

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

DRAFFIN/LEE  
MAY 6, 2014

---

CLERK OF THE HOUSE

---

THE COMMITTEE ON JUDICIARY PROPOSES THE FOLLOWING  
AMENDMENT No. TO H. 3945  
(USERS\CHARLESREID\APPDATA\LOCAL\MICROSOFT\WINDOWS\TEMPORARY INTERNET  
FILES\CONTENT.OUTLOOK\6P7O84QZ\3945C015 NL  
SD14):

REFERENCE IS TO PRINTER'S DATE 2/27/14-H.

**AMEND THE BILL, AS AND IF AMENDED, BY  
STRIKING ALL AFTER THE ENACTING WORDS AND  
INSERTING:**

**/ SECTION 1. (A) THE GENERAL  
ASSEMBLY BY THIS ACT HAS DETERMINED TO  
CREATE ONE COMMISSION, TO BE KNOWN AS THE  
SOUTH CAROLINA COMMISSION ON ETHICS**

**ENFORCEMENT AND DISCLOSURE, TO ADMINISTER, SUPERVISE AND IF NECESSARY INVESTIGATE THE ETHICAL CONDUCT AND ETHICS REQUIREMENTS IMPOSED BY LAW OR RULE ON MEMBERS OF THE GENERAL ASSEMBLY AND OTHERS, NOW ADMINISTERED BY THE HOUSE OF REPRESENTATIVES AND SENATE ETHICS COMMITTEES. THE AUTHORITY OF THIS NEW COMMISSION SHALL SPECIFICALLY INCLUDE THE AUTHORITY TO RECEIVE, REGULATE, AND SUPERVISE ALL STATEMENTS OF ECONOMIC INTERESTS AND OTHER ETHICS FILINGS REQUIRED OF THESE INDIVIDUALS BY LAW OR RULE, THE COMPLIANCE BY THESE INDIVIDUALS WITH ALL ETHICAL REQUIREMENTS IMPOSED BY LAW OR RULE, AND THE RECEIPT AND INVESTIGATION OF ETHICS COMPLAINTS REGARDING THESE INDIVIDUALS. HOWEVER, THE PUNISHMENT OR SANCTIONS, IF ANY, FOR VIOLATIONS AND THE AUTHORITY TO ADJUDICATE ALLEGED VIOLATIONS SHALL REST**

**WITH THE HOUSE OR SENATE ETHICS COMMITTEE, AS APPLICABLE.**

**(B) THE GENERAL ASSEMBLY BY THIS ACT ALSO HAS DETERMINED TO VEST IN THE SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE THE AUTHORITY TO ADMINISTER, SUPERVISE, AND IF NECESSARY INVESTIGATE THE ETHICAL CONDUCT AND ETHICS REQUIREMENTS IMPOSED BY LAW ON PUBLIC OFFICIALS, PUBLIC MEMBERS, PUBLIC EMPLOYEES, AND OTHERS BY THE PROVISIONS OF CHAPTER 17, TITLE 2 AND CHAPTER 13, TITLE 8 OF THE 1976 CODE NOW ADMINISTERED BY THE STATE ETHICS COMMISSION. THE AUTHORITY OF THIS NEW COMMISSION SHALL SPECIFICALLY INCLUDE THE AUTHORITY TO RECEIVE, REGULATE, AND SUPERVISE ALL STATEMENTS OF ECONOMIC INTERESTS AND OTHER ETHICS FILINGS REQUIRED OF THESE INDIVIDUALS BY LAW, THE COMPLIANCE BY THESE INDIVIDUALS WITH ALL ETHICAL REQUIREMENTS IMPOSED BY LAW, AND**

**THE RECEIPT AND INVESTIGATION OF ETHICS COMPLAINTS REGARDING THESE INDIVIDUALS. HOWEVER, THE PUNISHMENT OR SANCTIONS, IF ANY, FOR VIOLATIONS AND THE AUTHORITY TO ADJUDICATE ALLEGED VIOLATIONS SHALL REST WITH THE STATE ETHICS COMMISSION.**

**(C) THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION AS PROVIDED IN SUBSECTION (A) THE GENERAL ASSEMBLY HAS ALSO DETERMINED TO EXTEND TO THE ETHICAL CONDUCT AND ETHICAL REQUIREMENTS IMPOSED BY LAW, RULE, AND THE CANNONS OF JUDICIAL CONDUCT ON JUDGES AND OTHER JUDICIAL OFFICIALS OF THE UNIFIED JUDICIAL SYSTEM NOW ADMINISTERED BY THE SUPREME COURT THROUGH ITS COMMISSION ON JUDICIAL CONDUCT. HOWEVER, THE PUNISHMENT OR SANCTIONS, IF ANY, FOR VIOLATIONS AND THE AUTHORITY TO ADJUDICATE ALLEGED VIOLATIONS SHALL REST WITH THE SUPREME COURT.**

**SECTION 2. CHAPTER 13, TITLE 8 OF THE 1976 CODE IS AMENDED BY ADDING:**

**“ARTICLE 4**

**SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE**

**SECTION 8-13-410. (A) THERE IS CREATED THE SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE COMPOSED OF THE MEMBERS PROVIDED FOR IN THIS SECTION.**

**(B)(1) TWO MEMBERS MUST BE OF THE HOUSE OF REPRESENTATIVES ELECTED BY THE HOUSE. ONE MEMBER ELECTED BY THE HOUSE MUST BE FROM THE LARGEST MINORITY PARTY REPRESENTED IN THE HOUSE. MEMBERS FROM THE HOUSE SHALL SERVE A TERM OF TWO YEARS COTERMINOUS WITH THEIR TERMS OF OFFICE AS A MEMBER OF THE HOUSE.**

**(2) TWO MEMBERS MUST BE OF THE SENATE ELECTED BY THE SENATE. ONE MEMBER ELECTED BY THE SENATE MUST BE FROM THE LARGEST MINORITY PARTY REPRESENTED IN THE SENATE. MEMBERS FROM THE SENATE MUST SERVE A TERM OF FOUR YEARS COTERMINOUS WITH THEIR TERMS OF OFFICE AS A MEMBER OF THE SENATE.**

