 8-13-1300, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO THE DEFINITIONS OF "CANDIDATE" FOR PURPOSES OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT, SO AS TO SPECIFY THAT A "CANDIDATE" IS ALSO A PERSON THAT MAINTAINS AN OPEN BANK ACCOUNT CONTAINING CONTRIBUTIONS; AND TO AMEND SECTION 8-13-1302, AS AMENDED, RELATING TO THE MAINTENANCE OF RECORDS OF CONTRIBUTIONS, SO AS TO AUTHORIZE THE APPROPRIATE SUPERVISORY OFFICE TO REQUEST IN WRITING THE DISCLOSURE OF CERTAIN MANDATORY RECORDS FOR THE PURPOSE OF VERIFYING CAMPAIGN DISCLOSURE FORMS.

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

H. 3199 -- Reps. Cole, Finlay, Newton, Pope, Anderson, Bales, G. A. Brown, R. L. Brown, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Norman, Norrell, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Douglas, Henderson, G. M. Smith, G. R. Smith, McCoy, Clary, Weeks, W. J. McLeod, Whipper, Hicks and Jefferson: A BILL TO AMEND SECTION 8-13-1318, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBT, SO AS TO REQUIRE THAT CONTRIBUTIONS RECEIVED PURSUANT TO THIS SECTION MUST BE USED FOR THE SOLE PURPOSE OF RETIRING CAMPAIGN DEBT.

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

H. 3202 -- Reps. Funderburk, Cole, Finlay, Newton, Pope, Anderson, Bales, G. A. Brown, R. L. Brown, Felder, Hart, Knight, Lucas, Murphy, Norman, Norrell, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Henderson, McCoy, Cobb-Hunter, McKnight, Clary, M. S. McLeod, J. E. Smith, Weeks, W. J. McLeod, Whipper, Hicks and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-27-05 SO AS TO ENTITLE CHAPTER 27 THE "SOUTH CAROLINA WHISTLEBLOWER AND PUBLIC EMPLOYEE PROTECTION ACT"; TO AMEND SECTION 8-27-20, AS AMENDED, RELATING TO REWARDS FOR REPORTS RESULTING IN SAVINGS, SO AS TO ELIMINATE THE TWO THOUSAND DOLLAR CAP ON REWARDS; AND TO AMEND SECTION 8-27-30, AS AMENDED, RELATING TO CIVIL ACTIONS AGAINST AN EMPLOYING PUBLIC BODY FOR RETALIATION AGAINST AN EMPLOYEE WHO REPORTS A VIOLATION OF STATE OR FEDERAL LAW OR REGULATION, SO AS TO REMOVE THE ONE-YEAR LIMITATION ON THE PERIOD DURING WHICH THE EMPLOYEE IS PROTECTED FROM ADVERSE EMPLOYMENT ACTIONS, AND TO PROVIDE FOR ADDITIONAL REMEDIES.

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

H. 3471 -- Reps. Yow, Lucas and Henegan: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN CHESTERFIELD COUNTY FROM ITS INTERSECTION WITH EAST CATO STREET TO AIRPORT ROAD "SCHP PATROLMAN H. M. SMITH MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

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

H. 3474 -- Reps. Murphy, Horne, Jefferson, Knight, Mack, Tinkler and Whipper: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF UNITED STATES HIGHWAY 78 AND DEMING WAY IN DORCHESTER COUNTY "MAJOR ERNEST SAMUEL MOULTRIE INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION THAT CONTAIN THIS DESIGNATION.

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

H. 3556 -- Reps. Jefferson, Gilliard, M. S. McLeod, King, Knight, Govan, Dillard, Hosey, Clyburn, Anderson, Bales, R. L. Brown, Daning, McKnight, Parks, Ridgeway, Spires, Whipper, Alexander, Allison, Anthony, Atwater, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, Burns, Chumley, Clary, Clemmons, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Delleney, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Goldfinch, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Howard, Huggins, Johnson, Kennedy, Kirby, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Pitts, Pope, Putnam, Quinn, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RAISE AWARENESS SURROUNDING THE ISSUE OF GUN VIOLENCE AND TO DECLARE JUNE 2015 GUN VIOLENCE AWARENESS MONTH.

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

H. 3557 -- Reps. Hiott, Corley, Hixon, Hodges, V. S. Moss, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND SOUTH CAROLINA'S FFA MEMBERS, FORMERLY KNOWN AS THE FUTURE FARMERS OF AMERICA, AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF AGRICULTURAL EDUCATION AND TO JOIN THEM IN OBSERVANCE OF NATIONAL FFA WEEK FROM FEBRUARY 21 THROUGH FEBRUARY 28, 2015.

The Concurrent Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

**REPORTS OF STANDING COMMITTEES**

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 78 -- Senator Massey: A BILL TO AMEND ARTICLE 1, CHAPTER 59, TITLE 12 OF THE 1976 CODE, RELATING TO FORFEITED LANDS, BY ADDING SECTION 12‑59‑140, SO AS TO ENACT THE “FORFEITED LANDS EMERGENCY DEVELOPMENT ACT”, AND TO PROVIDE FOR THE AUTHORITY OF COUNTY COUNCILS AND FORFEITED LAND COMMISSIONS TO PETITION LEGISLATIVE DELEGATIONS FOR THE USE OF THE SPECIAL AUTHORITIES PROVIDED IN THIS ACT.

Ordered for consideration tomorrow.

Senator MALLOY from the Committee on Judiciary submitted a favorable report on:

S. 179 -- Senators L. Martin and Hembree: A BILL TO AMEND SECTION 61‑6‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF ALCOHOLIC LIQUORS, SO AS TO INCLUDE POWDERED OR CRYSTALLINE ALCOHOLS WHEN HYDROLYZED IN THE DEFINITION OF ALCOHOLIC LIQUORS AND TO AMEND SECTION 61‑6‑4157, RELATING TO THE PROHIBITION TO POSSESS, USE, SELL, OR PURCHASE POWDERED ALCOHOL, SO AS TO INCLUDE BOTH POWDERED AND CRYSTALLINE ALCOHOL WHEN HYDROLYZED.

Ordered for consideration tomorrow.

Senator CAMPSEN from the Committee on Judiciary submitted a majority favorable with amendment and Senator SABB a minority unfavorable report on:

S. 268 -- Senators L. Martin and Campsen: A BILL TO AMEND SECTION 14‑7‑1630, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF STATE GRAND JURIES, TO AMEND SECTION 14‑7‑1650, AS AMENDED, RELATING TO THE DUTIES AND OBLIGATIONS OF THE ATTORNEY GENERAL REGARDING THE STATE GRAND JURY SYSTEM, TO AMEND SECTION 14‑7‑1660, AS AMENDED, RELATING TO THE SELECTION OF GRAND JURORS, TO AMEND SECTION 14‑7‑1690, AS AMENDED, RELATING TO THE GRAND JURY’S AREAS OF INQUIRY AND RELATED PROCEDURES, TO AMEND SECTION 14-7-1720, AS AMENDED, RELATING TO SECRECY OF GRAND JURY PROCEEDINGS, AND TO AMEND SECTION 14‑7‑1730, AS AMENDED, RELATING TO JURISDICTION OF PRESIDING JUDGES OF STATE GRAND JURIES, ALL SO AS TO REVISE PROCEDURES REGARDING THE STATE GRAND JURY SYSTEM RELATING TO NOTIFICATION PROCEDURES WHEN A STATE GRAND JURY IS IMPANELED, COMMUNICATIONS BETWEEN THE PRESIDING JUDGE AND THE ATTORNEY GENERAL INCLUDING APPELLATE REVIEW OF A JUDGE’S REFUSAL TO IMPANEL A STATE GRAND JURY, AMONG OTHER THINGS, TO PROVIDE A PROCEDURE WHEN A CONFLICT OF INTEREST ARISES INVOLVING THE ATTORNEY GENERAL RELATED TO THE GRAND JURY PROCESS, TO PROVIDE PROCEDURES RELATED TO SECRECY OF CERTAIN GRAND JURY PROCEEDINGS, AND TO MAKE OTHER NECESSARY TECHNICAL CHANGES.

Ordered for consideration tomorrow.

Senator O’DELL from the General Committee submitted a favorable report on:

S. 346 -- Senators Leatherman, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Sabb, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO AWARD THE SOUTH CAROLINA MEDAL OF VALOR TO THOSE SOUTH CAROLINIANS WHO LOST THEIR LIVES WHILE SERVING IN THE ARMED FORCES DURING THE GLOBAL WAR ON TERRORISM.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

S. 362 -- Senator Leatherman: A BILL TO ENACT THE PROVISO CODIFICATION ACT OF 2015, TO PROVIDE FOR THE CODIFICATION IN THE SOUTH CAROLINA CODE OF LAWS OF CERTAIN PROVISOS CONTAINED IN THE ANNUAL GENERAL APPROPRIATIONS ACT, AND TO PROVIDE FOR OTHER PROVISIONS RELATED TO THE ANNUAL GENERAL APPROPRIATIONS ACT EFFECTIVE FOR FISCAL YEAR 2015‑2016 ONLY.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 382 -- Senators Matthews, Hutto, Williams, Courson, Hayes and Nicholson: A JOINT RESOLUTION TO AUTHORIZE THE AGENCY HEAD OF SOUTH CAROLINA STATE UNIVERSITY TO INSTITUTE A MANDATORY FURLOUGH PROGRAM OF UP TO SEVEN DAYS IN FISCAL YEAR 2014‑2015, AND TO PROVIDE CERTAIN REQUIREMENTS FOR THE FURLOUGH PROGRAM.

Ordered for consideration tomorrow.

**Appointments Reported**

Senator FAIR from the Committee on Corrections and Penology submitted a favorable report on:

**Statewide Appointments**

Reappointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2013, and to expire March 15, 2019

4th Congressional District:

Clifton D. Baxter, 1104 Charter Oak, Taylors, SC 29687

Received as information.

Reappointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 17, 2015, and to expire March 15, 2021

5th Congressional District:

Henry S. Eldridge, 2040 Manila Bay Lane, Tega Cay, SC 29708

Received as information.

Initial Appointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2013, and to expire March 15, 2019

1st Congressional District:

Thomas F. Hallam, 23 Combahee Road, Hilton Head Island, SC 29928 *VICE* Orton Bellamy

Received as information.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

**Statewide Appointment**

Initial Appointment, Director of Department of Revenue and Taxation, with term coterminous with Governor

James F. Reames III, 1418 Shady Lane, Columbia, SC 29206 *VICE* Bill Blume

Received as information.

Senator O’DELL from the General Committee submitted a favorable report on:

**Statewide Appointments**

Initial Appointment, Board of Trustees for the Veterans’ Trust Fund of South Carolina, with term coterminous with Governor

CVAO:

James C. Brown, 241 Palm Hill Court, Columbia, SC 29212 *VICE* Alan R. Roberts

Received as information.

Initial Appointment, Board of Trustees for the Veterans’ Trust Fund of South Carolina, with term coterminous with Governor

VSO:

Jimmy E. Hawk, 249 Royal Tower Drive, Irmo, SC 29063

Received as information.

Initial Appointment, Board of Trustees for the Veterans’ Trust Fund of South Carolina, with term coterminous with Governor

At-Large:

James R. Lorraine, 154 Kimberwick Court, Aiken, SC 29803

Received as information.

Initial Appointment, Board of Trustees for the Veterans’ Trust Fund of South Carolina, with term coterminous with Governor

VSO:

Christopher M. Maddox, 124 Braelin Court, Gaston, SC 29053

Received as information.

Initial Appointment, South Carolina State Agency of Vocational Rehabilitation, with the term to commence March 15, 2012, and to expire March 15, 2019

5th Congressional District:

Billy N. Shorter, Jr., 2695 Nicholson Drive, Sumter, SC 29153 *VICE* Derle Lowder

Received as information.

Reappointment, South Carolina State Agency of Vocational Rehabilitation, with the term to commence June 30, 2015, and to expire June 30, 2022

2nd Congressional District:

Rhonda J. Presha, 92 Westridge Road, Elgin, SC 29045

Received as information.

Senator LARRY MARTIN from the Committee on Judiciary submitted a favorable report on:

**Statewide Appointments**

Reappointment, Juvenile Parole Board, with the term to commence June 30, 2015, and to expire June 30, 2019

At-Large:

Carla J. Smalls, 261 Caedmons Creek Drive, Irmo, SC 29063

Received as information.

Reappointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2014, and to expire June 30, 2018

4th Congressional District:

Monica G. Hill, 112 Lake Bowen Drive, Inman, SC 29349

Received as information.

**HOUSE CONCURRENCE**

S. 181 -- Senator Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF RAWLINSON ROAD IN THE CITY OF ROCK HILL FROM ITS INTERSECTION WITH WEST MAIN STREET TO ITS INTERSECTION WITH HECKLE BOULEVARD “COACH ROBERT T. ‘BOB’ JENKINS MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

Returned with concurrence.

Received as information.

S. 344 -- Senators O’Dell and Bryant: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 81 IN ANDERSON COUNTY FROM ITS INTERSECTION WITH MASTERS BOULEVARD IN THE CITY OF ANDERSON TO ITS INTERSECTION WITH THE SOUTHERN BOUNDARY OF THE TOWN OF IVA “DEPUTY J. ALEX BURDETTE MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THIS DESIGNATION.

Returned with concurrence.

Received as information.

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

**READ THE THIRD TIME**

**SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 376 -- Senators Grooms and Campsen: A BILL TO AMEND SECTION 55‑1‑80, RELATING TO THE GENERAL PROVISIONS CONCERNING AERONAUTICS, TO RESTORE THE PREVIOUS PROVISIONS OF THIS SECTION, TO PROVIDE FOR INCREASES OF THE MEMBERSHIP ON AN AVIATION AUTHORITY, TO PROVIDE FOR THE APPOINTMENT OF THE MEMBERS; AND TO REPEAL ACT 130 OF 2007.

The Senate proceeded to a consideration of the Bill. The question being the third reading of the Bill.

The Bill was read the third time and ordered sent to House.

**AMENDED, READ SECOND TIME**

S. 21 -- Senators Grooms and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑222 SO AS TO EXPAND VISION STANDARDS AND TRAINING REQUIREMENTS TO ALLOW CERTAIN PERSONS WHO WEAR BIOPTIC TELESCOPIC LENSES FOR VISION ASSISTANCE TO OBTAIN A DRIVER’S LICENSE.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senators CAMPBELL and GROOMS proposed the following amendment (21R001.KM.LKG), which was adopted:

Amend the bill, as and if amended, page 4, by striking line 26 and inserting:

/ department road test within twelve months of having completed the /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Cromer Davis

Fair Gregory Grooms

Hayes Hembree Jackson

Johnson Kimpson Leatherman

*Martin, Larry Martin, Shane* Massey

McElveen Nicholson O'Dell

Peeler Rankin Reese

Sabb Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--40**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**CARRIED OVER**

S. 3 -- Senators L. Martin, Shealy, Malloy, Courson, Fair, Turner, Lourie and Hembree: A BILL TO AMEND SECTION 16‑25‑10 OF THE 1976 CODE, TO PROVIDE NECESSARY DEFINITIONS; TO AMEND SECTION 16‑25‑20 OF THE 1976 CODE, RELATING TO CRIMINAL DOMESTIC VIOLENCE OFFENSES AND PENALTIES, SO AS TO RESTRUCTURE THE CRIMINAL DOMESTIC VIOLENCE OFFENSES INTO DEGREES AND PROVIDE PENALTIES; TO AMEND SECTION 16‑25‑30, RELATING TO THE ILLEGAL POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A DOMESTIC VIOLENCE OFFENSE, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON CONVICTED OF A CRIMINAL DOMESTIC VIOLENCE OFFENSE OR A PERSON SUBJECT TO AN ORDER OF PROTECTION FOR DOMESTIC OR FAMILY VIOLENCE TO SHIP, TRANSPORT, OR RECEIVE A FIREARM OR AMMUNITION, AND TO PROVIDE NOTICE TO A PERSON TO WHOM THE STATUTE APPLIES; TO AMEND SECTION 16‑25‑65, RELATING TO CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, TO PROVIDE THAT THE COURT MUST ORDER PARTICIPATION IN A DOMESTIC VIOLENCE INTERVENTION PROGRAM AND ALLOW A RESTRICTION ON FIREARMS AND AMMUNITION AS A CONDITION OF BOND; AND TO AMEND CHAPTER 3, TITLE 16, RELATING TO OFFENSES AGAINST THE PERSON, BY ADDING ARTICLE 18, TO PROVIDE NECESSARY DEFINITIONS AND TO ESTABLISH A PROCEDURE FOR THE ISSUANCE OF PERMANENT AND EMERGENCY CIVIL NO‑CONTACT ORDERS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE DURATION OF CIVIL NO‑CONTACT ORDERS, AND TO PROVIDE A PENALTY FOR THE VIOLATION OF CIVIL NO‑CONTACT ORDERS.

On motion of Senator LARRY MARTIN, the Bill was carried over.

S. 350 -- Senators Campbell, Malloy, Setzler, Scott, Alexander, Hembree, O’Dell, Hayes, Grooms, Cleary, Williams, Bennett, Johnson, Hutto, L. Martin, Fair, Turner, Allen, Matthews, Peeler, Lourie, Courson, Coleman, Jackson, McElveen, Shealy, Sabb, Kimpson, Nicholson and Sheheen: A BILL TO AMEND SECTION 4 OF ACT 314 OF 2000, AS LAST AMENDED BY ACT 248 OF 2010 TO TERMINATE THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT ON JUNE 30, 2020.

On motion of Senator BRIGHT, the Bill was carried over.

S. 193 -- Senators Hutto, Campbell and Grooms: A BILL TO AMEND SECTION 56‑1‑2080 OF THE 1976 CODE, RELATING TO QUALIFICATIONS FOR A COMMERCIAL DRIVER’S LICENSE, TO ESTABLISH THE INTRASTATE VISION WAIVER PROGRAM, TO PROVIDE THAT CERTAIN VISUALLY IMPAIRED INDIVIDUALS MAY OBTAIN A WAIVER FROM THE SIGHT REQUIREMENTS ASSOCIATED WITH A COMMERCIAL DRIVER’S LICENSE, AND TO PROVIDE FOR THE ELIGIBILITY REQUIREMENTS FOR THE WAIVER, THE CIRCUMSTANCES UNDER WHICH A WAIVER MAY GRANTED, AND THE PROCEDURES FOR OBTAINING A WAIVER.

On motion of Senator CAMPBELL, the Bill was carried over.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

At 2:35 P.M., on motion of Senator CROMER, the Senate agreed to dispense with the balance of the Motion Period.

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**SECOND READING FAILED**

S. 1 -- Senators L. Martin, Peeler, Hayes, Campsen, Courson, Malloy, Fair, Grooms and Hembree: A BILL TO ENACT THE “2015 ETHICS REFORM ACT”; TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING VARIOUS SECTIONS IN TITLE 2, RELATING TO LOBBYISTS AND LOBBYING; AND TO ADD NEW SECTIONS TO AND AMEND VARIOUS SECTIONS OF TITLE 8, RELATING TO PUBLIC OFFICERS AND EMPLOYEES.

The Senate proceeded to a consideration of the Bill, the question being adoption of the previously proposed Amendment No. P2B (S1.JS.MERIT.3), which was printed in the Journal of Tuesday, February 3, 2015.

Senator SHANE MARTIN spoke on the amendment.

Senator RANKIN asked unanimous consent, with Senator SHANE MARTIN retaining the floor, to make a motion to proceed to Amendment No. P10, and at the conclusion of Amendment No. P10 return to consideration of Amendment No. P2B.

**Amendment No. P10A**

Senator RANKIN proposed the following amendment (1R013.EB.LAR), which was adopted:

Amend the committee amendment, as and if amended, by striking SECTIONS 10, 11, 12, 13 and 14 in their entirety.

Further amend the committee amendment, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_. Section 8‑13‑510 of the 1976 Code is amended to read:

“Section 8‑13‑510.(A) There is created a House of Representatives Legislative Ethics Committee and a Senate Legislative Ethics Committee as provided for in the rules of the House of Representatives and Senate, as appropriate. ~~Each ethics committee is composed of six members. Terms are coterminous with the term for which members are elected to the House or Senate. Vacancies must be filled for the unexpired term in the manner of the original selection. The members of each ethics committee must be elected by the House or the Senate, as appropriate. One member of each ethics committee must be elected as chairman by a majority of the members of the ethics committee.~~

(B) There is created a Joint Legislative Ethics Commission, composed of nine members, selected as follows:

(1) Two Senators:

(a) One Senator appointed by the Senate Majority Leader;

(b) One Senator appointed by the Senate Minority Leader of the largest minority party;

(2) Two Representatives:

(a) One Representative appointed by the House Majority Leader;

(b) One Representative appointed by the House Minority Leader of the largest minority party;

(3) Five non‑legislative members:

(a) Three members appointed by the Governor, upon the advice and consent of the General Assembly;

(b) Two members appointed by the Attorney General, upon the advice and consent of the General Assembly. One Attorney General appointment must have either prosecutorial or investigative experience.

(C)(1) Except for the initial members and members filling the remainder of a vacated term, non‑legislative members shall serve a single five‑year term.

(2) For the Governor’s initial appointments, one shall serve a term of four years and the other shall serve a term of five years.

(3) For the Attorney General’s initial appointments, one shall serve a term of four years and the other shall serve a term of five years.

(D) The members of the General Assembly shall serve terms that are coterminous with the term for which they have been elected in the House or Senate, respectively.

(E) Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term only.

(F) A member of the joint legislative ethics commission shall not serve in holdover status after the member’s term expires.

