

Summary of Amendment to H.3184

Based on amendment passed by Senate Judiciary on March 11, 2015

Part I – General Provisions

Section 1	Extends prohibition for public officials to become lobbyists from 1 yr. to 2 yrs.	2-17-15
Section 2	Expands definition of ‘candidate’ to include anyone who maintains an open bank account with contributions or has outstanding debt from a campaign.	8-13-100(5)
Section 3	Permits Senate and House Ethics Committees to levy fees for admin costs incurred.	8-13-130

Part II – Ethics Committees

Section 4 <u>New State Ethics Commission</u>	Reconstitutes SEC: - 4 members appointed by Governor (2 Rs, 2 Ds); - 2 members appointed by Senate (1 R, 1 D); - 2 members appointed by House (1 R, 1 D). All with advice/consent of the General Assembly; Includes qualifications.	8-13-310
Section 5	Authorizes the SEC to investigate complaints against legislators.	8-13-320(9)
Section 6	Requires confidentiality until finding of probable cause; Provides for release of documents after dismissal, except for technical violations (re. non-legislator complaints).	8-13-320(10)(g)
Section 7	Requires that hearings must be open to the public.	8-13-320(10)(j)
Section 8	Prohibits Gov, legislators, and subjects of investigation from contacting/influencing SEC.	8-13-322
Section 9	Requires LECs to refer complaints of legislators, staff, and candidates to SEC, except for rule violations, and permits LECs to investigate technical violations.	8-13-530
Section 10	Permits LECs to issue formal/informal advisory opinions; includes good faith reliance.	8-13-535
Section 11 <u>Independent Investigations</u>	- Provides process for filing and receiving complaints, including that SEC must refer technical and rule violation complaints to LECs, must dismiss groundless complaints, must refer willfully groundless complaints to AG, and must conduct investigation for complaints alleging facts sufficient. - Provides process for investigations by SEC , including that SEC must provide a recommendation to LECs with recommendation as to whether probable cause exists. - Provides process for LECs to receive recommendations, including concurring with dismissal, requesting further investigation, determining probable cause, issuing advisory opinion, conducting public hearing, determining findings of fact, and issuing final orders (public reprimand, civil penalty, forfeiture, expulsion, referral to AG). - Requires all findings of probable cause for legislative complaints to be made public at a specified time (either 30 days after a SEC issues its initial recommendation or 30 days after the 2 nd report if the LEC requests further review by the SEC.)	8-13-540

Part III – Rules of Conduct

Section 12	Prohibits public officials/members/employees from engaging in private business during State hours or using State materials, with exceptions for legislators if no additional public expense, for incidental use, or for working part-time.	8-13-700
Section 13	Prohibits agency heads or employees (Cabinet, Ag, Ed, DHEC, DMH, DDSN) from soliciting campaign contributions for a candidate for statewide office.	8-13-704
Section 14	Clarifies SEI gift disclosure to include \$200+ ‘in the aggregate’ for a year.	8-13-710(B)
Section 15	Provides enhanced criminal penalties for offering/soliciting/receiving anything of value for advice or assistance given in course of employment or official duties.	8-13-720
Section 16	Provides enhanced criminal penalties for disclosing confidential information gained in course of official responsibilities that give economic interest.	8-13-725
Section 17	Extends prohibition for public officials, members, or employees from lobbying or working for regulated entity or participated matter from 1 yr. to 2 yrs after public employment ends.	8-13-755
Section 18	Allows higher ed employees to retain some IP royalty rights without violating 8-13-700.	8-13-756
Section 19	Prohibits public officials/members/employees from awarding contract or discussing contract award from State with his business, immediate family’s business, or a business with which he or his family is associated.	8-13-775
Section 20	Permits the SEC or LECs to impose written warning or reprimand.	8-13-780(B)
Section 21	Requires anything transferred/received in breach of Ethics Act to be recovered.	8-13-790(A)