**(C) FOUR MEMBERS MUST BE APPOINTED BY THE GOVERNOR, NONE OF WHOM MAY BE A PUBLIC OFFICIAL, TO SERVE FOR TERMS OF FOUR YEARS EACH COTERMINOUS WITH THAT OF THE GOVERNOR.**

**(D) FOUR MEMBERS MUST BE ELECTED BY MAJORITY VOTE OF THE SUPREME COURT, EACH OF WHOM MUST BE AN ACTIVELY SERVING JUDGE IN ONE OF THE COURTS OF RECORD OF THIS STATE. MEMBERS OF THE SUPREME COURT ARE NOT ELIGIBLE TO BE ELECTED TO THE COMMISSION AND RETIRED JUDGES SITTING OR PERMITTED TO SIT AS JUDGES IN THE COURTS OF THIS STATE ALSO ARE NOT ELIGIBLE TO BE ELECTED TO SERVE ON THIS COMMISSION. THESE JUDGES SHALL SERVE INITIAL TERMS OF TWO YEARS ON THE COMMISSION AND THEREAFTER, SUCH JUDICIAL MEMBERS OF THE COMMISSION SHALL BE ELECTED FOR TERMS OF FOUR YEARS.**

**(E) THE MEMBERS OF THE COMMISSION, EXCEPT FOR THE MEMBERS APPOINTED BY THE GOVERNOR, SHALL SERVE EX-OFFICIO. NO PERSON SHALL SERVE CONSECUTIVE TERMS ON THE COMMISSION, EXCEPT THAT THE MEMBERS WHO SERVE AN INITIAL TERM OF LESS THAN FOUR YEARS ARE ELIGIBLE TO SERVE FOR A SINGLE ADDITIONAL TERM. MEMBERS APPOINTED BY THE GOVERNOR SHALL RECEIVE NO COMPENSATION BUT SHALL RECEIVE THE USUAL MILEAGE, SUBSISTENCE, AND PER DIEM AS IS PAID BY LAW TO MEMBERS OF STATE**

**BOARDS, COMMISSION, AND COMMITTEES TO BE PAID FROM THE APPROVED ACCOUNTS OF THE COMMISSION. VACANCIES MUST BE FILLED IN THE MANNER OF THE ORIGINAL SELECTION FOR THE UNEXPIRED PORTION OF THE TERM ONLY.**

**(F) THE CHAIRMAN OF THE COMMISSION MUST BE ELECTED BY THE MEMBERS OF THE COMMISSION. THE COMMISSION MAY ELECT A VICE CHAIRMAN AND SUCH OTHER OFFICERS AS IT CONSIDERS NECESSARY. A MAJORITY OF THE MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM. THE COMMISSION SHALL 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 MAY SET THEIR OWN POLICY RELATED TO THE ROTATION OF THE SELECTION OF OFFICERS.**

**(G) THE TERMS OF MEMBERS OF THE COMMISSION NOT OTHERWISE SPECIFIED BEGIN ON JULY FIRST OF THE APPLICABLE YEAR AND END ON JUNE THIRTIETH.**

**(H) THE COMMISSION SHALL RECEIVE SUCH APPROPRIATIONS FOR ITS OPERATIONS AND RESPONSIBILITIES AS MAY BE PROVIDED BY THE GENERAL ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATIONS ACT, IN ADDITION TO THE OTHER SOURCES OF REVENUE AVAILABLE TO IT AS PROVIDED BY LAW.**

**(I) MEMBERS OF THE COMMISSION WHILE SERVING ON THE COMMISSION MAY NOT MAKE POLITICAL CONTRIBUTIONS IN ANY MANNER PROHIBITED BY LAW AND SHALL CONDUCT THEMSELVES IN ACCORDANCE WITH THE CANNONS OF JUDICIAL CONDUCT. THE PROVISIONS OF SECTION 8-13-330(B) AND (C) ALSO APPLY TO MEMBERS OF THE COMMISSION EXCEPT FOR ITS LEGISLATIVE MEMBERS.**

**SECTION 8-13-415. (A) ON THE EFFECTIVE DATE OF THIS ARTICLE, THE FUNCTIONS, DUTIES, AND POWERS OF THE HOUSE OF**

**REPRESENTATIVES AND SENATE ETHICS COMMITTEES IN REGARD TO THE AUTHORITY TO RECEIVE, REGULATE, AND SUPERVISE ALL STATEMENTS OF ECONOMIC INTERESTS AND OTHER ETHICS FILINGS REQUIRED BY LAW OR RULE FOR INDIVIDUALS NOW UNDER THEIR JURISDICTION, THE COMPLIANCE BY THESE INDIVIDUALS WITH ALL ETHICAL REQUIREMENTS IMPOSED BY LAW OR RULE INCLUDING THOSE CONTAINED IN CHAPTER 17, TITLE 2 AND CHAPTER 13, TITLE 8, AND THE RECEIPT AND INVESTIGATION OF ETHICS COMPLAINTS REGARDING THESE INDIVIDUALS ARE DEVOLVED UPON THE SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE. HOWEVER, THE PUNISHMENT OR SANCTIONS, IF ANY, FOR VIOLATIONS AND THE AUTHORITY TO ADJUDICATE ALLEGED VIOLATIONS SHALL REST WITH THE HOUSE OR SENATE ETHICS COMMITTEE, AS APPLICABLE.**