(G) The joint legislative ethics commission shall elect a chairman, a vice‑chairman, and such other officers as it considers necessary. Five members of the commission shall constitute a quorum. The commission must adopt a policy concerning the attendance of its members at joint legislative ethics commission meetings. The joint legislative ethics commission meets at the call of the chairman or a majority of its members. Non‑legislative members of the commission, while serving on business of the commission, receive per diem, mileage, and subsistence as is provided by law for members of state boards, committees, and commissions. Legislative members of the commission shall receive per diem, mileage, and subsistence as is provided by law for members of the General Assembly.” /

Further amend the committee report, as and if amended, by striking SECTION 15 and inserting:

/ SECTION 15. Section 8‑13‑530 of the 1976 Code is amended to read:

“Section 8‑13‑530. Each ethics committee:

(1) ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of this chapter and promptly notify the person to file the necessary notices and reports to satisfy the requirements of this chapter;

(2) receive complaints filed by individuals and, upon a majority vote of the total membership of the committee, file complaints when alleged violations are identified;

(3) upon the filing of a complaint~~, investigate possible violations of breach of a privilege governing a member or staff of the appropriate house, the alleged breach of a rule governing a member of, legislative caucus committees for, or a candidate, or staff for the appropriate house, misconduct of a member or staff of, legislative caucus committees for, or a candidate for the appropriate house, or a violation of this chapter or Chapter 17 of Title 2.~~ alleging a violation by a member or staff of the appropriate house or legislative caucus committee, or a candidate for the appropriate house, for a violation of this chapter or Chapter 17, Title 2, other than a violation of a rule of the appropriate house, the ethics committee shall refer the complaint to the joint legislative ethics commission for an investigation pursuant to Section 8‑13‑540;

(4) receive, investigate, and hear a complaint which alleges a possible violation of a breach of a privilege or a rule governing a member or staff of the appropriate house or legislative caucus committee, or a candidate for the appropriate house~~, the alleged breach of a rule governing a member or staff of or candidate for the appropriate house, misconduct of a member or staff of or candidate for the appropriate house , or a violation of this chapter or Chapter 17 of Title 2.~~;

(5) ~~No~~ a complaint may not be accepted by the ethics committee concerning a member of or candidate for the appropriate house during the fifty‑day period before an election in which the member or candidate is a candidate. During this fifty‑day period, any person may petition the court of common pleas alleging the violations complained of and praying for appropriate relief by way of mandamus or injunction, or both. Within ten days, a rule to show cause hearing must be held, and the court must either dismiss the petition or direct that a mandamus order or an injunction, or both, be issued. A violation of this chapter by a candidate during this fifty‑day period must be considered to be an irreparable injury for which no adequate remedy at law exists. The institution of an action for injunctive relief does not relieve any party to the proceeding from any penalty prescribed for violations of this chapter. The court must award reasonable attorney’s fees and costs to the nonpetitioning party if a petition for mandamus or injunctive relief is dismissed based upon a finding that the:

(i) petition is being presented for an improper purpose such as harassment or to cause delay;

(ii) claims, defenses, and other legal contentions are not warranted by existing law or are based upon a frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(iii) allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after reasonable opportunity for further investigation or discovery.

Action on a complaint filed against a member or candidate which was received more than fifty days before the election but which cannot be disposed of or dismissed by the ethics committee at least thirty days before the election must be postponed until after the election;

~~(5)~~(6) obtain information and ~~investigate~~ hear complaints as provided in Section 8‑13‑540 with respect to any complaint filed pursuant to this chapter or Chapter 17, ~~of~~ Title 2 and to that end may compel by subpoena issued by a majority vote of the committee the attendance and testimony of witnesses and the production of pertinent books and papers;

~~(6)~~(7) administer or recommend sanctions appropriate to a particular member or staff of or candidate for the appropriate house pursuant to Section 8‑13‑540, including the recovery of the value of anything transferred or received in breach of the ethical standards, or dismiss the charges; and

~~(7)~~(8) act as an advisory body to the General Assembly and to individual members of or candidates for the appropriate house on questions pertaining to the disclosure and filing requirements of members of or candidates for the appropriate house, and to issue, upon request from a member or staff of the appropriate house, legislative caucus committee, or candidate for the appropriate house, and publish advisory opinions on the requirements of these chapters.” /

Further amend the committee amendment, as and if amended, by striking SECTION 16 and inserting:

/ SECTION 16. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑535.(A) The committee may issue a formal advisory opinion, based on real or hypothetical sets of circumstances. A formal advisory opinion issued by the committee is binding on the commission, until amended or revoked, in any subsequent charges concerning the person who requested the formal opinion and any other person who acted in reliance upon it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion. A formal advisory opinion must be in writing and is considered rendered when approved by a majority of the committee members subscribing to the advisory opinion. Advisory opinions must be made available to the public unless the committee, by majority vote of the total membership of the committee, requires an opinion to remain confidential. However, the identities of the parties involved must be withheld upon request.

(B) Staff of the appropriate ethics committee may issue a written informal advisory opinion, based on a real or hypothetical set of circumstances, to a member of the General Assembly upon that member’s request. If raised in response to a complaint, the commission shall consider whether the member relied, in good faith, upon a written informal opinion prior to making a probable cause determination or concurring in a determination, as applicable. A written informal advisory opinion issued by the commission staff is binding on the commission, until amended or revoked, in any subsequent charges concerning the person who requested the informal opinion unless material facts were omitted or misstated by the person in the request for the opinion.

(C) The appropriate ethics committee must consider whether a person relied in good faith upon a formal advisory opinion or written informal opinion issued by the commission prior to the effective date of this act, unless amended or revoked prior to the action considered as a possible violation, prior to making a probable cause decision.” /

Further amend the committee amendment, as and if amended, by striking SECTION 17 and inserting:

/ SECTION 17. Section 8‑13‑540 of the 1976 Code is amended to read:

“Section 8‑13‑540. ~~Unless otherwise provided for by House or Senate rule, as appropriate, each ethics committee must conduct its investigation of a complaint filed pursuant to this chapter or Chapter 17 of Title 2 in accordance with this section.~~

~~(1)~~ ~~When a complaint is filed with or by the ethics committee, a copy must promptly be sent to the person alleged to have committed the violation. If the ethics committee determines the complaint does not allege facts sufficient to constitute a violation, the complaint must be dismissed and the complainant and respondent notified. If the ethics committee finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to appropriate law enforcement authorities. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal penalty provided by this subsection, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof, by a preponderance of the evidence, that the filing of the complaint was wilful and without just cause or with malice. If the ethics committee determines the complaint alleges facts sufficient to constitute a violation, it shall promptly investigate the alleged violation and may compel by subpoena the attendance and testimony of witnesses and the production of pertinent books and papers.~~

~~If after such preliminary investigation, the ethics committee finds that probable cause exists to support an alleged violation, it shall, as appropriate:~~

~~(a)~~ ~~render an advisory opinion to the respondent and require the respondent’s compliance within a reasonable time; or~~

~~(b)~~ ~~convene a formal hearing on the matter within thirty days of the respondent’s failure to comply with the advisory opinion. All ethics committee investigations and records relating to the preliminary investigation are confidential. No complaint shall be accepted which is filed later than four years after the alleged violation occurred.~~

~~(2)~~ ~~If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the ethics committee’s possession relating to the charges. At the hearing the charged party must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross examine opposing witnesses. All hearings must be conducted in executive session.~~

~~(3)~~ ~~After the hearing, the ethics committee shall determine its findings of fact. If the ethics committee, based on competent and substantial evidence, finds the respondent has violated this chapter or Chapter 17 of Title 2, it shall:~~

~~(a)~~ ~~administer a public or private reprimand;~~

~~(b)~~ ~~determine that a technical violation as provided for in Section has occurred;~~

~~(c)~~ ~~recommend expulsion of the member; and/or,~~

~~(d)~~ ~~in the case of an alleged criminal violation, refer the matter to the Attorney General for investigation. The ethics committee shall report its findings in writing to the Speaker of the House or President Pro Tempore of the Senate, as appropriate. The report must be accompanied by an order of punishment and supported and signed by a majority of the ethics committee members. If the ethics committee finds the respondent has not violated a code or statutory provision, it shall dismiss the charges.~~

~~(4)~~ ~~An individual has ten days from the date of the notification of the ethics committee’s action to appeal the action to the full legislative body.~~

~~(5)~~ ~~No ethics committee member may participate in any matter in which he is involved.~~

~~(6)~~ ~~The ethics committee shall establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross examine opposing witnesses.~~

(A) Filing of Complaints

(1) A complaint alleging a member of the General Assembly, legislative caucus committees, candidates for the General Assembly, or staff of the General Assembly or legislative caucus committee has committed a violation of this chapter or Chapter 17, Title 2 must be in writing and state the name of the person alleged to have committed the violation and the particulars of the violation.

(2) When a complaint is filed with or by the ethics committee alleging a violation of this chapter or Chapter 17, Title 2, a copy must be sent to the person alleged to have committed the violation and to the joint legislative ethics commission, within thirty days from the date the complaint was filed, for an investigation as provided in this section. However, if the complaint only alleges a violation of a rule of the House of Representatives or of the Senate, the appropriate ethics committee must forward a copy of the complaint to the person alleged to have committed the violation, and the appropriate ethics committee shall investigate and make a determination for a complaint.

(3)(a) The joint legislative ethics commission, upon receipt of information, may initiate and file a complaint upon an affirmative vote of the commission. The commission shall accept complaints referred by the ethics committees and notarized complaints from individuals, whether personally or on behalf of an organization or governmental body.

(b) The commission shall forward a copy of the complaint, a general statement of the applicable law with respect to the complaint, and a statement explaining the due process rights of the respondent including, but not limited to, the right to counsel to the respondent within ten days of the filing of the complaint. Unless the complaint was referred by an ethics committee, the commission shall send a copy of the complaint to the appropriate ethics committee.

(4) Action may not be taken on a complaint filed more than four years after the violation is alleged to have occurred unless the person alleged to have committed the violation, by fraud or other device, prevents discovery of the violation.

(B) Actions by the joint legislative ethics commission

(1) Upon receiving a complaint filed pursuant to subsection (A), the commission must determine whether the complaint alleges only a violation of a rule of the House of Representatives or Senate or a technical violation pursuant to Section 8‑13‑1170 or Section 8‑13‑1372. If the commission determines the complaint alleges only a rule violation or technical violation, the complaint must be referred to the appropriate ethics committee for investigation and determination.

(2)(a) If the commission determines the complaint alleges more than a violation of a rule of the House of Representatives or Senate or a technical violation pursuant to Section 8‑13‑1170 or Section 8‑13‑1372, the commission must determine whether the complaint alleges facts sufficient to constitute a violation of this chapter or Chapter 17, Title 2.

(b) If the commission determines that the complaint does not allege facts sufficient to constitute a violation, a report must be provided to the appropriate ethics committee. The appropriate ethics committee may take action pursuant to this section or request the commission to continue the investigation and consider additional matters not considered by the commission. If the appropriate ethics committee dismisses the complaint, the committee must notify the complainant and respondent. All documents related to a complaint that result in a dismissal or a finding of no probable cause remain confidential unless the respondent waives the right to confidentiality.

If the commission finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to the Attorney General. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal penalty provided by this item, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof by a preponderance of the evidence that the filing of the complaint was wilful and without just cause or with malice.

(c) If the commission determines that the complaint alleges facts sufficient to constitute a violation of this chapter or Chapter 17, Title 2, an investigation may be conducted into the alleged violation.

(3) If the commission finds evidence that the person alleged to have committed the violation wilfully violated a section of this chapter or Chapter 17 of Title 2 that imposes a criminal penalty, the commission must forward the complaint and accompanying materials to the Attorney General or circuit solicitor. This provision does not limit any authority of the Attorney General or circuit solicitor to initiate or conduct any criminal investigation within his jurisdiction.

(4) If the commission determines that it needs assistance in conducting an investigation, the commission shall request the assistance of appropriate agencies or hire private, outside counsel or investigators.

(5) In conducting its investigation, the commission may order testimony to be taken in any investigation or hearing by deposition before a person who is designated by the commission and has the power to administer oaths and, in these instances, to compel testimony. The commission may administer oaths and affirmation for the testimony of witnesses and issue subpoenas, by approval of the chairman and subject to judicial enforcement, for the procurement of witnesses and materials including books, papers, records, documents, or other tangible objects relevant to the agency’s investigation. A person to whom a subpoena has been issued may move before a commission panel or the commission for an order quashing a subpoena issued pursuant to this section.

(6) Upon completing its investigation, the commission must provide a report to the appropriate ethics committee summarizing its findings. The report must include a copy of all relevant reports, evidence, and testimony considered by the commission.

(C) All investigations and accompanying documents are confidential and may be released only pursuant to this section.

(D) Actions by ethics committees

(1) If, after reviewing the commission’s report and relevant evidence, the ethics committee determines that probable cause does not exist to believe a violation of this chapter or of Chapter 17, Title 2 has occurred, the committee shall dismiss the complaint and send a written decision to the respondent and the complainant.

(2) If, after reviewing the commission’s report and relevant evidence, the ethics committee determines that the respondent has committed only a technical violation pursuant to Section 8‑13‑1170 or 8‑13‑1372, the provisions of the appropriate section apply.

(3) If, after reviewing the commission’s report and relevant evidence, the ethics committee determines that probable cause exists to believe a violation of this chapter or of Chapter 17, Title 2 has occurred, except for a technical violation of Section 8‑13‑1170 or Section 8‑13‑1372, the committee shall, as appropriate:

(a) render an advisory opinion to the respondent and require the respondent’s compliance within a reasonable time; or

(b) convene a formal public hearing on the matter within thirty days of the respondent’s failure to comply with the advisory opinion.

(4) If the ethics committee convenes a formal public hearing:

(a) the investigator or attorney handling the investigation for the joint legislative ethics commission shall present the evidence related to the complaint to the appropriate ethics committee;

(b) it is the duty of the investigator or attorney to further investigate the subject of the complaint and any related matters under the jurisdiction and at the direction of the ethics committee, to request assistance from appropriate state agencies as needed, to request authorization from the committee for funds for the hiring of auditors, investigators, or other assistance as necessary, to prepare subpoenas, and to present evidence to the committee at any public hearing. The appropriate committee shall maintain the authority to approve subpoenas, authorize expenditures, dismiss complaints, schedule hearings, grant continuances, and any other authority as provided for by their rules;

(c) the respondent must be allowed to examine and make copies of all evidence in the ethics committee’s possession relating to the charges. At the hearing the respondent must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross examine opposing witnesses.

(d) all hearings must be open to the public.

(5)(a) After the formal public hearing, the ethics committee shall determine its findings of fact.

(b) If the ethics committee, based on competent and substantial evidence, finds the respondent has not violated this chapter or Chapter 17, Title 2, the committee shall dismiss the complaint and send a written decision to the respondent and the complainant.

(c) If the ethics committee, based on competent and substantial evidence, finds the respondent has violated this chapter or Chapter 17, Title 2, the committee shall:

(i) administer a public reprimand;

(ii) determine that a technical violation as provided for in Section or has occurred;

(iii) require the respondent to pay a civil penalty not to exceed two thousand dollars for each nontechnical violation that is unrelated to the late filing of a required statement or report or failure to file a required statement or report;

(iv) require the forfeiture of gifts, receipts, or profits, or the value of each, obtained in violation of Chapter 13, Title 8 or Chapter 17, Title 2;

(v) recommend expulsion of the member;

(vi) provide a copy of the complaint and accompanying materials to the Attorney General if the committee finds that there is probable cause to believe the respondent wilfully violated a section of this chapter or Chapter 17 of Title 2 that imposes a criminal penalty; or

(vii) require a combination of subitems (i) though (vi) as necessary and appropriate.

(d) The ethics committee shall report its findings in writing to the Speaker of the House of Representatives or President Pro Tempore of the Senate, as appropriate. The report must be accompanied by an order of punishment or dismissal and supported and signed by a majority of the ethics committee members.

(e) Upon the issuance of the final order, the following documents become public record: the report of the joint legislative ethics commission, exhibits introduced at the hearing, the committee’s findings, and the final order. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy.

(E) If, after conducting a formal public hearing, the ethics committee finds the respondent has violated this chapter or Chapter 17, Title 2, the respondent has ten days from the date of receiving the committee’s order of punishment to appeal the action to the full legislative body.

(F) No ethics committee member may participate in any matter in which he is involved.

(G) The ethics committees shall establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross examine opposing witnesses.” /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN spoke on the amendment.

Senator LARRY MARTIN spoke on the amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

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

**Ayes 20; Nays 25**

**AYES**

Alexander Bennett Campsen

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree *Martin, Larry*

Massey O'Dell Peeler

Shealy Thurmond Turner

Verdin Young

**Total--20**

**NAYS**

Allen Bright Bryant

Campbell Cleary Coleman

Corbin Jackson Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Shane* Matthews

McElveen Nicholson Pinckney

Rankin Reese Sabb

Scott Setzler Sheheen

Williams

**Total--25**

The Senate refused to lay the amendment on the table.

The question then was the adoption of the amendment.

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

**Ayes 25; Nays 20**

**AYES**

Allen Bright Bryant

Campbell Cleary Coleman

Corbin Jackson Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Shane* Matthews

McElveen Nicholson Pinckney

Rankin Reese Sabb

Scott Setzler Sheheen

Williams

**Total--25**

**NAYS**

Alexander Bennett Campsen

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree *Martin, Larry*

Massey O'Dell Peeler

Shealy Thurmond Turner

Verdin Young

**Total--20**

The amendment was adopted.

Senator SHANE MARTIN resumed speaking on Amendment No. P2B.

**Amendment No. P2B**

Senator SCOTT proposed the following amendment (S1.JS.MERIT.3), which was carried over, and subsequently withdrawn:

Amend the committee amendment bearing the document path JUD0001.026, as and if amended, by striking SECTION 10 and inserting:

/ SECTION 10. Section 8-13-310 of the 1976 Code is amended to read:

“Section 8-13-10.~~(A) The State Ethics Commission as constituted under law in effect before July 1, 1992, is reconstituted to continue in existence with the appointment and qualification of the at‑large members as prescribed in this section and with the changes in duties and powers as prescribed in this chapter. On July 1, 1993, when the duties and powers given to the Secretary of State in Chapter 17 of Title 2 are transferred to the State Ethics Commission, the Code Commissioner is directed to change all references to “this chapter” in Article 3 of Chapter 13 of Title 8 to “this chapter and Chapter 17 of Title 2”.~~

~~(B)~~(A) There is created the State Ethics Commission composed of ~~nine~~ eight members of which:

(1) four members must be appointed by the Governor~~, upon the advice and consent of the General Assembly~~ no more than two of whom are members of the appointing Governor’s political party. These appointments must be found qualified by the Ethics Merit Selection Authority;

(2) one member must be nominated by the Senate Majority Leader, and one member must be nominated by the Senate Minority Leader of the largest minority party. These nominees must be found qualified by the Ethics Merit Selection Authority and confirmed by the Senate prior to serving on the State Ethics Commission; and

(3) one member must be nominated by the House Majority Leader, and one member must be nominated by the House Minority Leader of the largest minority party. These nominees must be found qualified by the Ethics Merit Selection Authority and confirmed by the House prior to serving on the State Ethics Commission.

(B) The Ethics Merit Selection Authority shall investigate each appointee to the State Ethics Commission. The Ethics Merit Selection Authority must find each appointee qualified prior to an appointee becoming a member of the State Ethics Commission. Investigations and consideration by the authority should include, but are not limited to, the following areas:

(1) ethical fitness;

(2) professional and academic ability;

(3) character;

(4) reputation;

(5) physical health;

(6) mental stability;

(7) experience; and

(8) judicial temperament.

(C)(1) Upon completion of the investigation, the chairman of the Ethics Merit Selection Authority shall schedule a public hearing concerning the qualifications of the appointees to the State Ethics Commission. Any person who desires to testify at the hearing, including appointees, shall furnish a written statement of his proposed testimony to the authority no later than two weeks prior to the date and time set for the hearing unless sufficient cause is determined by the Ethics Merit Selection Authority for allowing the submitting individual’s testimony after the deadline. The authority shall determine the persons who shall testify at the hearing. All testimony, including documents furnished to the authority, must be submitted under oath and persons knowingly furnishing false information either orally or in writing are subject to the penalties provided by law for perjury and false swearing.

(2) During the course of the investigation, the authority may schedule an executive session at which each appointee, and other persons whom the authority wishes to interview, may be interviewed by the authority on matters pertinent to the appointee’s qualification for the State Ethics Commission.

(3) A reasonable time thereafter the authority shall render its tentative findings as to whether the appointee is qualified for the State Ethics Commission and its reasons therefor as to each appointee.

(4) As soon as possible after the completion of the hearing, a verbatim copy of the testimony, documents submitted at the hearing, and findings of fact shall be made available to the Governor, members of the House of Representatives and Senate and to the public.

(5) An appointee may withdraw at any stage of the proceedings and in this event no further inquiry or consideration of his appointment shall be made. All materials concerning that appointee and other information gathered during the authority’s investigation must be kept confidential and destroyed as soon as possible after the appointee’s written notification to the authority of his withdrawal. The information concerning a withdrawn appointee also shall be exempt from disclosure pursuant to Chapter 4 of Title 30.

