



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

STATEMENT OF ESTIMATED FISCAL IMPACT

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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number:	S. 0960	Introduced on February 26, 2026
Subject:	Campaign Practices	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Griffith	
Impact Date:	March 13, 2026	

Fiscal Impact Summary

This bill adds definitions for “election communication” and “independent expenditure committee” to Chapter 13, Title 8. Additionally, the bill specifies that an independent expenditure committee must disclose certain information concerning contributions and expenditures related to election communications. The bill further specifies that disclosures required in this bill must be filed with the State Ethics Commission on the same schedule as campaign reports pursuant to §8-13-1308.

The State Ethics Commission expressed concerns that the bill could lead to lawsuits challenging its constitutionality and notes that the Commission previously experienced costly litigation challenging the constitutionality of the definition of “committee” in the Ethics Act. The Commission also states that the Ethics Act currently contains definitions for “independent expenditure,” noncandidate committee,” and “influence the outcome of an elective office,” which appear to overlap with the bill’s definition of “election communication,” setting up a potential conflict between these provisions. Additionally, the State Ethics Commission states that the proposed definition of “independent expenditure committee” could be constitutionally problematic under the First Amendment since it appears to place registration and disclosure requirements on two individuals who spend more than \$500 toward simply supporting or opposing a ballot measure. Further, the Commission reports that in S.C. Citizens for Life, Inc. v. Krawcheck, 759 F. Supp.2d 708 (2010), the South Carolina District Court declared the Ethics Act’s definition of “committee,” found in §8-13-1300(6), unconstitutionally overbroad and vague. Therefore, based on this case, the State Ethics Commission estimates its nonrecurring expenditures could increase by an amount up to \$580,000 for attorney fees associated with potential lawsuits. This amount is based on expenses associated with the similar previous case and includes \$150 per hour for attorney fees and other miscellaneous expenses. The agency will request an increase in General Fund appropriations to cover the potential expenses.

Explanation of Fiscal Impact

Introduced on February 26, 2026

State Expenditure

This bill adds definitions for “election communication” and “independent expenditure committee” to Chapter 13, Title 8. Election communication is defined as paid advertisements and mailings or other printed materials used to support or oppose a clearly identified candidate or

ballet measure. Independent expenditure committee is defined as two or more individuals, or a person other than an individual who is not organized or operating for the primary purpose of supporting or opposing candidates or ballet measures or influencing the outcome of an election, who engage in election communications in excess of \$500 during an election cycle. Additionally, the bill specifies that an independent expenditure committee must disclose certain information concerning contributions and expenditures related to election communications. The bill further specifies that disclosures required in this bill must be filed with the State Ethics Commission on the same schedule as campaign reports pursuant to §8-13-1308.

The State Ethics Commission expressed concerns that the bill could lead to lawsuits challenging its constitutionality and notes that the Commission previously experienced costly litigation challenging the constitutionality of the definition of “committee” in the Ethics Act. The Commission also states that the Ethics Act currently contains definitions for “independent expenditure,” “noncandidate committee,” and “influence the outcome of an elective office,” which appear to overlap with the bill’s definition of “election communication,” setting up a potential conflict between these provisions. Additionally, the State Ethics Commission states that the proposed definition of “independent expenditure committee” could be constitutionally problematic under the First Amendment since it appears to place registration and disclosure requirements on two individuals who spend more than \$500 toward simply supporting or opposing a ballot measure. Further, the Commission reports that in S.C. Citizens for Life, Inc. v. Krawcheck, 759 F. Supp.2d 708 (2010), the South Carolina District Court declared the Ethics Act’s definition of “committee,” found in §8-13-1300(6), unconstitutionally overbroad and vague. Therefore, based on this case, the State Ethics Commission estimates its nonrecurring expenditures could increase by an amount up to \$580,000 for attorney fees associated with potential lawsuits. This amount is based on the expenses associated with the previous case and includes \$150 per hour for attorney fees and miscellaneous expenses such as copies, postage, research fees, and filing fees. The agency will request an increase in General Fund appropriations to cover the potential expenses.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director