**(B) ON THE EFFECTIVE DATE OF THIS ARTICLE, THE FUNCTIONS, DUTIES, AND POWERS OF THE STATE ETHICS COMMISSION IN REGARD TO THE AUTHORITY TO RECEIVE, REGULATE, AND SUPERVISE ALL STATEMENTS OF ECONOMIC INTERESTS AND OTHER ETHICS FILINGS REQUIRED BY LAW FOR INDIVIDUALS NOW UNDER THEIR JURISDICTION, THE COMPLIANCE BY THESE INDIVIDUALS WITH ALL ETHICAL REQUIREMENTS IMPOSED BY LAW INCLUDING THOSE CONTAINED IN CHAPTER 17, TITLE 2 AND CHAPTER 13, TITLE 8, AND THE RECEIPT AND INVESTIGATION OF ETHICS COMPLAINTS REGARDING THESE INDIVIDUALS ARE DEVOLVED UPON THE SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE. HOWEVER, THE PUNISHMENT OR SANCTIONS, IF ANY, FOR VIOLATIONS AND THE AUTHORITY TO ADJUDICATE ALLEGED VIOLATIONS SHALL REST WITH THE STATE ETHICS COMMISSION.**

**(C) ON THE EFFECTIVE DATE OF THIS ARTICLE, THE FUNCTIONS, DUTIES, AND POWERS OF THE SUPREME COURT OF THIS STATE ACTING THROUGH ITS COMMISSION ON JUDICIAL CONDUCT IN REGARD TO THE AUTHORITY TO RECEIVE, REGULATE, AND SUPERVISE ALL STATEMENTS OF ECONOMIC INTERESTS AND OTHER ETHICS FILINGS REQUIRED BY**

**LAW OR RULE FOR JUDGES AND OTHER INDIVIDUALS NOW UNDER ITS JURISDICTION, THE COMPLIANCE BY THESE JUDGES OR OTHER INDIVIDUALS WITH ALL ETHICAL REQUIREMENTS IMPOSED BY LAW OR RULE INCLUDING THE CANNONS OF JUDICIAL CONDUCT AND CHAPTER 17, TITLE 2 AND CHAPTER 13, TITLE 8, AND THE RECEIPT AND INVESTIGATION OF ETHICS COMPLAINTS REGARDING THESE JUDGES OR OTHER INDIVIDUALS ARE DEVOLVED UPON THE SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE. HOWEVER, THE PUNISHMENT OR SANCTIONS, IF ANY, FOR VIOLATIONS AND THE AUTHORITY TO ADJUDICATE ALLEGED VIOLATIONS SHALL REST WITH THE SUPREME COURT.**

**SECTION 8-13-420. (A) BEGINNING JULY 1, 2015, PURSUANT TO THE PROVISIONS OF SECTION 8-13-415, THE COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE SHALL HAVE THE SPECIFIED JURISDICTION OVER AND MAY RECEIVE COMPLAINTS INVOLVING, BUT NOT LIMITED TO, THE FOLLOWING INDIVIDUALS:**

**(1) ALL STATEWIDE OR CONSTITUTIONAL OFFICERS OF THE STATE AND THEIR STAFFS;**

**(2) ANY PERSON WHO HOLDS AN ELECTED OR APPOINTED POSITION FOR ANY POLITICAL SUBDIVISION OF THE STATE AND THEIR STAFFS;**

**(3) MEMBERS OF ALL BOARDS AND COMMISSIONS OF THE STATE AND ITS POLITICAL SUBDIVISIONS AND THEIR STAFFS;**

**(4) ANY LOBBYIST OR LOBBYIST PRINCIPAL OR ANY PERSON ACTING AS A LOBBYIST OR LOBBYIST PRINCIPAL WHO HAS FAILED TO REGISTER AS SUCH; AND**

**(5) CANDIDATES FOR A STATE OR LOCAL PUBLIC OFFICE, EXCEPT FOR THE GENERAL ASSEMBLY, FILLED BY POPULAR ELECTION WHETHER OR NOT ELECTED TO SUCH OFFICE.**

**(B) BEGINNING JULY 1, 2015, PURSUANT TO THE PROVISIONS OF SECTION 8-13-415, THE COMMISSION ON ETHICS ENFORCEMENT AND**

**DISCLOSURE SHALL HAVE THE SPECIFIED JURISDICTION OVER AND MAY RECEIVE COMPLAINTS INVOLVING, BUT NOT LIMITED TO, THE FOLLOWING INDIVIDUALS:**

**(1) JUDGES AND OTHER JUDICIAL OFFICIALS OF THE UNIFIED JUDICIAL SYSTEM AND THEIR STAFFS WHOSE CONDUCT IS NOW REGULATED AND SUPERVISED BY THE COMMISSION ON JUDICIAL CONDUCT AS GOVERNED BY THE SUPREME COURT; AND**

**(2) JUDGES OF THE ADMINISTRATIVE LAW COURT AND THEIR STAFFS.**

**(C) BEGINNING JULY 1, 2015, PURSUANT TO THE PROVISIONS OF SECTION 8-13-415, THE COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE SHALL HAVE THE SPECIFIED JURISDICTION OVER AND MAY RECEIVE COMPLAINTS INVOLVING, BUT NOT LIMITED TO, THE FOLLOWING INDIVIDUALS:**

**(1) ALL MEMBERS OF THE GENERAL ASSEMBLY AND THEIR STAFFS, INCLUDING EMPLOYEES OF CAUCUSES; AND**

**(2) CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY WHETHER OR NOT ELECTED.**

**SECTION 8-13-425. THE COMMISSION HAS THESE DUTIES AND POWERS:**

**(1) TO PRESCRIBE ONLINE FORMS FOR STATEMENTS REQUIRED TO BE FILED BY THIS CHAPTER AND MAKE THESE FORMS AVAILABLE IN A PUBLICLY ACCESSIBLE ONLINE FORMAT;**

**(2) TO PREPARE AND PUBLISH A MANUAL SETTING FORTH RECOMMENDED UNIFORM METHODS OF REPORTING FOR USE BY PERSONS REQUIRED TO FILE STATEMENTS REQUIRED BY THIS CHAPTER;**

**(3) TO ACCEPT AND FILE INFORMATION VOLUNTARILY SUPPLIED THAT EXCEEDS THE REQUIREMENTS OF THIS CHAPTER;**

**(4) TO DEVELOP AND MAINTAIN A SEARCHABLE, ONLINE DATABASE OF ALL FILINGS RECEIVED BY THE COMMISSION. AT A MINIMUM. THE DATABASE MUST BE SEARCHABLE BY THE NAME OF ANY FILER,**