(D) The following are not eligible to serve on the State Ethics Commission:

(1) a member of the General Assembly;

(2) a former member of the General Assembly within eight years following the termination of his service in the General Assembly;

(3) a former Governor within eight years following the termination of his service as Governor;

(4) a family member, as defined by Section 8-13-100(15), of a member of the General Assembly or the Governor;

(5) a person who made a campaign contribution, as defined by Section 8-13-1300(7), within the previous four years to the individual who appointed the person to serve on the State Ethics Commission;

(6) a person who registered as a lobbyist within four years of being appointed to serve on the State Ethics Commission;

(7) a person who is under the jurisdiction of the State Ethics Commission, House of Representatives Ethics Committee, or Senate Ethics Committee; and

(8) a member of the Ethics Merit Selection Authority.

~~No member of the General Assembly or other public official must be eligible to serve on the State Ethics Commission.~~

~~The Governor shall make the appointments based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the commission is representative of all citizens of the State of South Carolina.~~

~~(C)~~(E) The terms of the members of the State Ethics Commission are for five years ~~and until their successors are appointed and qualify~~. The terms of the members serving as of the effective date of this Act expire on March 31, 2016; however, a member who is serving at that time may be reappointed pursuant to this subsection. For the initial appointments made by the Governor, two shall be for a term of two years, the third shall be for a term of four years, and the fourth shall be for a full five year term. For the initial appointments made by the leadership of the House of Representatives, the member appointed by the House Majority Leader shall be for a full five-year term, and the member appointed by the House Minority Leader of the largest minority party shall be for a three year term. For the initial appointments made by the leadership of the Senate, the member appointed by the Senate Majority Leader shall be for a three-year term, and the member appointed by the Senate Minority Leader of the largest minority party shall be for a full five-year term. The initial members who have served terms that are less than five years are eligible to be reappointed for one full five year term. ~~The members of the State Ethics Commission serving on this chapter’s effective date may continue to serve until the expiration of their terms. These members may then be appointed to serve one full five year term under the provisions of this chapter. Members representing the first, third, and sixth congressional districts on this chapter’s effective date are eligible to be appointed for a full five year term in or after 1991. Members currently representing the second, fourth, and fifth congressional districts on this chapter’s effective date are eligible to be appointed for a full five year term in or after 1993. The initial appointments for the at large members of the commission created by this chapter must be for a one , two , or three year term, but these at large members are eligible subsequently for a full five year term. Under this section, the at large members of the commission are to be appointed to begin service on or after July 1, 1992.~~ Vacancies must be filled in the manner of the original appointment for the unexpired portions of the term only. Members of the commission who serve less than a full five-year term may be reappointed for one full five year term, if they are screened and deemed qualified by the Ethics Merit Selection Authority prior to their reappointment. Members of the commission who have completed a full five-year term are not eligible for reappointment. A member shall not serve on the commission in hold-over status after the member’s term expires.

~~(D)~~(F) The commission shall elect a chairman, a vice chairman, and such other officers as it considers necessary. Five members of the commission shall constitute a quorum. The commission must adopt a policy concerning the attendance of its members at commission meetings. The commission meets at the call of the chairman or a majority of its members. Members of the commission, while serving on business of the commission, receive per diem, mileage, and subsistence as is provided by law for members of state boards, committees, and commissions.

(H)(1) A commission member appointed by the Governor may be removed from office by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity, pursuant to Section 1-3-240.

(2) A commission member nominated by the Majority and Minority Leaders of the House of Representatives and Senate may be removed for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity upon a finding by the Senate or House Ethics Committee, as appropriate, and the concurrence of two thirds of the membership of the nominating body.”

Further amend committee amendment bearing the document path JUD0001.026, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8-13-315(A). There is created an Ethics Merit Selection Authority composed of nine members who shall be appointed in the manner prescribed in this section. The Ethics Selection Authority shall consider the qualifications of individuals nominated for appointment to the State Ethics Commission. The authority, at its first meeting, shall elect a chairman and a vice chairman and adopt rules necessary to the purposes of the authority. A member may succeed himself as chairman or vice chairman. Five members of the authority constitute a quorum at all meetings. The rules adopted at the authority’s first meeting shall address, among other things:

(1) the confidentiality of records and other information received concerning appointees for the State Ethics Commission;

(2) the conduct of proceedings before the authority;

(3) receipt of public statements in support of or in opposition to any of the individuals to be nominated for appointment to the State Ethics Commission;

(4) procedures to review the qualifications individuals to be nominated for appointment to the State Ethics Commission;

(5) prohibition against appointees communicating with individual members of the authority concerning the qualifications of appointees unless specifically authorized by the authority.

(B) Notwithstanding any other provision of law, the Ethics Merit Selection Authority shall consist of the following individuals:

(1) three members appointed by the Speaker of the House of Representatives and of these appointments:

(a) two members must be members of the General Assembly appointed in consultation with the House Majority and Minority leaders; and

(b) one member must be selected from the general public.

(2) three members appointed by the President Pro Tempore of the Senate and of these appointments:

(a) two members must be members of the General Assembly appointed in consultation with the Senate Majority and Minority leaders; and

(b) one member must be selected from the general public.

(3) three members appointed by the Governor:

(a) of these appointments no more than two may be from the Governor’s political party; and

(b) at least one member must be selected from the general public.

(C) In making appointments to the authority, race, gender, national origin, and other demographic factors should be considered to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State.

(D) The term of office of a member of the authority who is not a member of the General Assembly shall be for four years subject to a right of removal at any time by the person appointing him, and until his successor is appointed and qualifies. The General Assembly members of the authority shall serve for the term of office to which he has been elected.

(E) A vacancy on the Ethics Merit Selection Authority must be filled for the remainder of the unexpired term in the same manner as provided for the original selection.

(F) No member of the authority shall receive any compensation for authority services, except those set by law for travel, board, and lodging expenses incurred in the performance of authority duties.

(G) No member of the Ethics Merit Selection Authority is eligible for nomination and appointment as a member of the State Ethics Commission while serving on the commission and for a period of eight years thereafter.

(H) All records, information, and other material that the Ethics Merit Selection Authority has obtained or used to make its findings of fact, except materials, records, and information presented under oath at the public hearing, must be kept strictly confidential. After the authority has reported its findings of fact, all records, information, and material required to be kept confidential must be destroyed. The information required to be kept confidential also shall be exempt from disclosure pursuant to Chapter 4 of Title 30.

(I)(1) The Ethics Merit Selection Authority in the discharge of its duties may administer oaths and affirmations, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records considered necessary in connection with the investigation of an appointee.

(2) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, or other records before the Ethics Merit Selection Authority on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no individual shall be prosecuted or subjected to any criminal penalty based upon testimony or evidence submitted or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury and false swearing committed in so testifying.

(3) In case of contumacy by any person or refusal to obey a subpoena issued to any person, any circuit court of this State or circuit judge thereof within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, resides, or transacts business, upon application by the Ethics Merit Selection Authority may issue to this person an order requiring him to appear before the authority to produce evidence if so ordered or to give testimony touching the matter under investigation. Any failure to obey an order of the court may be punished as a contempt hereof. Subpoenas shall be issued in the name of the Ethics Merit Selection Authority and shall be signed by the commission chairman. Subpoenas shall be issued to those persons as the authority may designate.” /

Renumber sections to conform.

Amend title to conform.

On motion of Senator SHANE MARTIN, the amendment was carried over.

**Amendment No. P5B**

Senators HEMBREE, CORBIN, LARRY MARTIN and CAMPSEN proposed the following amendment (JUD0001.047), which was ruled out of order:

Amend the committee report, bearing document number (JUD.001.026), as and if amended, by striking SECTION 7, beginning on line 17 on page [1-7] and inserting:

/ SECTION 7. Section 2‑19‑70 of the 1976 Code is amended to read:

“Section 2‑19‑70. (A) No member of the General Assembly nor a member of his immediate family may be elected to a judicial office elected by the General Assembly while he is serving in the General Assembly nor shall that ~~person~~ member of the General Assembly or a member of his immediate family be elected to a judicial office elected by the General Assembly for a period of ~~one year~~ two years after ~~he~~ the member of the General Assembly either:

(1) ceases to be a member of the General Assembly; or

(2) fails to file for election to the General Assembly in accordance with Section 7‑11‑15.

For purposes of this section, “immediate family member” means a spouse of a member of the General Assembly or an individual claimed by the member of the General Assembly as a dependent for income tax purposes. This section does not apply to an individual serving in a judicial office elected by the General Assembly as of the effective date of this act, so long as the individual continuously serves in a judicial office elected by the General Assembly, including but not limited to, a seat on a different court.

(B) The privilege of the floor in either house of the General Assembly may not be granted to any candidate or any immediate family member of a candidate ~~unless the family member is serving in the General Assembly~~, during the time the candidate’s application is pending before the commission and during the time his nomination by the commission for election to a particular judicial office is pending in the General Assembly.

(C) ~~No candidate for judicial office~~ A person may not ~~seek~~ directly or indirectly seek the pledge of a member of the General Assembly’s vote or, directly or indirectly, contact a member of the General Assembly regarding screening for ~~the~~ any judicial office until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and the commission has formally released its report as to the qualifications of all candidates for the vacancy to the General Assembly. ~~No~~ A member of the General Assembly may not directly or indirectly offer his pledge until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and until the commission has formally released its report as to the qualifications of its nominees to the General Assembly. The formal release of the report of qualifications shall occur no earlier than forty‑eight hours after the nominees have been initially released to members of the General Assembly. For purposes of this section, indirectly seeking a pledge means ~~the~~ a person, a candidate, or someone acting on behalf of and at the request of ~~the~~ a person or a candidate, requesting ~~a person~~ someone to contact a member of the General Assembly on behalf of ~~the~~ a person or a candidate before nominations for that office are formally made by the commission. The prohibitions of this section do not extend to an announcement of candidacy by the candidate and statements by the candidate detailing the candidate’s qualifications.

(D) ~~No~~ A member of the General Assembly may not trade anything of value, including pledges to vote for legislation or for other persons or candidates, in exchange for another member’s pledge to vote for a candidate for judicial office.

(E) Violations of this section may be considered by the merit selection commission when it considers the candidate’s qualifications. Violations of this section by members of the General Assembly shall be reported by the commission to the House or Senate Ethics Committee, as may be applicable. Violations of this section by nonlegislative commission members shall be reported by the commission to the State Ethics Commission. A violation of this section is a misdemeanor and, upon conviction, the violator must be fined not more than one thousand dollars or imprisoned not more than ninety days. Cases tried under this section may not be transferred from general sessions court pursuant to Section 22‑3‑545.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

**Point of Order**

Senator MALLOY raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the committee amendment.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. P6**

Senators SHANE MARTIN and CROMER proposed the following amendment (JUD0001.038), which was adopted:

Amend the committee report, as and if amended, by striking item (10) on page [1-34], lines 19-31, and inserting:

/ “(10) the source of any other income received by the filer, not to include income received pursuant to:

(i) a court order;

(ii) a savings, checking or brokerage account with a bank, savings and loan, or other licensed financial institution which offers savings, checking, or brokerage accounts in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee;

(iii) a mutual fund or similar fund in which an investment company invests its shareholders’ money in a diversified selection of securities.”

Renumber sections to conform.

Amend title to conform.

Senator RANKIN spoke on the amendment.

The amendment was adopted.

**Amendment No. P9A**

Senators SETZLER, RANKIN, MASSEY and CAMPSEN proposed the following amendment (1R016.EB.NGS), which was adopted:

Amend the committee amendment bearing the document path JUD0001.026, as and if amended, adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_\_. Section 8‑13‑1314(A)(1) of the 1976 Code is amended to read:

(A) Within an election cycle, no candidate or anyone acting on his behalf shall solicit or accept, and no person shall give or offer to give to a candidate or person acting on the candidate’s behalf:

(1) a contribution which exceeds:

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

(b) three thousand five hundred dollars in the aggregate for statewide candidates that must be elected jointly beginning with the General Election of 2018; or

~~(b)~~(c) one thousand dollars in the case of a candidate for any other office; /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke on the amendment.

The amendment was adopted.

**Amendment No. P12**

Senator SHEHEEN proposed the following amendment (1R012.EB.VAS), which was ruled out of order:

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

/ SECTION \_\_. Chapter 27, Title 8 of the 1976 Code is amended by adding:

“Section 8‑27‑05. This chapter may be cited as the ‘South Carolina Whistleblower and Public Employee Protection Act’.” /

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

/ SECTION \_\_. Section 8‑27‑20 of the 1976 Code is amended to read:

“Section 8‑27‑20. (A) ~~No~~ A public body may not dismiss, suspend from employment, demote, or decrease the compensation of an employee of a public body because the employee files a report with an appropriate authority of wrongdoing. If the appropriate authority determines the employee’s report is unfounded, or amounts to a mere technical violation, and is not made in good faith, the public body may take disciplinary action including termination. Any public body covered by this chapter may impose disciplinary sanctions, in accordance with its internal disciplinary procedures, against any of its direct line supervisory employees who retaliate against another employee for having filed a good faith report under this chapter.

(B) If the employee’s report results in a saving of any public money from the abuses described in this chapter, twenty‑five percent of the estimated net savings resulting from the first year of implementation of the employee’s report~~, but not more than two thousand dollars,~~ must be rewarded to the employee by the public body as determined by the State Budget and Control Board. This chapter does not supersede the State Employee Suggestion Program. For employees of state agencies participating in the program, items that they identify involving wrongdoing must be referred as a suggestion to the program by the employee. An employee is entitled to only one reward either under this section or under the program, at the employee’s option.” /

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

/ SECTION \_\_. Section 8‑27‑30 of the 1976 Code is amended to read:

“Section 8‑27‑30. (A) If an employee is dismissed, suspended from employment, demoted, or receives a decrease in compensation, ~~within one year~~ after having timely reported an alleged wrongdoing under this chapter, the employee may institute a ~~nonjury~~ civil action against the employing public body for:

(1) reinstatement to his former position;

(2) compensation for lost wages, benefits, and other remuneration;

(3) actual damages ~~not to exceed fifteen thousand dollars~~ or other compensatory damages allowable by law; and

(4) reasonable attorney fees as determined by the court, ~~but this award of attorney fees may not exceed ten thousand dollars for any trial and five thousand dollars for any appeal~~ court costs, and expenses to a prevailing public employee. The action must be brought in the court of common pleas of the county in which the employment action occurred. ~~No~~ An action may not be brought under this chapter unless:

(1) the employee has exhausted all available grievance or other administrative remedies; and

(2) any previous proceedings have resulted in a finding that the employee would not have been disciplined but for the reporting of alleged wrongdoing.

(B) An action under this chapter ~~must be commenced within one year after the accrual of the cause of action or exhaustion of all available grievance or other administrative and judicial remedies or~~ is forever barred unless it is commenced within one year after the later of the following:

(1) the accrual of the cause of action;

(2) the exhaustion of all available grievance or other administrative and judicial remedies; or

(3) the termination of the employment relationship between the employee and the public body against whom the employee’s report was made.” /

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

/ SECTION \_\_. The repeal or amendment by this act of a law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded on the law, or alter, discharge, release or extinguish a penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision expressly provides. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining a pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws. /

Renumber sections to conform.

Amend title to conform.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the committee amendment.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. P13**

Senator SHEHEEN proposed the following amendment (1R003.EB.VAS), which was withdrawn:

Amend the committee report, as and if amended, page [1‑20], by striking subsection (B), in Section 8‑13‑540, as contained in SECTION 17, and inserting:

/ “(B) Actions by Ethics Commission

(1) Upon receiving a complaint filed pursuant to subsection (A), the commission must determine whether the complaint alleges only a violation of a rule of the House of Representatives or Senate or a technical violation pursuant to Section 8‑13‑1170 or Section 8‑13‑1372. If the commission determines the complaint alleges only a rule violation or technical violation, the complaint must be referred to the appropriate ethics committee for investigation and determination.

(2)(a) If the commission determines the complaint alleges more than a violation of a rule of the House of Representatives or Senate or a technical violation pursuant to Section 8‑13‑1170 or Section 8‑13‑1372, the commission must determine whether the complaint alleges facts sufficient to constitute a violation of this chapter or Chapter 17, Title 2.

(b) If the commission determines that the complaint does not allege facts sufficient to constitute a violation, a report must be provided to the appropriate ethics committee with the recommendation that the complaint be dismissed. The appropriate ethics committee may concur or nonconcur with the commission’s report, or within fifteen days from the committee’s receipt of the finding, the committee may request the commission to continue the investigation and consider additional matters not considered by the commission. If the appropriate ethics committee concurs with the recommendation to dismiss the complaint, the committee must notify the complainant and respondent. All documents related to a complaint that result in a dismissal or a finding of no probable cause remain confidential unless the respondent waives the right to confidentiality.

If the commission finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to the Attorney General. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal penalty provided by this item, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof by a preponderance of the evidence that the filing of the complaint was wilful and without just cause or with malice.

(c) If the commission determines that the complaint alleges facts sufficient to constitute a violation of this chapter or Chapter 17, Title 2, an investigation may be conducted into the alleged violation.

(3) If the commission finds evidence that the person alleged to have committed the violation wilfully violated a section of this chapter or Chapter 17 of Title 2 that imposes a criminal penalty, the commission must forward the complaint and accompanying materials to the Attorney General or circuit solicitor. This provision does not limit any authority of the Attorney General or circuit solicitor to initiate or conduct any criminal investigation within his jurisdiction.

(4) If the commission determines that it needs assistance in conducting an investigation, the commission shall request the assistance of appropriate agencies.

(5) In conducting its investigation, the commission may order testimony to be taken in any investigation or hearing by deposition before a person who is designated by the commission and has the power to administer oaths and, in these instances, to compel testimony. The commission may administer oaths and affirmation for the testimony of witnesses and issue subpoenas, by approval of the chairman and subject to judicial enforcement, for the procurement of witnesses and materials including books, papers, records, documents, or other tangible objects relevant to the agency’s investigation. A person to whom a subpoena has been issued may move before a commission panel or the commission for an order quashing a subpoena issued pursuant to this section.

(6) Upon completing its investigation, the commission must provide a report to the appropriate ethics committee with a recommendation as to whether there is probable cause to believe a violation of this chapter or of Chapter 17, Title 2 has occurred. The report must include a copy of all relevant reports, evidence, and testimony considered by the commission.

(7) A majority vote of the full commission shall be required before the commission takes any action, including but not limited to determinations on potential violations, pursuant to this subsection. However, a majority vote of the full commission shall not be required for the dismissal of complaints deemed frivolous by the commission’s Executive Director.” /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN spoke on the amendment.

On motion of Senator SHEHEEN, the amendment was withdrawn.

**Amendment No. P14**

Senator SHEHEEN proposed the following amendment (1R005.EB.VAS), which was adopted:

Amend the committee report, as and if amended, page [1‑29], by striking lines 15‑19, and inserting:

/ “Section 8‑13‑755. A former public official, former public member, or former public employee holding public office, membership, or employment on or after ~~January 1, 1992,~~ the effective date of this Act, may not for a period of ~~one year~~ five years after terminating his public service or employment:” /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN spoke on the amendment.

The amendment was adopted.

**Recorded Vote**

Senator CAMPSEN desired to be recorded as voting against the adoption of the amendment.

**Amendment No. P15**

Senator SHEHEEN proposed the following amendment (1R006.EB.VAS), which was adopted:

Amend the committee report, as and if amended, page [1‑49], by striking SECTION 58 and inserting:

/ SECTION 58. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1337. (A) An elective official or the elective official’s agent may not knowingly solicit a contribution from an employee over whom the elective official has supervisory authority within the elective official’s area of official responsibility. An elective official or the elective official’s agent may not knowingly solicity a contribution from an appointee over whom the elective official has appointment authority within the elective official’s area of official responsibility.

(B) A public official or public employee may not provide an advantage or disadvantage to a public employee, applicant for public employment, public member, or applicant for membership on a board, commission, or council concerning employment, appointment, conditions of employment, conditions of appointment, application for appointment, or application for employment based on the employee’s, member’s or applicant’s contribution, promise to contribute, or failure to contribute to a candidate, a political party, as defined in Section 8‑13‑1300(26), or a committee, as defined in Section 8‑13‑1300(6).” /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN spoke on the amendment.

The amendment was adopted.

**Amendment No. P16**

Senator SHEHEEN proposed the following amendment (1R015.EB.VAS), which was tabled:

Amend the committee amendment, as and if amended, page [1‑34], by striking lines 19‑31 and inserting:

/ (10) the source, type, and amount or value of income received by a public official, a member of the public official’s immediate family, or a business with which the public official or a member of his immediate family are associated, from any source, and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating $200 or more in value and the source, date, and amount of payments made to charitable organizations in lieu of honoraria. The amount or value of such income is shall listed as:

(i) not more than $1,000,

(ii) greater than $1,000 but not more than $2,500,

(iii) greater than $2,500 but not more than $5,000,

(iv) greater than $5,000 but not more than $15,000,

(v) greater than $15,000 but not more than $50,000,

(vi) greater than $50,000 but not more than $100,000,

(vii) greater than $100,000 but not more than $1,000,000,

(viii) greater than $1,000,000 but not more than $5,000,000, or

(ix) greater than $5,000,000.

This does not include income received pursuant to: a court order; a savings, checking, or brokerage account with a bank, savings and loan, or other licensed financial institution which offers savings, checking or brokerage accounts in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee; or a mutual fund or similar fund in which an investment company invests its shareholders’ money in a diversified selection of securities. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN spoke on the amendment.

Senator CROMER moved to lay the amendment on the table.

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

**Ayes 25; Nays 19**

**AYES**

Alexander Bennett Bryant

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Fair Gregory

Hayes Hembree Leatherman

*Martin, Larry Martin, Shane* Massey

O'Dell Peeler Reese

Shealy Turner Verdin

Young

**Total--25**

**NAYS**

Allen Bright Davis

Grooms Jackson Johnson

Kimpson Lourie Malloy

Matthews McElveen Nicholson

Pinckney Rankin Sabb

Scott Setzler Sheheen

Thurmond

**Total--19**

The amendment was laid on the table.