Part IV – Disclosure of Economic Interest

Section 22	Requires SEC to make statements/reports electronically accessible to public.	8-13-360
Section 23	Deletes unnecessary references in requirement for filing SEI.	8-13-1110
Section 24	Adds to SEI disclosure requirements to include: - Real property if known by filer to be subject of a conflict of interest; - Contract between public official or his business who contracts with the governmental entity with which the official serves. - Source of any income received by the filer; - Source of any income received by the filer, his immediate family, or an associated business if directly derived from a: contractual relationship with a lobbyist's principal; contractual relationship with governmental entity; or source regulated by the filer's governmental entity.	8-13-1120
	<u>Income Disclosures</u>	
Section 25	Requires SEC/LECs to send email notice to filer 30 days before filing date.	8-13-1145
Section 26	Requires consultants contracting with a governmental entity to file and update statements if an economic interest arises for himself or his immediate family	8-13-1150
Sections 27-28	Repeals Sections 8-13-1160 (references to LECs) and -1180 (duplicated in Section 41).	N/A

Part V – Campaign Practices

Section 29	Requires SEC to allow for single upload of spreadsheet by filer.	8-13-365
Section 30	Expands definition of 'business' to include 'limited liability company'.	8-13-1300(3)
Section 31	Expands definition of 'candidate' to include anyone maintaining open bank account with campaign contributions or who has outstanding campaign debt.	8-13-1300(4)
Section 32	Clarifies definition for 'independent expenditure' to include those made or 'incurred'.	8-13-1300(17)
Section 33	Removes issue advocate communications made less than 45 days before an election from definition of 'influencing outcome of elective office'. (Found unconstitutional – Citizens United.)	8-13-1300(31)
Section 34	Adds to what must be disclosed by filer about a donor to include occupation and 'primary employer'; and Requires statewide constitutional officers and legislators to file copies of campaign bank accounts with the SEC/LECs.	8-13-1302
Section 35	Requires candidates to file 5 days before election all contributions and expenditures of \$100+ from the last filing until the 6 th day before the election.	8-13-1308
Section 36	Requires ballot measure committees to file 5 days before election all contributions and expenditures of \$100+ from the last filing until the 6 th day before the election.	8-13-1309
Section 37	Requires that candidates/committees may only have one campaign savings account, unless exceeds insurance coverage.	8-13-1312
Section 38	Requires candidates accepting contributions to retire debt use contribution to retire debt.	8-13-1318
Section 39	Establishes a contribution cycle for primary run-offs to include contributions made the day after the primary through the 7 th day after the primary run-off.	8-13-1320(1)
Section 40	Allows candidate's family members to be repaid for loans made to the candidate \$25k+ in the aggregate after the election.	8-13-1328
Section 41	Limits elective officials from knowingly soliciting contributions from employees or from providing advantages/disadvantages to employees based on contributing or not.	8-13-1337
Section 42	Abolishes Leadership PACs.	8-13-1340
Section 43	Prohibits offering/giving money/property in consideration of an endorsement.	8-13-1344(B)
Section 44	Prohibits and penalizes using campaign funds to pay penalties from prosecution; adds enhanced penalties.	8-13-1348
Section 45	Permits candidates to use contributions to further candidacy for another elected office if the donor gives written authorization and the contribution is otherwise lawful.	8-13-1352
Section 46	Requires candidates for county or less than county office to file SEI for previous year.	8-13-1356
Section 47	Removes requirement to report written promises/pledges to make contributions.	8-13-365
Section 48	Requires SEC/LECs to send email notice no less than 30 days before filing date.	8-13-1364
Section 49	Excludes 'failure to file' from being subject to willful violation provisions.	8-13-1520
Section 50	Prohibits persons failed to pay fines under Ethics Act from being a candidate/appointed.	8-13-1530
Section 51	Increases contribution limits from \$3,500 to \$4,500 for statewide candidates and from \$1,000 to \$2,000 for all other candidates.	8-13-1314(A)(1)
Sections 52-56	Repeals Sections 8-13-1310 (re. LECs), -1350 (reworded in Section 45), -1358 & -1366 (re. antiquated SEC filing/reporting methods), -1362 (deleting statements of inactivity).	N/A