**CONTRIBUTOR, OR RECIPIENT OF CAMPAIGN FUNDS, OFFICE SOUGHT, OR POSITION HELD;**

**(5) TO ASCERTAIN WHETHER A PERSON HAS FAILED TO COMPLY FULLY AND ACCURATELY WITH THE DISCLOSURE REQUIREMENTS OF THIS CHAPTER AND TO NOTIFY PROMPTLY THE PERSON TO FILE THE NECESSARY NOTICES AND REPORTS TO SATISFY THE REQUIREMENTS OF THIS CHAPTER OR REGULATIONS PROMULGATED BY THE COMMISSION UNDER THIS CHAPTER;**

**(6)(A) TO INITIATE OR RECEIVE COMPLAINTS ALLEGING ETHICAL VIOLATIONS OF LAW OR RULE BY THOSE INDIVIDUALS SUBJECT TO ITS JURISDICTION;**

**(B)(1) NO COMPLAINT MAY BE ACCEPTED BY THE COMMISSION CONCERNING A CANDIDATE FOR ELECTIVE OFFICE DURING THE FIFTY-DAY PERIOD BEFORE AN ELECTION IN WHICH THE PERSON 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:**

**(1) 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.**

**(VI) ACTION ON A COMPLAINT FILED AGAINST A MEMBER OR CANDIDATE FOR THE GENERAL ASSEMBLY WHICH WAS RECEIVED MORE THAN FIFTY DAYS BEFORE THE ELECTION BUT WHICH CANNOT BE PROCESSED BY THE COMMISSION, MUST BE POSTPONED UNTIL AFTER THE ELECTION;**

**(C) IF AN ALLEGED VIOLATION IS FOUND TO BE GROUNDLESS BY THE COMMISSION, THE ENTIRE MATTER MUST BE STRICKEN FROM PUBLIC RECORD. IF THE COMMISSION FINDS THAT THE COMPLAINING PARTY WILLFULLY FILED A GROUNDLESS COMPLAINT, THE FINDING MUST BE REPORTED TO THE ATTORNEY GENERAL. THE WILLFUL 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;**

**(D) ACTION MAY NOT BE TAKEN ON A COMPLAINT FILED MORE THAN FOUR YEARS AFTER THE ALLEGED VIOLATION OCCURRED UNLESS A PERSON, BY FRAUD OR OTHER DEVICE, PREVENTS DISCOVERY OF THE VIOLATION;**

**(7) TO ISSUE, UPON REQUEST FROM PERSONS COVERED BY THIS CHAPTER, AND PUBLISH ADVISORY OPINIONS ON THE REQUIREMENTS OF THIS CHAPTER, BASED ON REAL OR HYPOTHETICAL SETS OF CIRCUMSTANCES; PROVIDED, THAT AN OPINION RENDERED BY THE COMMISSION, UNTIL AMENDED OR REVOKED, IS BINDING ON THE COMMISSION IN ANY SUBSEQUENT CHARGES CONCERNING THE PERSON**

**WHO REQUESTED THE OPINION AND WHO ACTED IN RELIANCE ON IT IN GOOD FAITH UNLESS MATERIAL FACTS WERE OMITTED OR MISSTATED BY THE PERSON IN THE REQUEST FOR THE OPINION. ADVISORY OPINIONS MUST BE IN WRITING AND ARE CONSIDERED RENDERED WHEN APPROVED BY A MAJORITY OF COMMISSION MEMBERS. ADVISORY OPINIONS MUST BE MADE AVAILABLE TO THE PUBLIC UNLESS THE COMMISSION, BY MAJORITY VOTE OF THE TOTAL MEMBERSHIP OF THE COMMISSION, REQUIRES AN OPINION TO REMAIN CONFIDENTIAL. HOWEVER, THE IDENTITIES OF THE PARTIES INVOLVED MUST BE WITHHELD UPON REQUEST; AND**

**(8) TO PROMULGATE REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS CHAPTER. HOWEVER, WITH RESPECT TO COMPLAINTS, INVESTIGATIONS, AND HEARINGS THE RIGHTS OF DUE PROCESS AS EXPRESSED IN THE RULES GOVERNING THE PRACTICE OF LAW MUST BE FOLLOWED.**

**SECTION 8-13-430. ALL COMPLAINTS RECEIVED BY THE COMMISSION MUST:**

- (1) BE IN WRITTEN FORM;**
- (2) CONTAIN SPECIFIC FACTUAL ALLEGATIONS OF A VIOLATION OF LAW OR RULE AGAINST AN INDIVIDUAL SUBJECT TO ITS JURISDICTION;**
- (3) CONTAIN ANY AND ALL SUPPORTING DOCUMENTATION OR EVIDENCE IN THE POSSESSION OF THE COMPLAINANT THAT SUPPORTS THE ALLEGATIONS CONTAINED IN THE COMPLAINT;**
- (4) BE SIGNED BY THE PERSON FILING THE COMPLAINT; AND**
- (5) CONTAIN A SIGNED STATEMENT THAT THE COMPLAINANT WILL ABIDE BY THE PROCEDURES ESTABLISHED BY THE COMMISSION FOR THE INVESTIGATION AND DISPOSITION OF COMPLAINTS.**

**SECTION 8-13-440. (A) ALL COMPLAINTS, DOCUMENTS, MEETINGS, CORRESPONDENCE, MEMORANDUMS, OR OTHER ITEMS IN THE POSSESSION OF THE COMMISSION RELATING TO A SPECIFIC**

**COMPLAINT ARE CONSIDERED CONFIDENTIAL UNTIL THE COMPLAINT IS REFERRED BY A VOTE OF THE FULL COMMISSION AS PROVIDED IN SECTION 8-13-465. IF THE MATTER IS NOT REFERRED, IT REMAINS CONFIDENTIAL.**