**Amendment No. P17**

Senator HUTTO proposed the following amendment (S1.CBH.3), which was adopted:

Amend the committee amendment bearing the document path JUD0001.026, as and if amended, by striking Section 8-13-700(F).

Renumber sections to conform.

Amend title to conform.

Senator COLEMAN spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 18; Nays 25**

**AYES**

Alexander Bennett Bright

Campsen Cleary Corbin

Courson Davis Fair

Gregory Grooms Hayes

*Martin, Larry* Massey Peeler

Thurmond Turner Verdin

**Total--18**

**NAYS**

Allen Bryant Coleman

Cromer Hembree Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Shane*

Matthews McElveen Nicholson

O'Dell Pinckney Rankin

Reese Sabb Scott

Setzler Shealy Sheheen

Young

**Total--25**

The Senate refused to table the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

**Amendment No. P20**

Senator McELVEEN proposed the following amendment (JUD0001.048), which was not adopted:

Amend the committee report, bearing document number (JUD.001.026), as and if amended, by striking subsection 8-13-1302(A), SECTION 47, lines 41 and 42 on page [1-41] through line 12 on page [1-42] and inserting:

/ “Section 8-13-1302. (A) A candidate, committee, or ballot measure committee must maintain and preserve an account of:

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

(2) the name and address of each person making a contribution and the amount and date of receipt of each contribution;

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

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

(5) all receipted bills, canceled checks, or other proof of payment for each expenditure; and

(6) the occupation and primary employer of each person making a contribution. /

Amend the committee report, bearing document number (JUD.001.026), further as and if amended, by striking SECTION 60 beginning on page [1-51] line 12.

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 16; Nays 27**

**AYES**

Allen Coleman Jackson

Johnson Kimpson Matthews

McElveen Nicholson Pinckney

Reese Sabb Scott

Setzler Sheheen Thurmond

Young

**Total--16**

**NAYS**

Alexander Bennett Bright

Bryant Campsen Cleary

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey O'Dell

Peeler Rankin Shealy

Turner Verdin Williams

**Total--27**

The amendment was not adopted.

**Amendment No. P24**

Senator RANKIN proposed the following amendment (JUD0001.049), which was adopted:

Amend the committee report, as and if amended, by striking SECTION 6 on page [1-7], lines 1-16 and inserting:

/ SECTION 6. Section 2-17-15 of the 1976 Code is amended to read:

“~~(A)~~ The Governor, the Lieutenant Governor, any other statewide constitutional officer, a member of the General Assembly, a director or deputy director of a state department appointed by the Governor and a member of the immediate family of any of these public officials may not serve as a lobbyist during the time the official holds office and for ~~one year~~ two years after such public service ends.

~~(B) The provisions of this section apply to the Governor, the Lieutenant Governor, or any other statewide constitutional officer who is elected after December 31, 1993, or any member of the General Assembly who is elected after December 31, 1991, and any director or deputy director of a state department appointed after June 30, 1993.~~” /

To further amend the committee report, as and if amended, by striking Section 8-13-130 on lines 1-17 on page [1-9] and inserting:

/ “Section 8‑13‑130. The State Ethics Commission, Senate Ethics Committee, House of Representatives Ethics Committee, and the Joint Legislative Ethics Commission may levy an enforcement or administrative fee on a person who is found in violation, or who admits to a violation, ~~of the “Ethics, Government Accountability and Campaign Reform Act of 1991”~~ pursuant to Title 2 or Title 8. The fee must be used to reimburse the commission, the appropriate legislative Ethics Committee, the Joint Legislative Ethics Commission, or combination thereof, for costs associated with the investigation and hearing of a violation. The costs associated include:

(1) the investigator’s time;

(2) mileage, meals, and lodging;

(3) the prosecutor’s time;

(4) the hearing panel’s travel, per diem, and meals;

(5) administrative time;

(6) subpoena costs to include witness fees and mileage; and

(7) miscellaneous costs such as postage and supplies.

This fee is in addition to any fines as otherwise provided by law.” /

To further amend the committee report, as and if amended by striking SECTION 14, lines 18-25 on page [1-15] and inserting:

/ SECTION 14. Chapter 13 of Title 8 of the 1976 Code is amended by adding:

“Section 8-13-322. It is unlawful for the Governor, a member of the General Assembly, or anyone who is the subject of a pending investigation or open complaint, to contact or attempt to contact, either directly or indirectly, a member of the Commission, House of Representatives Ethics Committee, Senate Ethics Committee, or Joint Legislative Ethics Commission to influence or attempt to influence the outcome of a pending investigation or open complaint.” /

To further amend the committee report, as and if amended, by striking SECTION 21, lines 21-38 on page [1-28] and inserting:

/ SECTION 21. Section 8‑13‑720 of the 1976 Code is amended to read:

“(A) ~~No~~ A person may not offer or pay to a public official, public member, or public employee and ~~no~~ a public official, public member, or public employee may not solicit or receive ~~money~~ anything of value in addition to that received by the public official, public member, or public employee in his official capacity for advice or assistance given in the course of his employment as a public official, public member, or public employee, unless otherwise permitted by law.

(B) A person who violates this section is guilty of a:

(1) misdemeanor, if the amount offered, paid, solicited, or received is ten thousand dollars or less, and upon conviction, the person must be fined not more than five thousand dollars or imprisoned for not more than one year, or both;

(2) felony, if the amount offered, paid, solicited, or received is more than ten thousand dollars, and upon conviction, the person must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.” /

To further amend the committee report, as and if amended, by striking SECTION 23, lines 13-31 on page [1-29] and inserting:

/ SECTION 23. Section 8‑13‑755 of the 1976 Code is amended to read:

“Section 8‑13‑755. A ~~former~~ public official, ~~former~~ public member, or ~~former~~ public employee ~~holding public office, membership, or employment on or after January 1, 1992,~~  may not for a period of ~~one year~~ two years after terminating his public service or employment:

(1) serve as a lobbyist or represent clients before the agency or department on which he formerly served in a matter which he directly and substantially participated during his public service or employment; or

(2) accept employment if the employment:

(a) is from a person who is regulated by the agency or department on which the former public official, former public member, or former public employee served or was employed; and

(b) involves a matter in which the former public official, former public member, or former public employee directly and substantially participated during his public service or public employment.” /

To further amend the committee report, as and if amended, by striking SECTION 26, lines 22-27 on page [1-30] and inserting:

/ SECTION 26. Section 8‑13‑780(B) of the 1976 Code is amended to read:

“(B) In addition to existing remedies for breach of the ethical standards of this chapter ~~or regulations promulgated hereunder~~, the ~~State Ethics Commission~~ appropriate supervisory office may impose ~~an oral or~~ a written warning or reprimand.” /

To further amend the committee report, as and if amended, by striking SECTION 67, lines 7-23 on page [1-56] and inserting:

/ SECTION 67. Section 8‑13‑1520 of the 1976 Code is amended to read:

“Section 8‑13‑1520. (A) Except as otherwise specifically provided in this chapter and except for failure to file a required statement or report, a person who wilfully violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.

(B) Except as otherwise specifically provided in this chapter, a person who wilfully violates any provision of this Article 13 is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred percent of the amount of contributions or anything of value that should have been reported pursuant to the provisions of this Article 13 but not less than five thousand dollars or imprisoned for not more than one year, or both.

(C) A violation of the provisions of this chapter does not necessarily subject a public official to the provisions of Section 8‑13‑560.” /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

**Amendment No. P8**

Senator SHEHEEN proposed the following amendment (1R007.EB.VAS), which was adopted:

Amend the committee amendment, as and if amended, by striking SECTION 60 and inserting:

/ SECTION 60. Section 8‑13‑1342 of the 1976 Code is amended to read:

“Section 8‑13‑1342. (A) No person who has been awarded a contract with the State, a county, a municipality, or a political subdivision thereof, other than contracts awarded through competitive bidding practices, may make a contribution after the awarding of the contract or invest in a financial venture in which a public official has an interest if that official was in a position to act on the contract’s award. No public official or public employee may solicit campaign contributions or investments in exchange for the prior award of a contract or the promise of a contract with the State, a county, a municipality, or a political subdivision thereof.

(B) Any individual, business, or other entity which applies for a contract from the State of South Carolina or a state governmental entity in the amount of five million dollars or greater must file a report with the State Ethics Commission pursuant to Section 8‑13‑365 listing, in the case of a closely held corporation, partnership, or privately owned company, any and all owners, officers, directors, or employees of the beneficiary of the contract who have contributed an aggregate amount of five hundred dollars or more to a candidate for legislative or statewide office within an election cycle. In the case of a publicly held corporation, the report must list all board members, directors, employees and officers of the company who have contributed an aggregate amount of five hundred dollars or more to a candidate for legislative or statewide office within an election cycle.

(C) The report required under subsection (B) must include:

(1) the full name, street address, and phone number of the reporting individual, business, or entity receiving the contract;

(2) the names of each employee, owner, director, board member, or officer who have contributed; and

(3) the name of the candidate and amount of contribution.” /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the adoption of the amendment.

**Amendment No. P18A**

Senator BRIGHT proposed the following amendment (1R018.KM.LB), which was adopted:

Amend the committee amendment bearing the document path JUD0001.026, as and if amended, adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_\_. Section 8‑13‑1314(A)(1) of the 1976 Code is amended to read:

(A) Within an election cycle, no candidate or anyone acting on his behalf shall solicit or accept, and no person shall give or offer to give to a candidate or person acting on the candidate’s behalf:

(1) a contribution which exceeds:

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

(b) four thousand five hundred dollars in the aggregate for statewide candidates that must be elected jointly beginning with the General Election of 2018; or

~~(b)~~(c) ~~one~~ two thousand dollars in the case of a candidate for any other office; /

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 27; Nays 16**

**AYES**

Alexander Allen Bright

Bryant Coleman Corbin

Davis Grooms Hembree

Jackson Johnson Kimpson

Leatherman *Martin, Shane* Massey

Matthews Nicholson O'Dell

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Verdin Williams

**Total--27**

**NAYS**

Bennett Campsen Cleary

Courson Cromer Fair

Gregory Hayes Malloy

*Martin, Larry* McElveen Peeler

Sabb Thurmond Turner

Young

**Total--16**

The amendment was adopted.

**Amendment No. P25**

Senator HUTTO proposed the following amendment (1R021.EB.NGS), which was adopted:

Amend the committee amendment, as and if amended, by striking SECTION 77 and inserting:

/ The provisions of PART II (General Provisions), PART IV (Rules of Conduct), and PART VI (Campaign Practices) are effective upon the Governor’s signature. /

Amend the committee amendment further, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_. The provisions of PART V (Disclosure of Economic Interests) take effect on January 1, 2017. /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

**Amendment No. P26**

Senator BRYANT proposed the following amendment (1R023.EB.KLB), which was tabled:

Amend the committee amendment, as and if amended, by striking SECTIONS 45, 48, 50, and 53.

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

Senator LARRY MARTIN spoke on the amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

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

**Ayes 33; Nays 10**

**AYES**

Alexander Bennett Campsen

Coleman Courson Cromer

Davis Fair Gregory

Hayes Hembree Jackson

Johnson Leatherman Malloy

*Martin, Larry* Massey Matthews

McElveen Nicholson O'Dell

Peeler Pinckney Reese

Sabb Scott Setzler

Shealy Sheheen Thurmond

Turner Williams Young

**Total--33**

**NAYS**

Allen Bright Bryant

Cleary Corbin Grooms

Kimpson *Martin, Shane* Rankin

Verdin

**Total--10**

The amendment was laid on the table.

**Amendment No. P27**

Senator REESE proposed the following amendment (AGM\  
1C001.AGM.VR15), which was withdrawn:

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

/ SECTION \_\_\_. Section 8‑13‑920 of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“Section 8‑13‑920. A person running for an office elected by the General Assembly must file a report with the Chairman of the Senate Ethics Committee and the Chairman of the House of Representatives Ethics Committee of money in excess of ~~one~~ two hundred dollars spent by him or in his behalf in seeking the office. The report must include the period beginning with the time he first announces his intent to seek the office. The report must not include travel expenses or room and board while campaigning. Contributions made to members of the General Assembly during the period from announcement of intent to election date must be included. The report must be updated quarterly with an additional report filed five days before the election and the final report filed thirty days after the election. Persons soliciting votes on behalf of candidates must submit expenses in excess of ~~one~~ two hundred dollars to the candidate which must be included on the candidate’s report. A copy of all reports received by the Senate Ethics Committee and the House of Representatives Ethics Committee must be forwarded to the State Ethics Commission within two business days of receipt.” /

Renumber sections to conform.

Amend title to conform.

Senator REESE spoke on the amendment.

On motion of Senator REESE, the amendment was withdrawn.

The Committee on Judiciary proposed the following amendment (JUD0001.026), which was adopted:

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

/ PART I

LOBBYISTS AND LOBBYIST PRINCIPALS

SECTION 1. Section 2‑17‑20(A) of the 1976 Code is amended to read:

“(A) ~~Any~~ A person who acts as a lobbyist ~~must~~, within fifteen days of being employed, appointed, or retained as a lobbyist, shall register with the State Ethics Commission as provided in this section. Each person registering ~~must~~ shall pay a fee of ~~one~~ two hundred dollars and present to the State Ethics Commission a communication reflecting the authority of the registrant to represent the person by whom he is employed, appointed, or retained. If a partnership, committee, association, corporation, labor organization, or any other organization or group of persons registers as a lobbyist, it ~~must~~ shall identify each person who will act as a lobbyist on its behalf during the covered period. There is no registration fee for a lobbyist who is a full‑time employee of a state agency and limits his lobbying to efforts on behalf of that particular state agency.”

SECTION 2. Section 2‑17‑25(A) of the 1976 Code is amended to read:

“(A) ~~Any~~ A lobbyist’s principal ~~must~~, within fifteen days of employing, appointing, or retaining a lobbyist, shall register with the State Ethics Commission as provided in this section. Each person registering ~~must~~ shall pay a fee of ~~one~~ two hundred dollars. If a partnership, committee, an association, a corporation, labor organization, or any other organization or group of persons registers as a lobbyist’s principal, it ~~must~~ shall identify each person who will act as a lobbyist on its behalf during the covered period. If the State is a lobbyist’s principal, the State is exempt from paying a registration fee and filing a lobbyist’s principal registration statement.”

SECTION 3. Section 2‑17‑30(A) of the 1976 Code is amended to read:

“(A) Each lobbyist, no later than ~~June thirtieth~~ July tenth and ~~January thirty‑first~~ January tenth of each year, must file a report with the State Ethics Commission covering that lobbyist’s lobbying during that filing period. The filing periods are from January first to ~~May thirty‑first~~  June thirtieth for the ~~June thirtieth~~ July tenth report, and are from ~~June~~ July first to December thirty‑first for the January ~~thirty‑first~~ tenth report. Any lobbying activity not reflected on the ~~June thirtieth~~ July tenth report and not reported on a statement of termination pursuant to Section 2‑17‑20(C) must be reported no later than January ~~thirty‑first~~ tenth of the succeeding year. Each report must be in a form prescribed by the State Ethics Commission and be limited to and contain:

(1) the full name, address, and telephone number of the reporting lobbyist;

(2) an identification of each person on whose behalf the reporting lobbyist engaged in lobbying during the covered period;

(3) the official name, number, or description, designated by the House or Senate or by an agency, of legislation, covered agency actions, or covered gubernatorial actions for which the reporting lobbyist engaged in lobbying during the covered period;

(4) the identification of each person from whom income attributable to the lobbyist’s lobbying is paid or promised and the amount of the income attributable to the lobbyist’s lobbying paid or promised;

(5)(a) a complete and itemized account of the totals of all amounts expended by a lobbyist in the performance of his lobbying during the covered period. The totals must be segregated by the amounts expended for office expenses, rent, utilities, supplies, and compensation of support personnel attributable to lobbying covered under the provisions of this chapter;

(b) any expenditure directly or indirectly related to lobbying if expended while engaged in the general course of lobbying and if reimbursed by the lobbyist’s principal;

(6) the name of each member of the judiciary on whose behalf a lobbyist initiated or made expenditures and a complete and itemized account of the amount expended by the lobbyist for each member of the judiciary;

(7) a statement detailing any direct business association of a lobbyist with any current member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees. For the purposes of this item, direct business association does not include:

(a) ownership interests held by a lobbyist or a lobbyist’s principal and a member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees in the same corporation or partnership unless the interest of each exceeds five percent of the total shares outstanding or partnership interests in such entity;

(b) an interest held by a member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees in a partnership or corporation represented by a lobbyist or a lobbyist’s principal if the interest is less than five percent of the total shares outstanding or partnership interests in such entity; or

(c) any commercial transaction between a lobbyist or a lobbyist’s principal and a member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees in which the fair market value of the goods transferred or services rendered is paid.”

SECTION 4. Section 2‑17‑35(A) of the 1976 Code is amended to read:

“(A) Except as otherwise provided by Section 2‑17‑90(E), each lobbyist’s principal, no later than ~~June thirtieth~~ July tenth and ~~January thirty‑first~~ January tenth of each year, must file a report with the State Ethics Commission covering that lobbyist’s principal’s expenditures attributable to lobbying during that filing period. The filing periods are from January first to ~~May thirty‑first~~ June thirtieth for the ~~June thirtieth~~ July tenth report, and are from ~~June~~ July first to December thirty‑first for the January ~~thirty‑first~~ tenth report. Any lobbying activity not reflected on the ~~June thirtieth~~ July tenth report and not reported on a statement of termination pursuant to Section 2‑17‑25(C) must be reported no later than January ~~thirty‑first~~ tenth of the succeeding year. Each report must be in a form prescribed by the State Ethics Commission and be limited to and contain:

(1) the full name, address, and telephone number of the reporting lobbyist’s principal;

(2) an identification of each person who acted as a lobbyist on behalf of the reporting lobbyist’s principal during the covered period;

(3) the official name, number, or description, designated by the House or Senate or by an agency, of legislation, covered agency actions, or covered gubernatorial actions for which its lobbyist engaged in lobbying during the covered period;

(4) the identification of each person to whom income attributable to the lobbyist’s lobbying is paid or promised and the amount of the income attributable to the lobbyist’s lobbying paid or promised;

(5)(a) a complete and itemized account of all amounts expended by a lobbyist’s principal for lobbying during the covered period. The totals must be segregated by the amounts expended for office expenses, rent, utilities, supplies, and compensation of support personnel attributable to lobbying covered under the provisions of this chapter;

(b) any expenditure directly or indirectly related to lobbying if expended while a lobbyist’s principal or his lobbyist is engaged in the general course of lobbying;

(c) the name of each public official on whose behalf a lobbyist’s principal initiated or made expenditures pursuant to Section 2‑17‑90 and a complete and itemized account of the amount expended by the lobbyist’s principal for each public official;

(d) any reimbursements of or expenditures for actual expenses as allowed in Section 2‑17‑100;

(6) the name of each member of the judiciary on whose behalf a lobbyist’s principal initiated or made expenditures and a complete and itemized account of the amount expended by the lobbyist’s principal for each member of the judiciary;

(7) a statement detailing any direct business association of a lobbyist’s principal with any current member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees. For the purposes of this item, direct business association does not include:

(a) ownership interests held by a lobbyist or a lobbyist’s principal and a member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees in the same corporation or partnership unless the interest of each exceeds five percent of the total shares outstanding or partnership interests in the entity;

(b) an interest held by a member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees in a partnership or corporation represented by a lobbyist or a lobbyist’s principal if the interest is less than five percent of the total shares outstanding or partnership interests in such entity; or

(c) any commercial transaction between a lobbyist or lobbyist’s principal and a member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency who engaged in covered agency actions, or any of their employees in which the fair market value of the goods transferred or services rendered is paid;

(8) any contribution, as defined by Section 8‑13‑1300(7), made by the lobbyist’s principal to any candidate or public official, including an itemization of:

(a) the name and address of the public official or candidate to whom the contribution was made;

(b) the amount of the contribution;

(c) the date of the contribution;

(9) in the case of a voluntary membership organization, dues, fees, or other amounts payable to the organization during any calendar year from a member need be recorded only if the contribution to the organization is more than five hundred dollars and more than twenty percent of the total contributions of the organization during that calendar year.”

SECTION 5. Section 2‑17‑40 of the 1976 Code is amended to read:

“Section 2‑17‑40. (A) Each state agency or department must, no later than ~~June thirtieth~~ July tenth and ~~January thirty‑first~~ January tenth of each year, file a report with the State Ethics Commission covering that agency’s lobbying during that filing period. The filing periods are from January first to ~~May thirty‑first~~ June thirtieth for the ~~June thirtieth~~ July tenth report, and are from ~~June~~ July first to December thirty‑first for the January ~~thirty‑first~~ tenth report. Any lobbying activity not reflected on the ~~June thirtieth~~ July tenth report and not reported on a statement of termination pursuant to Section 2‑17‑25(C) must be reported no later than January ~~thirty‑first~~ tenth of the succeeding year. Each report must be in a form prescribed by the State Ethics Commission and be limited to and contain:

(1) an identification of each public official, public employee, or other person who engaged in lobbying for that agency during the covered period;

(2) legislation, covered agency actions, or covered gubernatorial actions the persons identified in item (1) engaged in lobbying during the covered period;

(3) the identification of each person to whom income attributable to the lobbyist’s lobbying is paid or promised and the amount of the income attributable to the lobbyist’s lobbying paid or promised;

(4)(a) a complete and itemized account of all expenditures made or incurred by those persons identified in item (1) in the performance of their lobbying during the covered period. The totals must be segregated by the amounts expended for office expenses, rent, utilities, supplies, and compensation of support personnel attributable to lobbying covered under the provisions of this chapter;

(b) the name of each public official on whose behalf the state agency or department initiated or made expenditures pursuant to Section 2‑17‑90 and a complete and itemized account of the amount expended by the state agency or department for each public official;

(c) any reimbursements of or expenditures for actual expenses as allowed in Section 2‑17‑100.