**(B) THE RELEASE, IN ANY MANNER, OF ANY INFORMATION BY ANY PERSON IN VIOLATION OF SUBSECTION (A) IS A CONSIDERED A MISDEMEANOR AND, UPON CONVICTION, THE PERSON MUST BE FINED ONE THOUSAND DOLLARS OR IMPRISONED SIXTY DAYS, OR BOTH.**

**(C) THE COMMISSION IS AUTHORIZED THROUGH ITS STAFF TO PROSECUTE VIOLATIONS OF THIS SECTION BEFORE THE APPROPRIATE MAGISTRATE'S COURT OF RICHLAND COUNTY.**

**SECTION 8-13-445. A RESPONDENT, AT ANY TIME AFTER BEING NOTIFIED OF THE EXISTENCE OF A COMPLAINT AGAINST THEM, MAY WAIVE THEIR RIGHT TO CONFIDENTIALITY. THIS WAIVER MUST BE MADE IN WRITING AND SIGNED BY THE RESPONDENT OR THEIR COUNSEL. ALL WAIVERS ARE CONSIDERED COMPLETE AND SHALL APPLY TO ALL MATERIALS, EXCEPT INTERNAL COMMISSION COMMUNICATIONS OR ATTORNEY WORK PRODUCT UNRELATED TO THE STAFF'S INVESTIGATION OF THE COMPLAINT, THAT IS THE POSSESSION OF THE COMMISSION AND ITS STAFF. PARTIAL WAIVERS ARE NOT ALLOWED.**

**SECTION 8-13-450. UPON THE RECEIPT OF A COMPLAINT, THE DIRECTOR OF THE COMMISSION SHALL:**

**(1) WITHIN TEN BUSINESS DAYS FORWARD A COPY OF THE COMPLAINT AND ALL SUPPORTING EVIDENCE OR DOCUMENTATION SUBMITTED BY THE COMPLAINANT TO THE SUBJECT OF THE COMPLAINT;**

**(2) EVALUATE THE ALLEGATIONS OF THE COMPLAINT, ASSUMING ALL ALLEGED FACTS ARE ACCURATE, TO DETERMINE IF THE COMPLAINT CONTAINS AN ALLEGATION OF A VIOLATION OF LAW OR**

**RULE. IF THE COMPLAINT DOES NOT CONTAIN FACTS SUFFICIENT TO CONSTITUTE A VIOLATION OF LAW OR RULE, THE DIRECTOR SHALL CAUSE THE COMPLAINT TO BE DISMISSED AND NOTIFY THE COMPLAINANT AND RESPONDENT OF HIS DECISION, IN WRITING. IF THE MATTER IS DISMISSED, THE DIRECTOR SHALL HAVE NO FURTHER DUTIES RELATED TO THE SPECIFIC COMPLAINT;**

**(3) CAUSE A PANEL OF THREE COMMISSIONERS, WITH AT LEAST ONE FROM EACH OF THE APPOINTING AUTHORITIES, TO BE ASSIGNED TO OVERSEE THE COMMISSION'S INVESTIGATION OF THE COMPLAINT;**

**(4) NOTIFY THE RESPONDENT, IN WRITING, THAT THEY SHALL REPLY TO THE ALLEGATIONS IN WRITING WITHIN THIRTY CALENDAR DAYS OF THIS NOTIFICATION. THE DIRECTOR ALSO SHALL ADVISE THE RESPONDENT, IN WRITING, OF THEIR RIGHT TO OBTAIN COUNSEL AND THE INVESTIGATION AND HEARING PROCEDURES USED BY THE COMMISSION,**

**(5) CAUSE THE COMMISSION STAFF TO BEGIN THE INVESTIGATION OF THE COMPLAINT. STAFF ASSIGNED TO INVESTIGATE A COMPLAINT SHALL REPORT DIRECTLY TO THE THREE MEMBER PANEL ASSIGNED FOR THAT COMPLAINT.**

**SECTION 8-13-455. (A) THE STAFF MAY REQUEST AND RECEIVE INFORMATION IN ANY FORM FROM ANY PARTY RELEVANT TO THE COMPLAINT BEING INVESTIGATED.**

**(B) THE COMMISSION STAFF, THROUGH AN AFFIRMATIVE VOTE OF THE THREE MEMBER PANEL, MAY ISSUE SUBPOENAS TO TESTIFY AND SUBPOENAS FOR DOCUMENTS IN THE POSSESSION OF EITHER THE COMPLAINANT OR RESPONDENT IN A MATTER OR IN POSSESSION OF ANY RELEVANT WITNESS IDENTIFIED BY EITHER PARTY IN THEIR INITIAL FILING WITH THE COMMISSION.**

**(C) THE COMMISSION STAFF, THROUGH AN AFFIRMATIVE VOTE OF THE THREE MEMBER PANEL, MAY REQUEST THE ASSISTANCE OF**

**SPECIALIZED STAFF FROM THE DEPARTMENT OF REVENUE OR THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, AS THE MATTER MAY REQUIRE. UPON A REQUEST FROM THE COMMISSION, THE DEPARTMENT OF REVENUE OR SLED MAY TEMPORARILY ASSIGN THE NECESSARY STAFF TO THE COMMISSION. ANY TEMPORARILY ASSIGNED STAFF SHALL ABIDE BY THE POLICY AND PROCEDURES FOR INVESTIGATION SET OUT BY THE COMMISSION AND SHALL REPORT TO THE THREE MEMBER PANEL.**

**(D) THE STAFF, UNDER THE SUPERVISION OF THE THREE MEMBER PANEL, SHALL COMPILE THE RESULTS OF ITS INVESTIGATION, INCLUDING ALL SUPPORTING DOCUMENTATION, DEPOSITIONS, OR OTHER EVIDENCE FOR PRESENTATION TO THE FULL COMMISSION.**

**SECTION 8-13-460. (A) THE RESULTS OF AN INVESTIGATION BY THE THREE MEMBER PANEL, ALONG WITH THE COMPLAINT, RESPONDENTS RESPONSE, AND ALL DOCUMENTATION ACCOMPANYING BOTH, THEN MUST BE PRESENTED TO THE FULL COMMISSION IN EXECUTIVE SESSION, UNLESS THE RESPONDENT HAS WAIVED THEIR RIGHT TO CONFIDENTIALITY, BY THE COMMISSION STAFF.**

**(B) THE FULL COMMISSION SHALL CONSIDER WHETHER THE EVIDENCE PRESENTED HAS RAISED FACTS SUFFICIENT TO POTENTIALLY CONSTITUTE A VIOLATION OF LAW OR RULE, INCLUDING ANY TECHNICAL VIOLATIONS. THE COMMISSION THEN, BY A MAJORITY VOTE OF THE MEMBERSHIP, MAY REFER THE MATTER TO THE APPROPRIATE ENTITY HAVING JURISDICTION AS PROVIDED IN SECTION 8-13-465.**

**(C) THE COMMISSION IS NOT AUTHORIZED TO ADJUDICATE ANY ISSUES OR VIOLATIONS RAISED OR ALLEGED BY THE COMPLAINT.**

**SECTION 8-13-465. (A) IF A PERSON WHO IS THE SUBJECT OF THE COMMISSION'S INVESTIGATION IS A MEMBER OF THE GENERAL ASSEMBLY, THEIR STAFF, OR OTHER PERSON SUBJECT TO THE**

**JURISDICTION OF THE HOUSE OF REPRESENTATIVES OR SENATE ETHICS COMMITTEES IN REGARD TO ETHICAL CONDUCT, THAT MATTER UPON THE CONCLUSION OF THE COMMISSION'S INVESTIGATION MAY BE REFERRED TO THE APPROPRIATE ETHICS COMMITTEE FOR SUCH FURTHER ACTION AS IT CONSIDERS APPROPRIATE, CONSISTENT WITH THE PENALTY OR SANCTION PROVISIONS, IF ANY, PROVIDED BY LAW OR RULE FOR THAT CONDUCT.**

**(B) IF A PERSON WHO IS THE SUBJECT OF THE COMMISSION'S INVESTIGATION IS A MEMBER OF THE EXECUTIVE BRANCH OR WAS OTHERWISE SUBJECT TO THE JURISDICTION OF THE STATE ETHICS COMMISSION IN REGARD TO ETHICAL CONDUCT, THAT MATTER UPON CONCLUSION OF THE COMMISSION'S INVESTIGATION MAY BE REFERRED TO THE STATE ETHICS COMMISSION AND BROUGHT TO A CONCLUSION BY THE STATE ETHICS COMMISSION CONSISTENT WITH ANY PENALTIES OR SANCTIONS AUTHORIZED AND PROVIDED BY LAW FOR THAT CONDUCT.**

**(C) IF A PERSON WHO IS THE SUBJECT OF THE COMMISSION'S INVESTIGATION IS A MEMBER OF THE STATE JUDICIARY OR IS ANOTHER INDIVIDUAL SUBJECT TO THE JURISDICTION OF THE SUPREME COURT IN REGARD TO ETHICAL CONDUCT, THAT MATTER UPON THE CONCLUSION OF THE COMMISSION'S INVESTIGATION MAY BE REFERRED TO THE SUPREME COURT FOR SUCH FURTHER ACTION AS THE SUPREME COURT CONSIDERS APPROPRIATE, CONSISTENT WITH THE PENALTY OR SANCTION PROVISIONS, IF ANY, PROVIDED BY LAW OR RULE FOR THAT CONDUCT.**

**(D) THE COMMISSION MAY MAKE A REFERRAL AS PROVIDED IN THIS SECTION FOR FURTHER ACTION IF IT DETERMINES THE INVESTIGATION HAS RAISED FACTS SUFFICIENT TO POTENTIALLY CONSTITUTE A VIOLATION OF LAW OR OF RULE, INCLUDING ANY TECHNICAL VIOLATIONS. THE REFERRAL MUST BE ACCOMPANIED BY THE COMMISSION'S INVESTIGATION REPORT. IF A REFERRAL BY THE COMMISSION IS MADE, ALL RECORDS AND INFORMATION OF THE**

**COMMISSION RELATING TO THE COMPLAINTS, ITS INVESTIGATION, AND ITS INVESTIGATION REPORT BECOME PUBLIC INFORMATION. IF A REFERRAL IS NOT MADE, THE COMPLAINT IS CONSIDERED DISMISSED AND NO FURTHER ACTION REGARDING THE COMPLAINT MAY BE TAKEN. THE COMMISSION ALSO SHALL NOTIFY THE COMPLAINANT AND THE RESPONDENT OF ITS DECISION TO MAKE OR NOT MAKE A REFERRAL.**

**(E) NOTHING IN THIS SECTION OR ARTICLE PREVENTS THE COMMISSION AFTER COMPLETION OF ITS INVESTIGATION FROM REFERRING THE MATTER TO THE ATTORNEY GENERAL FOR FURTHER ACTION RATHER THAN TO THE APPROPRIATE ENTITY REQUIRED BY THIS SECTION WHERE A CRIMINAL VIOLATION MAY HAVE OCCURRED BASED ON THE RESULTS OF THE INVESTIGATION**

**SECTION 8-13-470. THE COMMISSION MAY EMPLOY AND REMOVE, AT ITS PLEASURE, A DIRECTOR. THE DIRECTOR HAS THE RESPONSIBILITY FOR EMPLOYING AND TERMINATING OTHER PERSONNEL AS MAY BE NECESSARY. THE DIRECTOR ADMINISTERS THE DAILY BUSINESS OF THE COMMISSION AND PERFORMS DUTIES ASSIGNED BY THE COMMISSION.**

**SECTION 8-13-475. WHEN HIRED, FILING FOR OFFICE, OR APPOINTED AND UPON ASSUMING THE DUTIES OF EMPLOYMENT, OFFICE, OR POSITION IN STATE GOVERNMENT, A PUBLIC OFFICIAL, PUBLIC MEMBER, AND PUBLIC EMPLOYEE SHALL RECEIVE A BROCHURE PREPARED BY THE COMMISSION DESCRIBING THE GENERAL APPLICATION OF THIS CHAPTER.**