(B) Where total amounts are required to be reported, totals must be reported for the entire calendar year to date. The reports required by this section are not required from any agency whose only lobbying is appearing before any committee of the General Assembly at the request of that committee or at the request of any member or members of that committee.”

PART II

GENERAL PROVISIONS

SECTION 6. Section 2-17-15 of the 1976 Code is amended to read:

“(A) The Governor, the Lieutenant Governor, any other statewide constitutional officer, a member of the General Assembly, a director or deputy director of a state department appointed by the Governor and a member of the immediate family of any of these public officials may not serve as a lobbyist during the time the official holds office and for ~~one year~~ two years after such public service ends.

(B) The provisions of this section apply to the Governor, the Lieutenant Governor, or any other statewide constitutional officer who is elected after ~~December 31, 1993~~ the effective date of this Act, or any member of the General Assembly who is elected after ~~December 31, 1991~~ the effective date of this Act, and any director or deputy director of a state department appointed after ~~June 30, 1993~~ the effective date of this Act.”

SECTION 7. Section 2‑19‑70 of the 1976 Code is amended to read:

“Section 2‑19‑70. (A) No member of the General Assembly may be elected to a judicial office while he is serving in the General Assembly nor shall that person be elected to a judicial office for a period of ~~one year~~ two years after he either:

(1) ceases to be a member of the General Assembly; or

(2) fails to file for election to the General Assembly in accordance with Section 7‑11‑15.

(B) The privilege of the floor in either house of the General Assembly may not be granted to any candidate or any immediate family member of a candidate unless the family member is serving in the General Assembly, during the time the candidate’s application is pending before the commission and during the time his nomination by the commission for election to a particular judicial office is pending in the General Assembly.

(C) ~~No candidate for judicial office~~ A person may not ~~seek~~ directly or indirectly seek the pledge of a member of the General Assembly’s vote or, directly or indirectly, contact a member of the General Assembly regarding screening for ~~the~~ any judicial office until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and the commission has formally released its report as to the qualifications of all candidates for the vacancy to the General Assembly. ~~No~~ A member of the General Assembly may not directly or indirectly offer his pledge until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and until the commission has formally released its report as to the qualifications of its nominees to the General Assembly. The formal release of the report of qualifications shall occur no earlier than forty‑eight hours after the nominees have been initially released to members of the General Assembly. For purposes of this section, indirectly seeking a pledge means ~~the~~ a person, a candidate, or someone acting on behalf of and at the request of ~~the~~ a person or a candidate, requesting ~~a person~~ someone to contact a member of the General Assembly on behalf of ~~the~~ a person or a candidate before nominations for that office are formally made by the commission. The prohibitions of this section do not extend to an announcement of candidacy by the candidate and statements by the candidate detailing the candidate’s qualifications.

(D) ~~No~~ A member of the General Assembly may not trade anything of value, including pledges to vote for legislation or for other persons or candidates, in exchange for another member’s pledge to vote for a candidate for judicial office.

(E) Violations of this section may be considered by the merit selection commission when it considers the candidate’s qualifications. Violations of this section by members of the General Assembly shall be reported by the commission to the House or Senate Ethics Committee, as may be applicable. Violations of this section by nonlegislative commission members shall be reported by the commission to the State Ethics Commission. A violation of this section is a misdemeanor and, upon conviction, the violator must be fined not more than one thousand dollars or imprisoned not more than ninety days. Cases tried under this section may not be transferred from general sessions court pursuant to Section 22‑3‑545.”

SECTION 8. Section 8‑13‑100(5) of the 1976 Code are amended to read:

“(5) ‘Candidate’ means a person who seeks appointment, nomination for election, or election to a state or local office, ~~or~~ authorizes or knowingly permits the collection or disbursement of money for the promotion of his candidacy or election, or maintains an open bank account containing contributions, or has outstanding debt from expenditures incurred due to the person’s campaign. It also means a person on whose behalf write‑in votes are solicited if the person has knowledge of such solicitation. ‘Candidate’ does not include a person within the meaning of Section 431(b) of the Federal Election Campaign Act of 1976.”

SECTION 9. Section 8‑13‑130 of the 1976 Code is amended to read:

“Section 8‑13‑130. The State Ethics Commission, Senate Ethics Committee, and House of Representatives Ethics Committee may levy an enforcement or administrative fee on a person who is found in violation, or who admits to a violation, ~~of the “Ethics, Government Accountability and Campaign Reform Act of 1991”~~ pursuant to Title 2 or Title 8. The fee must be used to reimburse the commission or the appropriate legislative Ethics Committee for costs associated with the investigation and hearing of a violation. The costs associated include:

(1) the investigator’s time;

(2) mileage, meals, and lodging;

(3) the prosecutor’s time;

(4) the hearing panel’s travel, per diem, and meals;

(5) administrative time;

(6) subpoena costs to include witness fees and mileage; and

(7) miscellaneous costs such as postage and supplies.

This fee is in addition to any fines as otherwise provided by law.”

PART III

ETHICS COMMITTEES

SECTION 10. Section 8‑13‑310 of the 1976 Code is amended to read:

“Section 8‑13‑310. ~~(A) The State Ethics Commission as constituted under law in effect before July 1, 1992, is reconstituted to continue in existence with the appointment and qualification of the at‑large members as prescribed in this section and with the changes in duties and powers as prescribed in this chapter. On July 1, 1993, when the duties and powers given to the Secretary of State in Chapter 17 of Title 2 are transferred to the State Ethics Commission, the Code Commissioner is directed to change all references to “this chapter” in Article 3 of Chapter 13 of Title 8 to “this chapter and Chapter 17 of Title 2”.~~

~~(B)~~(A) There is created the State Ethics Commission composed of ~~nine~~ eight members of which:

(1) four members must be appointed by the Governor~~, upon the advice and consent of the General Assembly~~ no more than two of whom are members of the appointing Governor’s political party;

(2) one member must be nominated by the Senate Majority Leader, and one member must be nominated by the Senate Minority Leader of the largest minority party. These nominees must be found qualified by the Senate Ethics Committee and confirmed by the Senate prior to serving on the State Ethics Commission, unless otherwise provided for by the rules of the Senate; and

(3) one member must be nominated by the House Majority Leader, and one member must be nominated by the House Minority Leader of the largest minority party. These nominees must be found qualified by the House of Representatives Ethics Committee and confirmed by the House of Representatives prior to serving on the State Ethics Commission, unless otherwise provided for by the rules of the House of Representatives. ~~One member shall represent each of the seven congressional districts, and two members must be appointed from the State at large.~~

(B)(1) A candidate for appointment by the Governor must be screened by the Governor’s Office. The screening shall include, at a minimum, a background check, including a credit check and criminal record check, Statement of Economic Interest from the candidate, and the following information provided by the candidate to the Governor:

(a) the full legal name of the individual being appointed;

(b) the candidate’s current street or mailing address and telephone number;

(c) the candidate’s professional experience;

(d) any campaign contribution made by the candidate to the Governor within the previous four years;

(e) if the candidate registered as a lobbyist within the previous four years;

(f) if the candidate served as a member of the General Assembly within the previous eight years;

(g) if the candidate is a family member, as defined by Section 8-13-100(15) of a member of the General Assembly or the Governor;

(h) if the candidate is currently under the jurisdiction of the State Ethics Commission, House of Representatives Ethics Committees, or Senate Ethics Committees;

(i) the candidate’s political party affiliation, including which primary the candidate voted in the last two election cycles and if the candidate served as a poll watcher or political party officer within the previous four years; and

(j) membership in any civic, charitable, or social groups within the previous 4 years.

(2) Upon completion of the candidate’s screening, the Governor shall post on his website the candidate’s information listed in items (a) through (j) above, with any personal information where the public disclosure would constitute an unreasonable invasion of privacy redacted. The website shall also include the name of the individual that the candidate would replace and the commencement and ending date of the term of office.

(3) The Governor shall keep the information regarding the candidate posted on his website for ten business days, and allow the public to submit a written, signed statement regarding concerns anyone may have about the candidate serving as a member of the State Ethics Commission.

(C) Upon the nomination of candidates by the Majority Leaders and Minority Leaders of the House of Representatives and Senate for the State Ethics Commission, the appropriate ethics committee shall conduct an investigation and hold a public hearing to determine the qualifications of each candidate for office. Any person who desires to testify at the hearing, including candidates, shall furnish a written statement of his proposed testimony to the chairman of the committee. These statements shall be furnished no later than forty‑eight hours prior to the date and time set for the hearing. The committee shall determine the persons who shall testify at the hearing. All testimony, including documents furnished to the committee, shall be submitted under oath, and persons knowingly furnishing false information either orally or in writing shall be subject to the penalties provided by law for perjury and false swearing. During the course of the investigation, the committee may schedule an executive session at which each candidate, and other persons whom the committee wishes to interview, may be interviewed by the committee on matters pertinent to the candidate’s qualifications for the office to be filled. At a reasonable time thereafter, the committee shall render its findings as to whether the candidate is qualified for the office and whether the candidate has been confirmed for the office for which he was nominated.

(D) As soon as possible after the completion of the hearing, a verbatim copy of the testimony, documents submitted at the hearing, and findings of fact shall be made available to the members of both houses and to the public.

(E)(1) The qualifications the appointing authorities shall consider for the appointees include, but are not limited to:

(a) constitutional qualifications;

(b) ethical fitness;

(c) character;

(d) mental stability;

(e) experience; and

(f) judicial temperament.

(2) The appointing authorities shall make their appointments based on merit. However, in making appointments to the commission, the appointing authorities shall ensure that race, color, gender, national origin, and other demographic factors are considered to ensure the geographic and political balance of the appointments, and shall strive to assure that the membership of the commission will represent, to the greatest extent possible, all segments of the population of the State.

(3) The following are not eligible to serve on the State Ethics Commission:

(a) a member of the General Assembly;

(b) a former member of the General Assembly within eight years following the termination of his service in the General Assembly;

(c) a family member, as defined by Section 8‑13‑100(15), of a member of the General Assembly or the Governor;

(d) a person who made a campaign contribution, as defined by Section 8‑13‑1300(7), within the previous four years to the individual who nominated or appointed the person to serve on the State Ethics Commission;

(e) a person who registered as a lobbyist within four years of being nominated or appointed to serve on the State Ethics Commission;

(f) a person who is under the jurisdiction of the State Ethics Commission, House of Representatives Ethics Committee, or Senate Ethics Committee.

~~No member of the General Assembly or other public official must be eligible to serve on the State Ethics Commission.~~

~~The Governor shall make the appointments based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the commission is representative of all citizens of the State of South Carolina.~~

~~(C)~~(F) The terms of the members are for five years ~~and until their successors are appointed and qualify~~. The terms of the members serving as of the effective date of this Act expire on March 31, 2016; however, a member who is serving at that time may be reappointed pursuant to this subsection. For the initial appointments made by the Governor, two shall be for a term of two years, the third shall be for a term of four years, and the fourth shall be for a full five‑year term. For the initial appointments made by the leadership of the House of Representatives, the member appointed by the House Majority Leader shall be for a full five-year term, and the member appointed by the House Minority Leader of the largest minority party shall be for a three‑year term. For the initial appointments made by the leadership of the Senate, the member appointed by the Senate Majority Leader shall be for a three-year term, and the member appointed by the Senate Minority Leader of the largest minority party shall be for a full five-year term. The initial members who have served terms that are less than five years are eligible to be reappointed for one full five‑year term. ~~The members of the State Ethics Commission serving on this chapter’s effective date may continue to serve until the expiration of their terms. These members may then be appointed to serve one full five‑year term under the provisions of this chapter. Members representing the first, third, and sixth congressional districts on this chapter’s effective date are eligible to be appointed for a full five‑year term in or after 1991. Members currently representing the second, fourth, and fifth congressional districts on this chapter’s effective date are eligible to be appointed for a full five‑year term in or after 1993. The initial appointments for the at large members of the commission created by this chapter must be for a one‑, two‑, or three‑year term, but these at large members are eligible subsequently for a full five‑year term. Under this section, the at large members of the commission are to be appointed to begin service on or after July 1, 1992.~~ Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term only. Members of the commission who serve less than a full five-year term may be reappointed for one full five-year term. Members of the commission who have completed a full five‑year term are not eligible for reappointment. A member shall not serve on the commission in hold-over status after the member’s term expires.

~~(D)~~(G) The commission shall elect a chairman, a vice‑chairman, and such other officers as it considers necessary. Five members of the commission shall constitute a quorum. The commission must adopt a policy concerning the attendance of its members at commission meetings. The commission meets at the call of the chairman or a majority of its members. Members of the commission, while serving on business of the commission, receive per diem, mileage, and subsistence as is provided by law for members of state boards, committees, and commissions.

(H)(1) A commission member appointed by the Governor may be removed from office by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity, pursuant to Section 1‑3‑240.

(2) A commission member nominated by the Majority and Minority Leaders of the House of Representatives and Senate may be removed for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity upon a finding by the Senate or House Ethics Committee, as appropriate, and the concurrence of two‑thirds of the membership of the nominating body.”

SECTION 11. Section 8-13-320(9) of the 1976 Code of Laws is amended to read:

“(9) to initiate or receive complaints and make investigations, as provided in item (10) or as provided in Section 8-13-540, as appropriate, of statements filed or allegedly failed to be filed under the provisions of this chapter and Chapter 17 of Title 2 and, upon complaint by an individual, of an alleged violation of this chapter or Chapter 17 of Title 2 by a public official, public member, or public employee ~~except members or staff, including staff elected to serve as officers of or candidates for the General Assembly unless otherwise provided for under House or Senate rules~~. Any person charged with a violation of this chapter or Chapter 17 of Title 2 is entitled to the administrative hearing process contained in this section or in Article 5 of this chapter, as appropriate.”

SECTION 12. Section 8‑13‑320(10)(g) of the 1976 Code is amended to read:

“(g) All investigations, inquiries, hearings, and accompanying documents ~~must remain~~ are confidential and may only be released pursuant to this section, unless otherwise required by law. ~~until a finding of probable cause or dismissal, unless the respondent waives the right to confidentiality.~~ After a finding of probable cause by the commission, except for a technical violation pursuant to Section 8-13-1170 or 8-13-1372, the following documents become public record: the complaint, the response by the respondent, and the notice of hearing. The respondent may waive the right to confidentiality. The wilful release of confidential information is a misdemeanor, and any person releasing ~~such~~ confidential information, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year.”

SECTION 13. Section 8‑13‑320(10)(j) of the 1976 Code is amended to read:

“(j) If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the commission’s possession relating to the charges. The same discovery techniques which are available to the commission must be equally available to the respondent, including the right to request the commission to subpoena witnesses or materials and the right to conduct depositions as prescribed by subitem (f). A panel of three commissioners must conduct a hearing in accordance with Chapter 23 of Title 1 (Administrative Procedures Act), except as otherwise expressly provided. Panel action requires the participation of the three panel members. During a commission panel hearing conducted to determine whether a violation of the chapter has occurred, the respondent must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses. All evidence, including records the commission considers, must be offered fully and made a part of the record in the proceedings. The hearings must be ~~held in executive session unless the respondent requests an open hearing~~ open to the public. Upon the issuance of the final order by the commission, the final order and all exhibits introduced at the hearing shall become public record. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy.”

SECTION 14. Chapter 13 of Title 8 of the 1976 Code is amended by adding:

“Section 8-13-322. It is unlawful for the Governor, a member of the General Assembly, or anyone who is the subject of a pending investigation or open complaint, to contact or attempt to contact, either directly or indirectly, a member of the Commission to influence or attempt to influence the outcome of a pending investigation or open complaint.”

LEGISLATIVE COMMITTEES

SECTION 15. Section 8‑13‑530 of the 1976 Code of Laws is amended to read:

“Section 8‑13‑530. Each ethics committee shall:

(1) ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of this chapter and promptly notify the person to file the necessary notices and reports to satisfy the requirements of this chapter;

(2) receive complaints filed by individuals and, upon a majority vote of the total membership of the committee, file complaints when alleged violations are identified;

(3) upon the filing of a complaint~~, investigate possible violations of breach of a privilege governing a member or staff of the appropriate house, the alleged breach of a rule governing a member of, legislative caucus committees for, or a candidate, or staff for the appropriate house, misconduct of a member or staff of, legislative caucus committees for, or a candidate for the appropriate house, or a violation of this chapter or Chapter 17 of Title 2.~~ alleging a violation by a member or staff of the appropriate house or legislative caucus committee, or a candidate for the appropriate house, for a violation of this chapter or Chapter 17, Title 2, other than a violation of a rule of the appropriate house, the ethics committee shall refer the complaint to the State Ethics Commission for an investigation pursuant to Section 8‑13‑540;

(4) receive, investigate, and hear a complaint which alleges a possible violation of a breach of a privilege or a rule governing a member or staff of the appropriate house or legislative caucus committee, or candidate for the appropriate house~~, the alleged breach of a rule governing a member or staff of or candidate for the appropriate house, misconduct of a member or staff of or candidate for the appropriate house, or a violation of this chapter or Chapter 17 of Title 2.~~;

(5) ~~no~~ a complaint may not be accepted by the ethics committee concerning a member of or candidate for the appropriate house during the fifty‑day period before an election in which the member or candidate is a candidate. During this fifty‑day period, any person may petition the court of common pleas alleging the violations complained of and praying for appropriate relief by way of mandamus or injunction, or both. Within ten days, a rule to show cause hearing must be held, and the court must either dismiss the petition or direct that a mandamus order or an injunction, or both, be issued. A violation of this chapter by a candidate during this fifty‑day period must be considered to be an irreparable injury for which no adequate remedy at law exists. The institution of an action for injunctive relief does not relieve any party to the proceeding from any penalty prescribed for violations of this chapter. The court must award reasonable attorney’s fees and costs to the nonpetitioning party if a petition for mandamus or injunctive relief is dismissed based upon a finding that the:

(i) petition is being presented for an improper purpose such as harassment or to cause delay;

(ii) claims, defenses, and other legal contentions are not warranted by existing law or are based upon a frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(iii) allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after reasonable opportunity for further investigation or discovery.

Action on a complaint filed against a member or candidate which was received more than fifty days before the election but which cannot be disposed of or dismissed by the ethics committee at least thirty days before the election must be postponed until after the election;

~~(5)~~(6) obtain information and ~~investigate~~ hear complaints as provided in Section 8‑13‑540 with respect to any complaint filed pursuant to this chapter or Chapter 17, ~~of~~ Title 2 and to that end may compel by subpoena issued by a majority vote of the committee the attendance and testimony of witnesses and the production of pertinent books and papers;

~~(6)~~(7) administer or recommend sanctions appropriate to a particular member, or staff of, or candidate for, the appropriate house pursuant to Section 8‑13‑540, including the recovery of the value of anything transferred or received in breach of the ethical standards, or dismiss the charges; and

~~(7)~~(8) act as an advisory body to the General Assembly and to individual members of or candidates for the appropriate house on questions pertaining to the disclosure and filing requirements of members of or candidates for the appropriate house, and to issue, upon request from a member or staff of the appropriate house, or legislative caucus committee, or candidate for the appropriate house, and publish advisory opinions on the requirements of these chapters.”

SECTION 16. Chapter 13, Title 8 of the 1976 Code is amended by adding Section 8‑13‑535 to read:

“Section 8‑13‑535. (A) The committee may issue a formal advisory opinion, based on real or hypothetical sets of circumstances. A formal advisory opinion issued by the committee is binding on the committee, until amended or revoked, in any subsequent charges concerning the person who requested the formal opinion and any other person who acted in reliance upon it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion. A formal advisory opinion must be in writing and is considered rendered when approved by a majority of the committee members subscribing to the advisory opinion. Advisory opinions must be made available to the public unless the committee, by majority vote of the total membership of the committee, requires an opinion to remain confidential. However, the identities of the parties involved must be withheld upon request.

(B) Staff of the appropriate ethics committee may issue a written informal advisory opinion, based on a real or hypothetical set of circumstances, to a member upon that member’s request. If raised in response to a complaint, the appropriate committee shall consider whether the member relied, in good faith, upon a written informal opinion prior to making a probable cause determination or concurring in a determination, as applicable. A written informal advisory opinion issued by the committee staff is binding on the committee, until amended or revoked, in any subsequent charges concerning the person who requested the informal opinion unless material facts were omitted or misstated by the person in the request for the opinion.

(C) The appropriate ethics committee must consider whether a person relied in good faith upon a formal advisory opinion or written informal opinion issued by the committee prior to the effective date of this act, unless amended or revoked prior to the action considered as a possible violation, prior to making a probable cause decision.”

SECTION 17. Section 8‑13‑540 of the 1976 Code is amended to read:

“Section 8-13-540. ~~Unless otherwise provided for by House or Senate rule, as appropriate, each ethics committee must conduct its investigation of a complaint filed pursuant to this chapter or Chapter 17 of Title 2 in accordance with this section.~~

~~(1)~~ ~~When a complaint is filed with or by the ethics committee, a copy must promptly be sent to the person alleged to have committed the violation. If the ethics committee determines the complaint does not allege facts sufficient to constitute a violation, the complaint must be dismissed and the complainant and respondent notified. If the ethics committee finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to appropriate law enforcement authorities. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal penalty provided by this subsection, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof, by a preponderance of the evidence, that the filing of the complaint was wilful and without just cause or with malice. If the ethics committee determines the complaint alleges facts sufficient to constitute a violation, it shall promptly investigate the alleged violation and may compel by subpoena the attendance and testimony of witnesses and the production of pertinent books and papers.~~

~~If after such preliminary investigation, the ethics committee finds that probable cause exists to support an alleged violation, it shall, as appropriate:~~

~~(a)~~ ~~render an advisory opinion to the respondent and require the respondent’s compliance within a reasonable time; or~~

~~(b)~~ ~~convene a formal hearing on the matter within thirty days of the respondent’s failure to comply with the advisory opinion. All ethics committee investigations and records relating to the preliminary investigation are confidential. No complaint shall be accepted which is filed later than four years after the alleged violation occurred.~~

~~(2)~~ ~~If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the ethics committee’s possession relating to the charges. At the hearing the charged party must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses. All hearings must be conducted in executive session.~~

~~(3)~~ ~~After the hearing, the ethics committee shall determine its findings of fact. If the ethics committee, based on competent and substantial evidence, finds the respondent has violated this chapter or Chapter 17 of Title 2, it shall:~~

~~(a)~~ ~~administer a public or private reprimand;~~

~~(b)~~ ~~determine that a technical violation as provided for in Section 8-13-1170 has occurred;~~

~~(c)~~ ~~recommend expulsion of the member; and/or,~~

~~(d)~~ ~~in the case of an alleged criminal violation, refer the matter to the Attorney General for investigation. The ethics committee shall report its findings in writing to the Speaker of the House or President Pro Tempore of the Senate, as appropriate. The report must be accompanied by an order of punishment and supported and signed by a majority of the ethics committee members. If the ethics committee finds the respondent has not violated a code or statutory provision, it shall dismiss the charges.~~

~~(4)~~ ~~An individual has ten days from the date of the notification of the ethics committee’s action to appeal the action to the full legislative body.~~

~~(5)~~ ~~No ethics committee member may participate in any matter in which he is involved.~~

~~(6)~~ ~~The ethics committee shall establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses.~~

(A) Filing of Complaints

(1) A complaint alleging a member of the General Assembly, legislative caucus committees, candidates for the General Assembly, or staff of the General Assembly or legislative caucus committee has committed a violation of this chapter or Chapter 17, Title 2 must be in writing and state the name of the person alleged to have committed the violation and the particulars of the violation.

(2) When a complaint is filed with or by the ethics committee alleging a violation of this chapter or Chapter 17, Title 2, a copy must be sent to the person alleged to have committed the violation and to the State Ethics Commission, within thirty days from the date the complaint was filed, for an investigation as provided in this section. However, if the complaint only alleges a violation of a rule of the House of Representatives or of the Senate, the appropriate ethics committee must forward a copy of the complaint to the person alleged to have committed the violation, and the appropriate ethics committee shall investigate and make a determination for a complaint.

(3)(a) The State Ethics Commission, upon receipt of information, may initiate and file a complaint upon an affirmative vote of the commission. The commission shall accept complaints referred by the ethics committees and notarized complaints from individuals, whether personally or on behalf of an organization or governmental body.

(b) The commission shall forward a copy of the complaint, a general statement of the applicable law with respect to the complaint, and a statement explaining the due process rights of the respondent including, but not limited to, the right to counsel to the respondent within ten days of the filing of the complaint. Unless the complaint was referred by an ethics committee, the commission shall send a copy of the complaint to the appropriate ethics committee.

(4) Action may not be taken on a complaint filed more than four years after the violation is alleged to have occurred unless the person alleged to have committed the violation, by fraud or other device, prevents discovery of the violation.

(B) Actions by Ethics Commission

(1) Upon receiving a complaint filed pursuant to subsection (A), the commission must determine whether the complaint alleges only a violation of a rule of the House of Representative or Senate or a technical violation pursuant to Section 8‑13‑1170 or Section 8‑13‑1372. If the commission determines the complaint alleges only a rule violation or technical violation, the complaint must be referred to the appropriate ethics committee for investigation and determination.

(2)(a) If the commission determines the complaint alleges more than a violation of a rule of the House of Representatives or Senate or a technical violation pursuant to Section 8‑13‑1170 or Section 8‑13‑1372, the commission must determine whether the complaint alleges facts sufficient to constitute a violation of this chapter or Chapter 17, Title 2.

(b) If the commission determines that the complaint does not allege facts sufficient to constitute a violation, a report must be provided to the appropriate ethics committee with the recommendation that the complaint be dismissed. The appropriate ethics committee may concur or nonconcur with the commission’s report, or within fifteen days from the committee’s receipt of the finding, the committee may request the commission to continue the investigation and consider additional matters not considered by the commission. If the appropriate ethics committee concurs with the recommendation to dismiss the complaint, the committee must notify the complainant and respondent. All documents related to a complaint that result in a dismissal or a finding of no probable cause remain confidential unless the respondent waives the right to confidentiality.

If the commission finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to the Attorney General. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal penalty provided by this item, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof by a preponderance of the evidence that the filing of the complaint was wilful and without just cause or with malice.

(c) If the commission determines that the complaint alleges facts sufficient to constitute a violation of this chapter or Chapter 17, Title 2, an investigation may be conducted into the alleged violation.

(3) If the commission finds evidence that the person alleged to have committed the violation wilfully violated a section of this chapter or Chapter 17 of Title 2 that imposes a criminal penalty, the commission must forward the complaint and accompanying materials to the Attorney General or circuit solicitor. This provision does not limit any authority of the Attorney General or circuit solicitor to initiate or conduct any criminal investigation within his jurisdiction.

(4) If the commission determines that it needs assistance in conducting an investigation, the commission shall request the assistance of appropriate agencies.

(5) In conducting its investigation, the commission may order testimony to be taken in any investigation or hearing by deposition before a person who is designated by the commission and has the power to administer oaths and, in these instances, to compel testimony. The commission may administer oaths and affirmation for the testimony of witnesses and issue subpoenas, by approval of the chairman and subject to judicial enforcement, for the procurement of witnesses and materials including books, papers, records, documents, or other tangible objects relevant to the agency’s investigation. A person to whom a subpoena has been issued may move before a commission panel or the commission for an order quashing a subpoena issued pursuant to this section.

(6) Upon completing its investigation, the commission must provide a report to the appropriate ethics committee with a recommendation as to whether there is probable cause to believe a violation of this chapter or of Chapter 17, Title 2 has occurred. The report must include a copy of all relevant reports, evidence, and testimony considered by the commission.

(C) Release of complaint and information related to investigations

(1) All investigations and accompanying documents are confidential and may be released only pursuant to this section.

(2) If the commission’s report issued pursuant to (B)(6) recommends that there is not probable cause to believe a violation of this chapter or Chapter 17, Title 2 has occurred, the appropriate ethics committee may concur or nonconcur with that recommendation, or within fifteen days from the committee’s receipt of the report, request the commission to continue the investigation and consider additional matters not considered by the commission. If the appropriate ethics committee concurs with the recommendation that no probable cause exists to believe a violation has occurred, the complaint must be dismissed and all documents related to the investigation remain confidential unless the respondent waives the right to confidentiality.

(3) If the commission’s report issued pursuant to (B)(6) recommends that there is probable cause to believe a violation of this chapter or Chapter 17, Title 2, other than a technical violation, has occurred, the following documents become public thirty days after the commission issues its report: the complaint, the response by the respondent, the notice of hearing before the appropriate ethics committee, and the commission’s recommendations.

However, if the appropriate committee requests a further investigation, the documents must not be released until thirty days after the conclusion of the investigation or upon a finding of probable cause by the committee, whichever occurs earlier.

(4) Documents released or made public must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy. The respondent may waive the right to confidentiality. The wilful release of confidential information is a misdemeanor, and a person releasing confidential information, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year.

(D) Actions by ethics committees

(1) If, after reviewing the commission’s recommendation and relevant evidence, the ethics committee determines that probable cause does not exist to believe a violation of this chapter or of Chapter 17, Title 2 has occurred, the committee shall dismiss the complaint and send a written decision to the respondent and the complainant.

(2) If, after reviewing the commission’s recommendation and relevant evidence, the ethics committee determines that the respondent has committed only a technical violation pursuant to Section 8‑13‑1170 or 8‑13‑1372, the provisions of the appropriate section apply.

(3) If, after reviewing the commission’s recommendation and relevant evidence, the ethics committee determines that probable cause exists to believe a violation of this chapter or of Chapter 17, Title 2 has occurred, except for a technical violation of Section 8‑13‑1170 or Section 8‑13‑1372, the committee shall, as appropriate:

(a) render an advisory opinion to the respondent and require the respondent’s compliance within a reasonable time; or

(b) convene a formal public hearing on the matter within thirty days of the respondent’s failure to comply with the advisory opinion.

(4) If the ethics committee convenes a formal public hearing:

(a) the investigator or attorney handling the investigation for the State Ethics Commission shall present the evidence related to the complaint to the appropriate ethics committee;

(b) it is the duty of the investigator or attorney to further investigate the subject of the complaint and any related matters under the jurisdiction and at the direction of the ethics committee, to request assistance from appropriate state agencies as needed, to request authorization from the committee for funds for the hiring of auditors, investigators, or other assistance as necessary, to prepare subpoenas, and to present evidence to the committee at any public hearing. The appropriate committee shall maintain the authority to approve subpoenas, authorize expenditures, dismiss complaints, schedule hearings, grant continuances, and any other authority as provided for by their rules;

(c) the respondent must be allowed to examine and make copies of all evidence in the ethics committee’s possession relating to the charges. At the hearing the respondent must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses.

(d) all hearings must be open to the public.

(5)(a) After the formal public hearing, the ethics committee shall determine its findings of fact.

(b) If the ethics committee, based on competent and substantial evidence, finds the respondent has not violated this chapter or Chapter 17, Title 2, the committee shall dismiss the complaint and send a written decision to the respondent and the complainant.

(c) If the ethics committee, based on competent and substantial evidence, finds the respondent has violated this chapter or Chapter 17, Title 2, the committee shall:

(i) administer a public reprimand;

(ii) determine that a technical violation as provided for in Section 8-13-1170 or 8-13-1372 has occurred;

(iii) require the respondent to pay a civil penalty not to exceed two thousand dollars for each nontechnical violation that is unrelated to the late filing of a required statement or report or failure to file a required statement or report;

(iv) require the forfeiture of gifts, receipts, or profits, or the value of each, obtained in violation of Chapter 13, Title 8 or Chapter 17, Title 2;

(v) recommend expulsion of the member;

(vi) provide a copy of the complaint and accompanying materials to the Attorney General if the committee finds that there is probable cause to believe the respondent wilfully violated a section of this chapter or Chapter 17 of Title 2 that imposes a criminal penalty; or

(vii) require a combination of subitems (i) though (vi) as necessary and appropriate.

(d) The ethics committee shall report its findings in writing to the Speaker of the House of Representatives or President Pro Tempore of the Senate, as appropriate. The report must be accompanied by an order of punishment or dismissal and supported and signed by a majority of the ethics committee members.

(e) Upon the issuance of the final order, the following documents become public record: exhibits introduced at the hearing, the committee’s findings, and the final order. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy.

(E) If, after conducting a formal public hearing, the ethics committee finds the respondent has violated this chapter or Chapter 17, Title 2, the respondent has ten days from the date of receiving the committee’s order of punishment to appeal the action to the full legislative body.

(F) No ethics committee member may participate in any matter in which he is involved.

(G) The ethics committees shall establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses.”

PART IV

RULES OF CONDUCT

SECTION 18. Section 8‑13‑700 of the 1976 Code is amended to read:

“Section 8‑13‑700. (A) ~~No~~ A public official, public member, or public employee may not knowingly use his official office, membership, or employment to:

(1) obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated~~.~~;

(2) participate or engage in a private business for which the public official, public member, or public employee is compensated for services rendered during the hours of employment for the State or for a political subdivision of the State. However, this item does not apply to a member of the General Assembly, provided it does not result in additional public expense or interfere with the performance of his official duties or responsibilities;

(3) use equipment, materials, or supplies of the State or a political subdivision of the State for a private business or for private business activities for which the public official, public member, or public employee is compensated.

This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official’s, public member’s, or public employee’s use that does not result in additional public expense, or to the incidental conversations, communications, or activities of a part‑time public official or a part‑time public member related to his primary occupation or business.

(B) ~~No~~ A public official, public member, or public employee may not make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated shall:

(1) prepare a written statement describing the matter requiring action or decisions and the specific nature of his potential conflict of interest with respect to the action or decision;

(2) if the public official is a member of the General Assembly, he shall deliver a copy of the statement to the presiding officer of the appropriate house. The presiding officer shall have the statement printed in the appropriate journal and require that the member of the General Assembly be excused from votes, deliberations, and other action on the matter on which a potential conflict exists;

(3) if he is a public employee, he shall furnish a copy of the statement to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he shall take the action prescribed by the State Ethics Commission;

(4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes;

(5) if he is a public member, he shall furnish a copy to the presiding officer of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and shall require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause such disqualification and the reasons for it to be noted in the minutes.

(C) Where a public official, public member, or public employee or a member of his immediate family holds an economic interest in a blind trust, he is not considered to have a conflict of interest with regard to matters pertaining to that economic interest, if the existence of the blind trust has been disclosed to the appropriate supervisory office.

(D) The provisions of this section do not apply to any court in the unified judicial system.

(E) When a member of the General Assembly is required by law to appear because of his business interest as an owner or officer of the business or in his official capacity as a member of the General Assembly, this section does not apply.

(F) Any public official, public member, or public employee who must recuse himself pursuant to this section shall do so at all times during consideration of the matter before the body or agency of which the public official or public member is a member, or which the public employee is employed. The requirement of recusal under this section applies to, but is not limited to, participation in matters considered by committees, subcommittees, study committees, or other components of the body or agency of which the public official is a member. The requirement of recusal does not apply to participation in any procedural matters considered by the committee, subcommittee, or other component of the body or agency of which the public official or public member is a member, or which the public employee is employed.”

SECTION 19. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑704. An agency head or employee of a department listed in Section 1‑30‑10(A) is prohibited from soliciting campaign contributions for a candidate for statewide elected office.”

SECTION 20. Section 8‑13‑710(B) of the 1976 Code is amended to read:

“(B) A public official, public member, or public employee required to file a statement of economic interests under Section 8‑13‑1110 who receives, accepts, or takes, directly or indirectly, from a person, anything of value worth twenty‑five dollars or more in a day ~~and anything of value worth~~ or if the value totals, in the aggregate, two hundred dollars or more in ~~the aggregate in~~ a calendar year must report on his statement of economic interests pursuant to Section 8‑13‑1120 the thing of value from:

(1) a person, if there is reason to believe the donor would not give the thing of value but for the public official’s, public member’s, or public employee’s office or position;

(2) a person, or from an officer or director of a person, if the public official, public member, or public employee has reason to believe the person:

(a) has or is seeking to obtain contractual or other business or financial relationships with the public official’s, public member’s, or public employee’s governmental entity;

(b) conducts operations or activities which are regulated by the public official’s, public member’s, or public employee’s governmental entity.”

SECTION 21. Section 8‑13‑720 of the 1976 Code is amended to read:

“(A) ~~No~~ A person may not offer or pay to a public official, public member, or public employee and ~~no~~ a public official, public member, or public employee may not solicit or receive money in addition to that received by the public official, public member, or public employee in his official capacity for advice or assistance given in the course of his employment as a public official, public member, or public employee.

(B) A person who violates this section is guilty of a:

(1) misdemeanor, if the amount offered, paid, solicited, or received is ten thousand dollars or less, and upon conviction, the person must be fined not more than five thousand dollars or imprisoned for not more than one year, or both;

(2) felony, if the amount offered, paid, solicited, or received is more than ten thousand dollars, and upon conviction, the person must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.”

SECTION 22. Section 8‑13‑725(A) of the 1976 Code is amended to read:

“Section 8‑13‑725. (A)(1) A public official, public member, or public employee may not use or disclose confidential information gained in the course of or by reason of his official responsibilities in a way that would affect an economic interest held by him, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.

(2) A person who violates this section is guilty of a:

(a) misdemeanor, if the value of the economic interest is ten thousand dollars or less, and upon conviction, the person must be fined not more than five thousand dollars or imprisoned for not more than one year, or both;

(b) felony, if the value of the economic interest is more than ten thousand dollars, and upon conviction, the person must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.”

SECTION 23. Section 8‑13‑755 of the 1976 Code is amended to read:

“Section 8‑13‑755. A former public official, former public member, or former public employee holding public office, membership, or employment on or after ~~January 1, 1992,~~ the effective date of this Act, may not for a period of ~~one year~~ two years after terminating his public service or employment:

(1) serve as a lobbyist or represent clients before the agency or department on which he formerly served in a matter which he directly and substantially participated during his public service or employment; or

(2) accept employment if the employment:

(a) is from a person who is regulated by the agency or department on which the former public official, former public member, or former public employee served or was employed; and

(b) involves a matter in which the former public official, former public member, or former public employee directly and substantially participated during his public service or public employment.”

SECTION 24. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑756. The provisions of Sections 8‑13‑700, 8‑13‑710, 8‑13‑715, and 8‑13‑755 do not apply to a public employee of an institution of higher education who participates in the development of intellectual property that benefits the institution and the State of South Carolina, provided that the institution of higher education retains some royalty rights to the intellectual property.”

SECTION 25. Section 8‑13‑775 of the 1976 Code is amended to read:

“Section 8‑13‑775. (A) A public official, public member, or public employee may not have an economic interest in a contract with the State or its political subdivisions if the public official, public member, or public employee is authorized to perform an official function relating to the contract. Official function means writing or preparing the contract specifications, acceptance of bids, award of the contract, or other action on the preparation or award of the contract.

(B) A public official, public member, or public employee may not award a contract to, nor participate in any discussion concerning the award of a contract with the State if he is a state public official, member, or employee, or its political subdivisions if he is a public official, member, or employee of that political subdivision for either a business or an individual with which he is associated, or to a business associated with a member of the public official’s, public member’s, or public employee’s immediate family.

(C) This section is not intended to infringe on or prohibit public employment contracts with this State or a political subdivision of this State nor does it prohibit the award of contracts awarded through a process of public notice and competitive bids if the public official, public member, or public employee has not performed an official function nor participated in any discussion regarding the contract.”

SECTION 26. Section 8‑13‑780(B) of the 1976 Code is amended to read:

“(B) In addition to existing remedies for breach of the ethical standards of this chapter ~~or regulations promulgated hereunder~~, the State Ethics Commission may impose ~~an oral or~~ a written warning or reprimand.”

SECTION 27. Section 8‑13‑790(A) of the 1976 Code is amended to read:

“(A) The value of anything transferred or received in breach of the ethical standards of Articles 1 through 11 of this chapter or regulations promulgated under it by a public employee, public official, or a nonpublic employee or official ~~may~~ must be recovered from the public employee, public official, or nonpublic employee or official.”

PART V

DISCLOSURE OF ECONOMIC INTEREST

SECTION 28. Section 8‑13‑360 of the 1976 Code is amended to read:

“Section 8‑13‑360. Upon request, the commission shall make statements and reports filed with the commission available for public inspection and copying during regular office hours. The commission shall provide copying facilities at a cost not to exceed the actual cost. A statement may be requested by mail, and the commission shall mail a copy of the requested information to the individual making the request upon payment of appropriate postage, copying costs, and employee labor costs. The commission must also make statements and reports filed with the commission electronically accessible to the public. The commission shall publish and make available to the public and to persons subject to this chapter explanatory information concerning this chapter, the duties imposed by this chapter, and the means for enforcing this chapter.”

SECTION 29. Section 8‑13‑1110 of the 1976 is amended to read:

“Section 8‑13‑1110. (A) No public official, regardless of compensation, and no public member or public employee as designated in subsection (B) may take the oath of office or enter upon his official responsibilities unless he has filed a statement of economic interests pursuant to Section 8‑13‑365 ~~in accordance with the appropriate supervisory office~~. ~~If a public official, public member, or public employee referred to in this section has no economic interests to disclose, he shall nevertheless file a statement of inactivity to that effect with the appropriate supervisory office. All disclosure statements are matters of public record open to inspection upon request.~~

(B) Each of the following public officials, public members, and public employees must file a statement of economic interests ~~with the appropriate supervisory office~~, unless otherwise provided:

(1) a person appointed to fill the unexpired term of an elective office;

(2) a salaried member of a ~~state~~ board, commission, or agency;

(3) the chief administrative official or employee and the deputy or assistant administrative official or employee ~~or director of a division, institution, or facility~~ of any agency or department of state government;

(4) the city administrator, city manager, or chief municipal administrative official or employee, by whatever title;

(5) the county manager, county administrator, county supervisor, or chief county administrative official or employee, by whatever title;

(6) the chief administrative official or employee of each political subdivision including, but not limited to, school districts, libraries, regional planning councils, airport commissions, hospitals, community action agencies, water and sewer districts, and development commissions;

(7) a school district and county superintendent of education;

(8) a school district board member and a county board of education member;

(9) the chief finance official or employee and the chief purchasing official or employee of each agency, institution, or facility of state government, and of each county, municipality, or other political subdivision including, but not limited to, those named in item (6);

(10) a public official;

(11) a public member who serves on a state board, commission, or council; and

(12) Department of Transportation District Engineering Administrators.”