**SECTION 8-13-480. 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 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 8-13-485. THE COMMISSION SHALL ESTABLISH A SYSTEM OF ELECTRONIC FILING FOR ALL DISCLOSURES AND REPORTS REQUIRED PURSUANT TO CHAPTER 13, TITLE 8 AND CHAPTER 17, TITLE 2 FROM ALL PERSONS AND ENTITIES SUBJECT TO ITS JURISDICTION. THESE DISCLOSURES AND REPORTS MUST BE FILED USING AN INTERNET-BASED FILING SYSTEM 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 3. (A) THE EMPLOYEES, ASSETS, AND LIABILITIES OF THE STATE ETHICS COMMISSION ARE TRANSFERRED TO THE NEWLY CREATED SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE ON THE EFFECTIVE DATE OF ARTICLE 4, CHAPTER 13, TITLE 8. THE EXECUTIVE DIRECTOR OF THE STATE ETHICS COMMISSION ON THE EFFECTIVE DATE OF ARTICLE 4, CHAPTER 13, TITLE 8 SHALL BECOME THE DIRECTOR OF THE COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE.**

**(B) BOTH THE STATE ETHICS COMMISSION, THE NEWLY CREATED COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE, AND THEIR STAFFS SHALL MEET AND BE PROVIDED SPACE AT THE OFFICES OF THE STATE ETHICS COMMISSION.**

**(C) REGULATIONS PROMULGATED BY THE STATE ETHICS COMMISSION ARE CONTINUED AND ARE CONSIDERED TO BE PROMULGATED BY THE NEWLY CREATED SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE.**

**SECTION 4. ARTICLE 3, CHAPTER 13, TITLE 8 OF THE 1976 CODE IS AMENDED TO READ:**

**“ARTICLE 3**

**STATE ETHICS COMMISSION**

**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) THERE IS CREATED THE STATE ETHICS COMMISSION COMPOSED OF NINE MEMBERS APPOINTED BY THE GOVERNOR, UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY. ONE MEMBER SHALL REPRESENT EACH OF THE SEVEN CONGRESSIONAL DISTRICTS, AND TWO MEMBERS MUST BE APPOINTED FROM THE STATE AT LARGE. 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) THE TERMS OF THE MEMBERS ARE FOR FIVE YEARS AND UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFY. 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 HAVE COMPLETED A FULL FIVE-YEAR TERM ARE NOT ELIGIBLE FOR REAPPOINTMENT.**

**(D) 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.

**SECTION 8-13-320. (A) BEGINNING JULY 1, 2015, THE STATE ETHICS COMMISSION HAS THE DUTY AND POWER TO ADJUDICATE COMPLAINT REFERRALS FROM THE COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE AS PROVIDED IN SECTION 8-13-465 AND ALSO HAS THE POWER AND DUTY TO IMPOSE PENALTIES OR OTHER PUNISHMENTS AS AUTHORIZED IN THIS CHAPTER IN REGARD TO VIOLATIONS FOUND WHICH RESULT THEREFROM. OTHERWISE, THE DUTIES AND FUNCTIONS OF THE STATE ETHICS COMMISSION UNDER THIS CHAPTER, UNLESS OTHERWISE STATED, ARE DEVOLVED UPON THE COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE AND THE PROVISIONS OF THIS CHAPTER SHALL BE CONSTRUED ACCORDINGLY AND SHALL APPLY MUTATIS MUTANDIS.**

**(B) BEGINNING JULY 1, 2015, THE STATE ETHICS COMMISSION HAS THESE DUTIES AND POWERS:**

~~(1) TO PRESCRIBE FORMS FOR STATEMENTS REQUIRED TO BE FILED BY THIS CHAPTER AND TO FURNISH THESE FORMS TO PERSONS REQUIRED TO FILE THEM;~~

~~(2) TO PREPARE AND PUBLISH A MANUAL SETTING FORTH RECOMMENDED UNIFORM METHODS OF REPORTING FOR USE BY PERSONS REQUIRED TO FILE STATEMENTS REQUIRED BY THIS CHAPTER;~~

~~(3) TO ACCEPT AND FILE INFORMATION VOLUNTARILY SUPPLIED THAT EXCEEDS THE REQUIREMENTS OF THIS CHAPTER;~~

~~(4) TO DEVELOP A FILING, CODING, AND CROSS-INDEXING SYSTEM CONSONANT WITH THE PURPOSES OF THIS CHAPTER;~~

~~(5) TO MAKE THE NOTICES OF REGISTRATION AND REPORTS FILED AVAILABLE FOR PUBLIC INSPECTION AND COPYING AS SOON AS MAY BE PRACTICABLE AFTER RECEIPT OF THEM AND TO PERMIT COPYING OF A REPORT OR STATEMENT BY HAND OR BY DUPLICATING~~

~~MACHINE, AS REQUESTED BY A PERSON, AT THE EXPENSE OF THE PERSON;~~

~~(6)(1) TO PRESERVE THE ORIGINALS OR COPIES OF NOTICES AND REPORTS FOR FOUR YEARS FROM DATE OF RECEIPT;~~

~~(7) TO ASCERTAIN WHETHER A PERSON HAS FAILED TO COMPLY FULLY AND ACCURATELY WITH THE DISCLOSURE REQUIREMENTS OF THIS CHAPTER AND PROMPTLY TO NOTIFY THE PERSON TO FILE THE NECESSARY NOTICES AND REPORTS TO SATISFY THE REQUIREMENTS OF THIS CHAPTER OR REGULATIONS PROMULGATED BY THE COMMISSION UNDER THIS CHAPTER;~~