SECTION 30. Section 8‑13‑1120 of the 1976 Code is amended to read:

“Section 8‑13‑1120. (A) A statement of economic interests filed pursuant to Section 8‑13‑1110 ~~must be on forms prescribed by the State Ethics Commission and~~ must contain full and complete information concerning:

(1) the name, business or government address, and workplace telephone number of the filer;

(2) the source, type, and amount or value of income, not to include tax refunds, of substantial monetary value received from a governmental entity by the filer or a member of the filer’s immediate family during the reporting period;

(3)(a) the description, value, and location of all real property owned and options to purchase real property during the reporting period by a filer or a member of the filer’s immediate family if:

(i) there have been any public improvements of more than two hundred dollars on or adjacent to the real property within the reporting period and the public improvements are actually known to the filer; or

(ii) the interest has been or can reasonably be expected to be the subject of a conflict of interest with the filer’s official responsibilities and duties based upon information actually known to the filer; or

(b) if a sale, lease, or rental of personal or real property is to a state, county, or municipal instrumentality of government, a copy of the contract, lease, or rental agreement must be attached to the statement of economic interests;

(4) the name of each organization which paid for or reimbursed actual expenses of the filer for speaking before a public or private group, the amount of such payment or reimbursement, and the purpose, date, and location of the speaking engagement;

(5) the identity of every business or entity in which the filer or a member of the filer’s immediate family held or controlled, in the aggregate, securities or interests constituting five percent or more of the total issued and outstanding securities and interests which constitute a value of one hundred thousand dollars or more;

(6)(a) a listing by name and address of each creditor to whom the filer or member of the filer’s immediate family owed a debt in excess of five hundred dollars at any time during the reporting period, if the creditor is subject to regulation by the filer or is seeking or has sought a business or financial arrangement with the filer’s agency or department other than for a credit card or retail installment contract, and the original amount of the debt and amount outstanding unless:

(i) the debt is promised or loaned by a bank, savings and loan, or other licensed financial institution which loans money in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee; or

(ii) the debt is promised or loaned by an individual’s family member if the person who promises or makes the loan is not acting as the agent or intermediary for someone other than a person named in this subitem; and

(b) the rate of interest charged the filer or a member of the filer’s immediate family for a debt required to be reported in (a);

If a discharge of a debt required to be reported in (a) has been made, the date of the transaction must be shown.

(7) the name of any lobbyist, as defined in Section 2‑17‑10(13) who is:

(a) an immediate family member of the filer;

(b) an individual with whom or business with which the filer or a member of the filer’s immediate family is associated;

(8) if a public official, public member, or public employee receives compensation from an individual or business which contracts with the governmental entity with which the public official, public member~~,~~ or public employee serves or is employed, the public official, public member, or public employee must report the name and address of that individual or business and the amount of ~~compensation paid to the public official, public member, or public employee by~~ the contract between the governmental entity and that individual or business;

(9) the source and a brief description of any gifts, including transportation, lodging, food, or entertainment received during the preceding calendar year from:

(a) a person, if there is reason to believe the donor would not give the gift, gratuity, or favor but for the official’s or employee’s office or position; or

(b) a person, or from an officer or director of a person, if the public official or public employee has reason to believe the person:

(i) has or is seeking to obtain contractual or other business or financial relationship with the official’s or employee’s agency; or

(ii) conducts operations or activities which are regulated by the official’s or employee’s agency if the value of the gift is twenty‑five dollars or more in a day or if the value totals, in the aggregate, two hundred dollars or more in a calendar year~~.~~ ;

(10) the source of any other income received by the filer or a member of the filer’s immediate family, not to include income received pursuant to:

(i) a court order;

(ii) a savings, checking or brokerage account with a bank, savings and loan, or other licensed financial institution which offers savings, checking, or brokerage accounts in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee;

(iii) a mutual fund or similar fund in which an investment company invests its shareholders’ money in a diversified selection of securities.

(11) the source of income received by a public official, a member of the public official’s immediate family, or a business with which the public official or a member of his immediate family are associated if the public official or a member of the public official’s immediate family directly derives income from a:

(i) contractual or financial relationship, including a consultant or independent contractor’s relationship, with a lobbyist’s principal or an entity controlled by, affiliated with, or existing for the benefit of a lobbyist’s principal;

(ii) contractual or financial relationship, including a consultant or independent contractor relationship, with a state or local governmental entity;

(iii) source regulated by the governmental regulatory agency with which the public official serves.

For purposes of item (11), the definition of ‘contractual or financial relationship’ does not include a relationship from which income received by a public official, a member of the public official’s immediate family, or a business with which the public official or his immediate family is associated, is derived from commercial transactions in which the fair market value of goods transferred or services rendered is paid.

(12) the source of income received by a public member, a member of the public member’s immediate family, or a business with which the public member or a member of his immediate family are associated if the public member or his immediate family directly derives income from a source regulated by the governmental regulatory agency with which the public member serves.

(B) This article does not require the disclosure of economic interests information concerning:

(1) a spouse separated pursuant to a court order from the public official, public member, or public employee;

(2) a former spouse;

(3) a campaign contribution that is permitted and reported under Article 13 of this chapter; or

(4) matters determined to require confidentiality pursuant to Section 2‑17‑90(E).”

SECTION 31. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1145. The appropriate supervisory office must send an electronic notice of obligation to report no less than thirty days before the filing date to the e‑mail address provided by the filer to any filer who has not yet filed a current statement of economic interests. The filer is not relieved of reporting responsibilities if the notice is not sent or if the filer does not receive a notice.”

SECTION 32. Section 8‑13‑1150 of the 1976 Code is amended to read:

“Section 8‑13‑1150. A consultant must file a statement for the previous calendar year ~~with the appropriate supervisory office~~ , pursuant to Section 8‑13‑365, no later than twenty‑one days after entering into a contractual relationship with the State or a political subdivision of the State and must file an update within ten days from the date the consultant knows or should have known that new economic interests in an entity have arisen in which the consultant or a member of the consultant’s immediate family has economic interests:

(1) where the entity’s bid was evaluated by the consultant and who was subsequently awarded the contract by the State, county, municipality, or a political subdivision of any of these entities that contracted with the consultant; or

(2) where the entity was awarded a contract by the consultant.”

SECTION 33. Section 8‑13‑1160 of the 1976 Code is repealed.

SECTION 34. Section 8‑13‑1180 of the 1976 Code is repealed.

PART VI

CAMPAIGN PRACTICES

SECTION 35. Section 8‑13‑365 of the 1976 Code is amended to read:

“Section 8‑13‑365. 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 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 which allows for a single upload by the filer, using a commonly used electronic financial spreadsheet or database which contains the required information, the format of which as specified and ~~as~~ prescribed by the commission. 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.”

SECTION 36. Section 8‑13‑1300(3) of the 1976 Code is amended to read:

“(3) ‘Business’ means a corporation, limited liability company, partnership, proprietorship, firm, an enterprise, a franchise, an association, organization, or a self‑employed individual.”

SECTION 37. Section 8‑13‑1300(4) of the 1976 Code, is amended to read:

“(4) ‘Candidate’ means: (a) a person who seeks appointment, nomination for election, or election to a statewide or local office, or authorizes or knowingly permits the collection or disbursement of money for the promotion of his candidacy or election; (b) a person who is exploring whether or not to seek election at the state or local level; ~~or~~ (c) a person on whose behalf write‑in votes are solicited if the person has knowledge of such solicitation; or (d) a person who maintains an open bank account containing contributions or has outstanding debt from expenditures incurred due to the person’s campaign. ‘Candidate’ does not include a candidate within the meaning of Section 431(b) of the Federal Election Campaign Act of 1976.”

SECTION 38. Section 8‑13‑1300(6) of the 1976 Code is amended to read:

“(6) ‘Committee’ means ~~an association, a club, an organization, or a group of persons which, to influence the outcome of an elective office, receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. It also means a person who, to influence the outcome of an elective office, makes:~~

~~(a) contributions aggregating at least twenty‑five thousand dollars during an election cycle to or at the request of a candidate or a committee, or a combination of them; or~~

~~(b) independent expenditures aggregating five hundred dollars or more during an election cycle for the election or defeat of a candidate.~~ a person, two or more individuals, such as any person, association, organization, or other entity that makes or accepts anything of value to make contributions or expenditures, and has one or more of the following characteristics:

(a) is a political party or executive committee of a political party or is controlled by a political party or executive committee of a political party; or

(b) has the major purpose to support or oppose the nomination or election of one or more clearly identified candidates.

Supporting or opposing the election of clearly identified candidates includes supporting or opposing the candidates of a clearly identified political party.

If the entity qualifies as a ‘committee’ pursuant to this section, it continues to be a committee if it receives contributions or makes expenditures or maintains assets or liabilities. A committee ceases to exist when it winds up its operations, disposes of its assets, and files its final report.

‘Committee’ includes a party committee, a legislative caucus committee, a noncandidate committee, or a committee that is not a campaign committee for a candidate but that is organized for ~~the purpose of influencing an election~~ and has as the major purpose to support or oppose the nomination or election of a candidate to an elective office.”

SECTION 39. Section 8‑13‑1300(7) of the 1976 Code is amended to read:

“(7) ‘Contribution’ means a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit of money, or anything of value made to a candidate or committee to influence an election; or payment or compensation for the personal service of another person which is rendered for any purpose to a candidate or committee without charge, whether any of the above are made or offered directly or indirectly. ‘Contribution’ does not include ~~(a)~~ volunteer personal services on behalf of a candidate or committee for which the volunteer or any person acting on behalf of or instead of the volunteer receives no compensation either in cash or in‑kind, directly or indirectly, from any source~~; or (b) a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit of money, or anything of value made to a committee, other than a candidate committee, and is used to pay for communications made not more than forty‑five days before the election to influence the outcome of an elective office as defined in Section 8‑13‑1300(31)(c). These funds must be deposited in an account separate from a campaign account as required in Section 8‑13‑1312~~.”

SECTION 40. Section 8‑13‑1300(17) of the 1976 Code is amended to read:

“(17) ‘Independent expenditure’ means:

(a) an expenditure made or incurred directly or indirectly by a person to advocate the election or defeat of a clearly identified candidate or ballot measure; and

(b) when taken as a whole and in context, the expenditure made by a person to influence the outcome of an elective office or ballot measure but which is not:

(i) made to;

(ii) controlled by;

(iii) coordinated with;

(iv) requested by; or

(v) made upon consultation with a candidate or an agent of a candidate; or a committee or agent of a committee; or a ballot measure committee or an agent of a ballot measure committee.”

SECTION 41. Section 8‑13‑1300(23) of the 1976 Code is amended to read:

“(23) ‘Noncandidate committee’ means a committee that is not a campaign committee for a candidate but is organized ~~to influence an election or to support or oppose a candidate or public official,~~ for the major purpose to support or oppose the nomination or election of a candidate to elective office, which receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. ‘Noncandidate committee’ does not include political action committees that contribute solely to federal campaigns.”

SECTION 42. Section 8‑13‑1300(31) of the 1976 Code is amended to read:

“(31) ‘Influence the outcome of an elective office’ means:

(a) expressly advocating the election or defeat of a clearly identified candidate using words including or substantially similar to ‘vote for’, ‘elect’, ‘cast your ballot for’, ‘Smith for Governor’, ‘vote against’, ‘defeat’, or ‘reject’; or

(b) communicating campaign slogans or individual words that, taken in context, have no other reasonable meaning other than to urge the election or defeat of a clearly identified candidate including or substantially similar to slogans or words such as ‘Smith’s the One’, ‘Jones 2000’, ‘Smith/Jones’ , ‘Jones!’, or ‘Smith‑A man for the People!’~~;~~ ~~or~~

~~(c)~~ ~~any communication made, not more than forty‑five days before an election, which promotes or supports a candidate or attacks or opposes a candidate, regardless of whether the communication expressly advocates a vote for or against a candidate. For purposes of this paragraph, “communication” means (i) any paid advertisement or purchased program time broadcast over television or radio; (ii) any paid message conveyed through telephone banks, direct mail, or electronic mail; or (iii) any paid advertisement that costs more than five thousand dollars that is conveyed through a communication medium other than those set forth in subsections (i) or (ii) of this paragraph. “Communication” does not include news, commentary, or editorial programming or article, or communication to an organization’s own members~~.”

SECTION 43. Section 8‑13‑1300(32) of the 1976 Code is amended to read:

“(32) ‘Ballot measure committee’ means~~:~~

~~(a)~~ ~~an association, club, an organization, or a group of persons which, to influence the outcome of a ballot measure, receives contributions or makes expenditures in excess of two thousand five hundred dollars in the aggregate during an election cycle;~~

~~(b)~~ ~~a person, other than an individual, who, to influence the outcome of a ballot measure, makes contributions aggregating at least fifty thousand dollars during an election cycle to or at the request of a ballot measure committee; or~~

~~(c)~~ ~~a person, other than an individual, who, to influence the outcome of a ballot measure, makes independent expenditures aggregating two thousand five hundred dollars or more during an election cycle~~.

a person, two or more individuals, such as any person, association, organization, or other entity that makes or accepts anything of value to make contributions or expenditures that has the major purpose to support or oppose the passage of a ballot measure.”

SECTION 44. Section 8‑13‑1300 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

“( ) ‘electioneering communication’ means any broadcast, cable, or satellite communication or mass postal mailing or telephone bank that has the following characteristics:

(a) refers to a candidate for elected office;

(b) is publically aired or distributed within sixty days prior to a general election or within thirty days prior to a primary for that office; and

(c) may be received by either:

(i) fifty thousand or more individuals in the State in an election for statewide office, or seven thousand five hundred or more individuals in any other election if in the form of broadcast, cable, or satellite communication; or

(ii) twenty thousand or more households, cumulative per election, in a statewide election or two thousand five hundred households, cumulative per election, in any other election if in the form of mass mailing or telephone bank.

(d) The definition does not include:

(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless those facilities are owned or controlled by any political party, political committee, or candidate;

(ii) a communication that constitutes an expenditure or independent expenditure under this Article;

(iii) a communication that constitutes a candidate debate or forum conducted pursuant to rules adopted by a political party or that solely promotes that debate or forum and is made by or on behalf of the person sponsoring the debate or forum;

(iv) a communication made which, incidental to advocacy for or against a specific piece of legislation, ordinance, or local initiative pending before the General Assembly or governing body of a political subdivision, urges the audience to communicate with a member or members of the General Assembly or the governing body of a political subdivision, concerning that piece of legislation, ordinance, or local initiative; or

(v) a communication that meets all of the following criteria:

(1) does not mention any election, candidacy, political party, opposing candidate, or voting by the general public;

(2) does not take a position on the candidate’s character or qualifications and fitness for office; and

(3) proposes a commercial transaction.”

SECTION 45. Section 8‑13‑1300 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

“( ) ‘Independent expenditure‑only committee’ means a committee that:

(a) is not made by, controlled by, coordinated with, requested by, or made in consultation with a candidate, an agent of a candidate, a political party, or an agent of a political party;

(b) does not make contributions to any candidate or other committee, with the exception of other independent expenditure‑only committees;

(c) makes only independent expenditures; and

(d) is organized for the major purpose to support or oppose the nomination or election of a candidate to elective office.”

SECTION 46. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1301. For purposes of this article, factors that shall be considered to determine whether a committee, ballot measure committee, a party committee, a legislative caucus committee, a noncandidate committee, or independent expenditure‑only committee as the major purpose of supporting or opposing one or more candidates or the passage of one or more ballot measures include, but are not limited to:

(A) any of the committee’s organizational documents, including bylaws or articles of incorporation, identify advocacy to support or to oppose one or more candidates or the passage of one or more ballot measures as its major purpose;

(B) over fifty percent of the committee’s disbursements made within the State in a calendar year are made to support or to oppose one or more candidates or the passage of one or more ballot measures; or

(C) over fifty percent of the committee’s total disbursements made in a calendar year are made to support or to oppose one or more candidates or the passage of one or more ballot measures; or

(D) the committee’s public statements, including statements made in oral or written fundraising solicitations, identify advocacy in support of or in opposition to one or more candidates or the passage of one or more ballot measures as its major purpose.”

SECTION 47. Section 8‑13‑1302 of the 1976 Code is amended to read:

“Section 8‑13‑1302. (A) A candidate, committee, or ballot measure committee must maintain and preserve an account of:

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

(2) the name and address of each person making a contribution and the amount and date of receipt of each contribution;

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

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

(5) all receipted bills, canceled checks, or other proof of payment for each expenditure; and

(6) the occupation of each person making a contribution.

(B) The candidate, committee, or ballot measure committee must maintain and preserve all receipted bills and accounts required by this article for four years.

(C) Members of the General Assembly and constitutional officers shall file copies of their campaign bank account statements applicable to their previous quarterly campaign disclosure report with the appropriate supervisory office contemporaneous with the filing of their quarterly campaign disclosure report required by Section 8-13-1308. The campaign bank account statements are not subject to public disclosure and may only be retained by the appropriate supervisory office for the period of time necessary to conduct any audit or verification of the member or officer's applicable campaign disclosure report, after which time the statements must be destroyed."

SECTION 48. Section 8‑13‑1308 of the 1976 Code is amended to read:

“Section 8‑13‑1308. (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.

~~(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; 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.

~~(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.

(J) All reports required by this section must be filed pursuant to Section 8‑13‑365.”

SECTION 49. Section 8‑13‑1309 of the 1976 Code is amended to read:

“Section 8‑13‑1309. (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.

~~(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.

(G) All reports required by this Section must be filed pursuant to Section 8‑13‑365.”

SECTION 50. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1311. Independent expenditure‑only committees must:

(A) file a statement of organization with the State Ethics Commission no later than five days after receiving or expending more than five hundred dollars in the aggregate during an election cycle to influence the outcome of an elective office;

(B) under penalty of perjury, the chief executive officer or the controlling individual of the committee must file a certification that the independent expenditure‑only committee is not made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate;

(C) only make independent expenditures; and

(D) comply with all requirements, disclosures, and restrictions of committees under this Article except contribution limits under section 8‑13‑1322.”

SECTION 51. Section 8‑13‑1312 of the 1976 Code is amended to read:

“Section 8‑13‑1312. ~~Except as is required for the separation of funds and expenditures under the provisions of Section 8‑13‑1300(7), a~~ candidate shall not establish more than one campaign checking account ~~and one campaign savings account~~ for each office sought, and a committee shall not establish more than one checking account ~~and one savings account~~ unless federal or state law requires additional accounts. A candidate or a committee may not establish more than one campaign savings account, unless the amount in the candidate’s or committee’s campaign savings account exceed the amount of insurance coverage applicable to the campaign savings account. If the amount in a candidate’s or committee’s campaign savings account exceed the insurable amount, the candidate or committee may open one additional campaign savings account. A candidate or committee must not establish more than two campaign savings accounts, unless federal or state law requires additional accounts. The appropriate supervisory office must be notified by the candidate or committee within business five days of a second campaign savings account’s establishment. A campaign savings account means a “savings deposit” as defined by the Code of Federal Regulations, Title 12, Regulation 204.2, or its successor. For purposes of this article, certificates of deposit or other interest bearing instruments are not considered separate accounts. A candidate’s accounts must be established in a financial institution that conducts business within the State and in an office located within the State that conducts business with the general public. The candidate or a duly authorized officer of a committee must maintain the accounts in the name of the candidate or committee. An acronym must not be used in the case of a candidate’s accounts. An acronym or abbreviation may be used in the case of a committee’s accounts if the acronym or abbreviation commonly is known or clearly recognized by the general public. Except as otherwise provided under Section 8‑13‑1348(C), expenses paid on behalf of a candidate or committee must be drawn from the campaign account and issued on a check signed by the candidate or a duly authorized officer of a committee. All contributions received by the candidate or committee, directly or indirectly, must be deposited in the campaign checking account by the candidate or committee within ten days after receipt. All contributions received by an agent of a candidate or committee must be forwarded to the candidate or committee not later than five days after receipt. A contribution must not be deposited until the candidate or committee receives information regarding the name and address of the contributor. If the name and address cannot be determined within seven days after receipt, the contribution must be remitted to the Children’s Trust Fund.”

SECTION 52. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1313. A person who is not a committee required to file subject to Section 8‑13‑1304 and who makes an independent expenditure in an aggregate amount or value in excess of five hundred dollars during a calendar year or makes an electioneering communication must file a report of such expenditure or communication with the State Ethics Commission pursuant to Section 8‑13‑365. This report must be filed within thirty days of making the independent expenditure, or if the independent expenditure or electioneering communication is made within thirty days before an election, the report must be filed within forty‑eight hours. The report must include:

(1) a detailed description of the use of the expenditure or communication and the amount of the expenditure or the cost of the communication;

(2) the full name, primary occupation, street address, and phone number of the reporting person;

(3) the identification of the chief executive officer, or for all controlling individuals if the reporting person is a business or another organization that is not an individual, to include name, title, employer, and address;

(4) the name of the candidate or ballot measure that is the target of the independent expenditure or electioneering communication and whether the expenditure or communication was made in support of, or opposition to, the candidate or ballot measure;

(5) the chief executive officer or controlling individual must file, under penalty of perjury, a certification that the independent expenditure is not made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate;

(6) the identification of the top five donors to the reporting person and for any donor who has donated more than ten thousand dollars to the committee within the previous twelve months, to include name, primary occupation, address, and amount of the donation; and

(7) if the donor is a business or another organization that is not an individual, then the identification must indicate the name and title of the chief executive officer or the controlling individual of the donor organization.”

SECTION 53. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1315. An elected official, or a candidate for public office, may not, directly or indirectly, coordinate, consult with, solicit for, or act in concert or at the request of an independent expenditure‑only committee registered with the State Ethics Commission that supports or opposes a candidate for that office.”

SECTION 54. Section 8‑13‑1318 of the 1976 Code is amended to read:

“Section 8‑13‑1318. If a candidate has a debt from a campaign for an elective office, the candidate may accept contributions to retire the debt, even if the candidate accepts contributions for another elective office or the same elective office during a subsequent election cycle, as long as those contributions accepted to retire the debt are:

(1) within the contribution limits applicable to the last election in which the candidate sought the elective office for which the debt was incurred; and

(2) reported as provided in this article.

If a candidate accepts a contribution to retire a debt from a campaign for an elective office, the contribution must be utilized to retire the debt.”

SECTION 55. Section 8‑13‑1320(1) of the 1976 Code is amended to read:

“(1) A contribution made on or before the seventh day after a primary ~~or primary runoff~~ is attributed to the primary ~~or primary runoff, respectively~~. However, in the event of a primary runoff, all contributions made after the day of the primary and continuing through the seventh day after the primary runoff are attributed to the primary runoff for the purposes of applying contribution limits.”

SECTION 56. Section 8‑13‑1322 of the 1976 Code is amended to read:

“Section 8‑13‑1322. (A) A person may not contribute to a committee and a committee may not accept from a person contributions aggregating more than three thousand five hundred dollars in a calendar year.

(B) A person may not contribute to a committee and a committee may not accept from a person a cash contribution unless the cash contribution does not exceed twenty‑five dollars for each election and is accompanied by a record of the amount of the contribution and the name and address of the contributor.

(C) The provisions of subsection (A) do not apply to independent expenditure‑only committees registered with the State Ethics Commission.”

SECTION 57. Section 8‑13‑1328 of the 1976 Code is amended to read:

“Section 8‑13‑1328. (A) A candidate for statewide office ~~or the candidate’s family member~~ must not be repaid, for a loan made to the candidate, more than twenty‑five thousand dollars in the aggregate after the election.

(B) A candidate for an elective office other than those specified in subsection (A) ~~or a family member of a candidate for an elective office other than those specified in subsection (A)~~ must not be repaid, for a loan made to the candidate, more than ten thousand dollars in the aggregate after the election.”

SECTION 58. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1337. (A) An elective official or the elective official’s agent may not knowingly solicit a contribution from an employee over whom the elective official has supervisory authority within the elective official’s area of official responsibility*.*

(B) A public official or public employee may not provide an advantage or disadvantage to a public employee or applicant for public employment concerning employment, conditions of employment, or application for employment based on the employee’s or applicant’s contribution, promise to contribute, or failure to contribute to a candidate, a political party, as defined in Section 8‑13‑1300(26), or a committee, as defined in Section 8‑13‑1300(6).”

SECTION 59. Section 8‑13‑1340 of the 1976 Code is amended to read:

“Section 8‑13‑1340. (A) Except as provided in subsection~~s~~ (B) ~~and (E)~~, a candidate or public official shall not make a contribution to another candidate or make an independent expenditure on behalf of another candidate or public official from the candidate’s or public official’s campaign account or through a committee, except legislative caucus committees, directly or indirectly established, financed, maintained, or controlled by the candidate or public official. For purposes of this section only, candidate includes candidates within the meaning of 431(2) of the Federal Election Campaign Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 60. Section 8-13-1342 of the 1976 Code of Laws is amended to read:

“Section 8-13-1342. (A) No person who has been awarded a contract with the State, a county, a municipality, or a political subdivision thereof, other than contracts awarded through competitive bidding practices, may make a contribution after the awarding of the contract or invest in a financial venture in which a public official has an interest if that official was in a position to act on the contract's award. No public official or public employee may solicit campaign contributions or investments in exchange for the prior award of a contract or the promise of a contract with the State, a county, a municipality, or a political subdivision thereof.

(B) Any individual, business, or other entity which applies for a contract from the State of South Carolina or a state governmental entity in the amount of one million dollars or greater must file a report with the State Ethics Commission pursuant to Section 8-13-365 listing, in the case of a closely held corporation, partnership, or privately owned company, any and all owners and officers of the beneficiary of the contract who have contributed an aggregate amount of five hundred dollars or more to a candidate for legislative or statewide office within an election cycle. In the case of a publicly held corporation, the report must list all board members and officers of the company who have contributed an aggregate amount of five hundred dollars or more to a candidate for legislative or statewide office within an election cycle.

(C) The report required under subsection (B) must include:

(1) the full name, street address, and phone number of the reporting individual, business, or entity receiving the contract;

(2) the names of each employee or officer who have contributed; and

(3) the name of the candidate and amount of contribution.”

SECTION 61. Section 8‑13‑1344(B) of the 1976 Code is amended to read:

“(B)(1) A person may not solicit from a candidate, committee, political party, or other person, money or other property as a condition or consideration for an endorsement, article, or other communication in the news media promoting or opposing a candidate, committee, or political party.

(2) A candidate, committee, or political party may not offer or give money or other property in consideration of an endorsement for the candidate, or for an article or other communication in the news media promoting or opposing a candidate, committee, or political party. This does not prohibit a candidate, committee, or political party from purchasing advertisements from a radio station, television station, wire service, or other bona fide news medium, which in the ordinary course of business disseminates news, editorials, columns, other comments, or regularly published periodicals.”

SECTION 62. Section 8‑13‑1348 of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“(A)(1) ~~No~~ A candidate, committee, public official, or political party may not use campaign funds to defray personal expenses which are unrelated to the campaign or the office if the candidate is an officeholder nor may these funds be converted to personal use. The prohibition of this subsection does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual’s duties as a holder of elective office.

(2) Campaign funds may not be used to pay penalties resulting from a criminal prosecution.

(B) The payment of reasonable and necessary travel expenses or for food or beverages consumed by the candidate or members of his immediate family while at, and in connection with, a political event are permitted.

(C)(1) An expenditure of more than twenty‑five dollars drawn upon a campaign account must be made by:

(a) a written instrument;

(b) debit card; or

(c) online transfers.

The campaign account must contain the name of the candidate or committee, and the expenditure must contain the name of the recipient. These expenditures must be reported pursuant to the provisions of Section 8‑13‑1308.

(2) Expenditures of twenty‑five dollars or less that are not made by a written instrument, debit card, or online transfer containing the name of the candidate or committee and the name of the recipient must be accounted for by a written receipt or written record.

(D) An expenditure may not be made that is clearly in excess of the fair market value of services, materials, facilities, or other things of value received in exchange.

(E) A candidate or a duly authorized officer of a committee may not withdraw more than one hundred dollars from the campaign account to establish or replenish a petty cash fund for the candidate or committee at any time, and at no time may the fund exceed one hundred dollars. Expenditures from the petty cash fund may be made only for office supplies, food, transportation expenses, and other necessities and may not exceed twenty‑five dollars for each expenditure.

(F) A person who violates the provisions of this section is guilty of a:

(1) misdemeanor, if the amount used or converted to personal use in violation of this section is ten thousand dollars or less, and upon conviction, the person must be fined not more than five thousand dollars or imprisoned for not more than one year, or both:

(2) felony, if the amount converted to personal use is more than ten thousand dollars, and upon conviction, the person must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.”

SECTION 63. Section 8‑13‑1352 of the 1976 Code is amended to read:

“Section 8‑13‑1352. ~~Notwithstanding the provisions of Section 8‑13‑1350, a~~ candidate may use or permit the use of contributions solicited for or received by the candidate to further the candidacy of the individual for an elective office other than the elective office for which the contributions were received if:

~~(1)~~(A) the person originally making the contribution gives written authorization for its use to further the candidacy of the individual for a specific office which is not the office for which the contribution was originally intended; and

~~(2)~~(B) the contribution is otherwise permitted by law.”

SECTION 64. Section 8‑13‑1356 of the 1976 Code is amended to read:

“Section 8‑13‑1356. (A) 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 pursuant to Section 8‑13‑365 prior to the close of filing for the particular office.

(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 candidate for a county wide, or less than county wide, office pursuant to Section 7‑11‑15(A)(3) must electronically file a statement of economic interests for the preceding calendar year pursuant to Section 8‑13‑365 prior to the close of filing for that particular office.

~~(C)~~(D) 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.

~~(D)~~(E) 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.

~~(E)~~(F) 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 65. Section 8‑13‑1360 of the 1976 Code is amended to read:

“Section 8‑13‑1360. ~~(A)~~ The State Ethics Commission shall develop a contribution and expenditure reporting form pursuant to Section 8‑13‑365 which must include:

~~(1)~~(A) a designation as a pre‑election or quarterly report and, if a pre‑election report, the election date;

~~(2)~~(B) the candidate’s name and address or, in the case of a committee, the name and address of the committee;

~~(3)~~(C) the balance of campaign accounts on hand at the beginning and at the close of the reporting period and the location of those campaign accounts;

~~(4)~~(D) the total amount of all contributions received during the reporting period; the total amount of contributions of one hundred dollars or less in the aggregate from one source received during the reporting period; and the name and address of each person contributing more than one hundred dollars in the aggregate during the reporting period, the date and amount of the contribution, and the year‑to‑date total for each contributor~~. Written promises or pledges to make a contribution must be reported separately in the same manner as other monetary contributions~~;

~~(5)~~(E) the total amount of all loans received during the reporting period and the total amount of loans for the year to date. The report also must include the date and amount of each loan from one source during the reporting period, the name and address of each maker or guarantor of each loan, the year‑to‑date total of each maker or guarantor, and the terms of the loan, including the interest rate, repayment terms, loan payments, and existing balances on each loan;

~~(6)~~(F) the date and amount of any in‑kind contributions of more than one hundred dollars in the aggregate by one person during the reporting period, and the contributor’s name, address, and year‑to‑date total;

~~(7)~~(G) the total amount of all refunds, rebates, interest, and other receipts not previously identified during the reporting period, and their year‑to‑date total; the total amount of other receipts received of one hundred dollars or less in the aggregate from one source during the reporting period; the date and amount of each refund, rebate, interest, or other receipt not previously identified of more than one hundred dollars in the aggregate from one source, the name and address and the year‑to‑date total for each source;

~~(8)~~(H) the aggregate total of all contributions, loans, and other receipts during the reporting period and the year‑to‑date total; the amount, date, and a brief description of each expenditure made during the reporting period, the name and address of the entity to which the expenditure was made, and the year‑to‑date total of expenditures to that entity. Credit card expenses and candidate reimbursements must be itemized so that the purpose and recipient of the expenditure are identified;

~~(9)~~(I) the total amount of all loans made during the reporting period and the year‑to‑date total. The report also must include the date and amount of each loan to one entity during the reporting period, the name and address of each recipient of the loan, and the terms of the loan, including the interest rate, repayment terms, purpose of the loan, the year‑to‑date total, and existing balances.

~~(B) A candidate or committee must disclose all information required on the form developed under this section.~~”

SECTION 66. Section 8‑13‑1364 of the 1976 Code is amended to read:

“Section 8‑13‑1364. The appropriate supervisory office must send ~~a notice~~ an electronic notice of obligation to report ~~and reporting forms by first class mail~~ no less than thirty days before the filing date for each reporting period to the e‑mail address provided by the candidate or committee. A candidate or committee is not relieved of reporting responsibilities if the notice ~~or forms are~~ is not sent or if the candidate or committee does not receive a notice ~~or forms~~.”

SECTION 67. Section 8‑13‑1520 of the 1976 Code is amended to read:

“Section 8‑13‑1520. (A) Except as otherwise specifically provided in this chapter and except for failure to file a required statement or report, a person who wilfully violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.

(B) A person who wilfully violates any provision of this Article 13 is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred percent of the amount of contributions or anything of value that should have been reported pursuant to the provisions of this Article 13 but not less than five thousand dollars or imprisoned for not more than one year, or both.

(C) A violation of the provisions of this chapter does not necessarily subject a public official to the provisions of Section 8‑13‑560.”

SECTION 68. The 1976 Code is amended by adding:

“Section 8-13-1530. A person who has been fined for a violation of a provision of this chapter and who has failed to pay the amount of the fine may not be a candidate for any elected or appointed position within a state or local governmental entity.”

SECTION 69. Section 8‑13‑1310 of the 1976 Code is repealed.

SECTION 70. Section 8‑13‑1350 of the 1976 Code is repealed.

SECTION 71. Section 8‑13‑1358 of the 1976 Code is repealed.

SECTION 72. Section 8‑13‑1362 of the 1976 Code is repealed.

SECTION 73. Section 8‑13‑1366 of the 1976 Code is repealed.

PART VII

MISCELLANEOUS

SECTION 74. A committee prohibited pursuant to SECTION 59 of this act in existence on the effective date of this act must distribute all unexpended funds in the manner provided for in Section 8‑13‑1370(C).

SECTION 75. 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 76. 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 77. The provisions of PART II (General Provisions), PART IV (Rules of Conduct), PART V (Disclosure of Economic Interests), and PART VI (Campaign Practices) are effective upon the Governor’s signature.

SECTION 78. The provisions of PART I (Lobbyists and Lobbyists Principals) take effect on June 30, 2015.

SECTION 79. The provisions of PART III (Ethics Committees) take effect on April 1, 2016, and shall apply to complaints filed on or after April 1, 2016. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

**Recorded Vote**

Senator CAMPSEN desired to be recorded as voting against the adoption of the amendment.

**Amendment No. 2**

Senators BRIGHT, BRYANT, SHANE MARTIN, CORBIN and FAIR proposed the following amendment (1R014.KG.LB), which was ruled out of order:

Amend the bill, as and if amended, page 53, after line 28 by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. A. Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑115. (A) Only an elector registered as a member of a certified political party may vote in a partisan primary election or partisan advisory referendum of the certified political party with which that elector is registered, unless that political party has taken action to open its partisan primary election or partisan advisory referendum to independent electors unaffiliated with any certified political party and has advised the State Election Commission, in writing, not more than one hundred eighty days and not less than sixty days in advance of the partisan primary election or partisan advisory referendum of such action. In no event may an elector registered as a member of a certified political party vote in the partisan primary election or partisan advisory referendum of a certified political party with which that elector is not registered.

(B) The State Election Commission shall assist the county entities charged by law with registering electors with creating and maintaining a list of all electors registered by party affiliation. The State Election Commission shall indicate in the state voter file what selection an elector makes. To expedite the registration of electors, the county entities shall allow electors to register by party, if they wish, at all partisan primary elections conducted before January 1, 2016, by having an elector sign the following statement before an election official overseeing the conduct of the partisan primary election:

‘I do solemnly swear (or affirm) that I am a resident of South Carolina and a registered voter in this precinct. I further swear (or affirm) that I hereby choose to a) register as a member of a certified political party, specifically the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Party, OR b) register as an independent voter, unaffiliated with any certified political party.’

The form to be signed by the elector may specifically list all of the certified political parties from which the elector may choose and must contain the option for the elector to register as an independent voter unaffiliated with any certified political party. In any instance where an elector fails, for whatever reason, to select membership in one of the certified political parties, that elector shall be deemed to have chosen to be registered as an independent voter unaffiliated with any certified political party.

(C) Prior to January 1, 2016, the entity charged by law with registering qualified electors shall contact the qualified electors of that county, by whatever method it determines to be appropriate, informing them of partisan primary voting procedures as provided in this section.”

B. Section 7‑5‑170 of the 1976 Code is amended to read:

“Section 7‑5‑170. (1) Written application required. ‑ A person may not be registered to vote except upon written application or electronic application pursuant to Section 7‑5‑185, which shall become a part of the permanent records of the board to which it is presented and which must be open to public inspection. However, the social security number contained in the application must not be open to public inspection.

(2) Form of application. ‑ The application must be on a form prescribed and provided by the executive director and shall contain the following information: name, sex, race, social security number, date of birth, residence address, mailing address, telephone number of the applicant, and location of prior voter registration. The applicant must affirm that he is not under a court order declaring him mentally incompetent, confined in any public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant must take the following oath:

‘I, do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that I hereby choose to a) register as a member of a certified political party, specifically the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Party, OR b) register as an independent voter, unaffiliated with any certified political party. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence and that I claim no other place as my legal residence.’

Any applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense. The form to be signed by the elector may specifically list all of the certified political parties from which the elector may choose and must contain the option for the elector to register as an independent voter, unaffiliated with any certified political party. In any instance where an elector fails, for whatever reason, to select membership in one of the certified political parties, that elector shall be deemed to have chosen to be registered as an independent voter, unaffiliated with any certified political party.

(3) Administration of oaths. ‑ ~~Any~~ A member of the county board of voter registration and elections, deputy registrar, or ~~any~~ a registration clerk must be qualified to administer oaths in connection with the application.

(4) Decisions on applications. ‑ ~~Any~~ A member of the county board of voter registration and elections, deputy registrar, or registration clerk may pass on the qualifications of the prospective voter. In case of a question of an applicant being refused registration, at least one member of the board shall pass on the qualifications of the voter. A concise statement of the reasons for the refusal must be written on the application.”

C. Section 7‑9‑20 of the 1976 Code is amended to read:

“Section 7‑9‑20. (A) The qualifications for membership in a certified party ~~and for voting at a party primary election~~, and the criteria for voting in a party’s partisan primary election or partisan advisory referendum, unless a certified political party has taken action to open its partisan primary election or partisan advisory referendum to independent electors unaffiliated with any certified political party pursuant to the requirements of Section 7‑5‑115, include the following:

(1) the applicant for membership, or voter, must be:

(a) at least eighteen years of age or become so before the succeeding general election~~,~~; ~~and~~

(b) must be a registered elector, ~~and~~ a citizen of the United States and of this State~~.~~; and

(c) must have registered as a member of a certified party.

(B) A person may not vote in a ~~primary~~ partisan primary election or partisan advisory referendum, unless he is a registered elector and a registered member of that party, unless that political party has taken action to open its partisan primary election or partisan advisory referendum to independent electors unaffiliated with any certified political party and has advised the State Election Commission, in writing, not more than one hundred eighty days and not less than sixty days in advance of the partisan primary election or partisan advisory referendum of such action. In no event may an elector registered as a member of a certified political party vote in the partisan primary election or partisan advisory referendum of a certified political party with which that elector is not registered. The state convention of any political party, organization, or association in this State may add by party rules to the qualifications for membership in the party, organization, or association and for voting at the primary elections if the qualifications do not conflict with the provisions of this section or with the Constitution and laws of this State or of the United States.

(C) The entity charged by law with conducting a primary shall allow an elector to change his political party affiliation by executing an affidavit not later than sixty days before the primary. During that time, an elector may execute an affidavit declaring that he desires not to be affiliated with a political party. The choice to affiliate with a political party or remain independent and unaffiliated with any certified political party is valid until changed by the qualified elector pursuant to the provisions of this section. In any instance where an elector fails, for whatever reason, to select membership in one of the certified political parties, that elector shall be deemed to have chosen to be registered as an independent voter, unaffiliated with any certified political party.

(D) When a qualified elector presents himself at a polling place to vote in a partisan primary election or partisan advisory referendum, the entity charged by law with conducting the election or its representative shall require the qualified elector to sign an affidavit affirming that he is a member of the party conducting the primary, or that he is an independent elector unaffiliated with any certified political party who meets the criteria established by that political party to vote in that particular partisan primary election or partisan advisory referendum pursuant to the requirements of Section 7‑5‑115. If the qualified elector does not sign this affidavit, he may not vote in the partisan primary election or partisan advisory referendum.”

E. Notwithstanding the provisions of this act, in all primaries conducted before January 1, 2016, an elector is permitted to vote if he has not signed the affidavit required by this act. After January 1, 2016, all political party primaries and partisan advisory referenda must be conducted pursuant to the provisions of this act. /

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

The question then was second reading of the Bill.

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

**Ayes 19; Nays 24**

**AYES**

Alexander Allen Coleman

Fair Hayes Jackson

Johnson Kimpson Leatherman

Matthews McElveen Nicholson

Rankin Reese Sabb

Scott Setzler Sheheen

Williams

**Total--19**

**NAYS**

Bennett Bright Bryant

Campsen Cleary Corbin

Courson Cromer Davis

Gregory Grooms Hembree

Malloy *Martin, Larry Martin, Shane*

Massey O'Dell Peeler

Pinckney Shealy Thurmond

Turner Verdin Young

**Total--24**

Having failed to receive the necessary votes, second reading of the Bill failed.

**Statement by Senators LARRY MARTIN, PEELER, COURSON and CROMER**

The independent investigation of complaints is one of the most important, if not the most important, features of this Bill as it was introduced and reported out of the Judiciary Committee.  Most unfortunately, the adoption of the Amendment No. P-10A, sponsored by Senator RANKIN, which includes sitting members of the House and Senate on a newly created Joint Legislative Ethics Commission prevents us from voting for this legislation.  Naming a sitting legislator to this commission totally destroys the independence of the commission to investigate members of the General Assembly.

**Motion Adopted**

On motion of Senator LEATHERMAN, the Senate agreed to stand adjourned.

**MOTION ADOPTED**

On motion of Senators MALLOY and MASSEY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Harriett Lemke of Hartsville, S.C. Ms. Lemke was a wonderful woman who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator CLEARY, with unanimous consent, the Senate stood adjourned out of respect to the memory of retired Colonel James B. Wilkie III of Murrells Inlet, S.C. Col. Wilkie graduated from The Citadel and joined the Army. As an aviator, he served in Germany, Korea, Vietnam and Iran. He worked in the aerospace industry for over twenty years. Col. Wilkie served on the Georgetown Water and Sewer Board and was awarded the Golden Oyster Award for his efforts in conservation. Col. Wilkie was a loving husband, devoted father, and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 7:38 P. M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*