~~(8)(2) TO REQUEST THE ATTORNEY GENERAL, IN THE NAME OF THE COMMISSION, TO INITIATE, PROSECUTE, DEFEND, OR APPEAR IN A CIVIL OR CRIMINAL ACTION FOR THE PURPOSE OF ENFORCING THE PROVISIONS OF THIS CHAPTER, INCLUDING A CIVIL PROCEEDING FOR INJUNCTIVE RELIEF AND PRESENTATION TO A GRAND JURY. ACTION MAY NOT BE TAKEN ON A COMPLAINT FILED MORE THAN FOUR YEARS AFTER THE VIOLATION IS ALLEGED TO HAVE OCCURRED UNLESS A PERSON, BY FRAUD OR OTHER DEVICE, PREVENTS DISCOVERY OF THE VIOLATION. THE ATTORNEY GENERAL MAY INITIATE AN ACTION TO RECOVER A FEE, COMPENSATION, GIFT, OR PROFIT RECEIVED BY A PERSON AS A RESULT OF A VIOLATION OF THE CHAPTER NO LATER THAN ONE YEAR AFTER A DETERMINATION BY THE COMMISSION THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED;~~

~~(9) TO INITIATE OR RECEIVE COMPLAINTS AND MAKE INVESTIGATIONS, AS PROVIDED IN ITEM (10), 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.~~

~~(A) THE COMMISSION MAY COMMENCE AN INVESTIGATION ON THE FILING OF A COMPLAINT BY AN INDIVIDUAL OR BY THE COMMISSION, AS PROVIDED IN ITEM (10)(D), UPON A MAJORITY VOTE OF THE TOTAL MEMBERSHIP OF THE COMMISSION.~~

~~(B)(1) NO COMPLAINT MAY BE ACCEPTED BY THE COMMISSION CONCERNING A CANDIDATE FOR ELECTIVE OFFICE DURING THE FIFTY-DAY PERIOD BEFORE AN ELECTION IN WHICH HE 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 ATTORNEYS 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.~~

~~(2) ACTION ON A COMPLAINT FILED AGAINST A CANDIDATE WHICH WAS RECEIVED MORE THAN FIFTY DAYS BEFORE THE ELECTION BUT WHICH CANNOT BE DISPOSED OF OR DISMISSED BY THE COMMISSION AT LEAST THIRTY DAYS BEFORE THE ELECTION MUST BE POSTPONED UNTIL AFTER THE ELECTION.~~

~~(C) IF AN ALLEGED VIOLATION IS FOUND TO BE GROUNDLESS BY THE COMMISSION, THE ENTIRE MATTER MUST BE STRICKEN FROM PUBLIC RECORD. 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, 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 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.~~

~~(D) ACTION MAY NOT BE TAKEN ON A COMPLAINT FILED MORE THAN FOUR YEARS AFTER THE VIOLATION IS ALLEGED TO HAVE OCCURRED UNLESS A PERSON, BY FRAUD OR OTHER DEVICE, PREVENTS DISCOVERY OF THE VIOLATION. THE ATTORNEY GENERAL MAY INITIATE AN ACTION TO RECOVER A FEE, COMPENSATION, GIFT, OR PROFIT RECEIVED BY A PERSON AS A RESULT OF A VIOLATION OF THE CHAPTER NO LATER THAN ONE YEAR AFTER A DETERMINATION BY THE COMMISSION THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED;~~

~~(10)(3)~~ TO CONDUCT ITS INVESTIGATIONS, INQUIRIES, AND HEARINGS IN THIS MANNER:

~~(A) THE COMMISSION SHALL ACCEPT FROM AN INDIVIDUAL, WHETHER PERSONALLY OR ON BEHALF OF AN ORGANIZATION OR GOVERNMENTAL BODY, A VERIFIED COMPLAINT, IN WRITING, THAT STATES THE NAME OF A PERSON ALLEGED TO HAVE COMMITTED A VIOLATION OF THIS CHAPTER AND THE PARTICULARS OF THE VIOLATION. 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.~~

~~(B) IF THE COMMISSION OR ITS EXECUTIVE DIRECTOR DETERMINES THAT THE COMPLAINT DOES NOT ALLEGE FACTS SUFFICIENT TO CONSTITUTE A VIOLATION, THE COMMISSION MUST DISMISS THE COMPLAINT AND NOTIFY THE COMPLAINANT AND RESPONDENT. THE ENTIRE MATTER MUST BE STRICKEN FROM PUBLIC RECORD UNLESS THE RESPONDENT, BY WRITTEN AUTHORIZATION TO THE STATE ETHICS COMMISSION, WAIVES THE CONFIDENTIALITY OF THE EXISTENCE OF THE COMPLAINT AND AUTHORIZES THE RELEASE OF INFORMATION ABOUT THE DISPOSITION OF THE COMPLAINT.~~

~~(C) IF THE COMMISSION OR ITS EXECUTIVE DIRECTOR DETERMINES THAT THE COMPLAINT ALLEGES FACTS SUFFICIENT TO CONSTITUTE A VIOLATION, AN INVESTIGATION MAY BE CONDUCTED OF THE ALLEGED VIOLATION.~~

~~(D)~~(A) IF THE COMMISSION, UPON THE RECEIPT OF ANY INFORMATION A REFERRAL FROM THE COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE AS PROVIDED IN SECTION 8-13-465, FINDS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION OF THE CHAPTER HAS OCCURRED, IT MAY, UPON ITS OWN MOTION AND AN AFFIRMATIVE VOTE OF THE MAJORITY OF THE TOTAL MEMBERSHIP OF

**THE COMMISSION, FILE A VERIFIED COMPLAINT, IN WRITING, THAT STATES THE NAME OF THE PERSON ALLEGED TO HAVE COMMITTED A VIOLATION OF THIS CHAPTER AND THE PARTICULARS OF THE VIOLATION. 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.**

**~~(E)~~(B) IF THE COMMISSION DETERMINES THAT ASSISTANCE IS NEEDED IN CONDUCTING ~~AN INVESTIGATION~~ A HEARING, THE COMMISSION SHALL REQUEST THE ASSISTANCE OF APPROPRIATE AGENCIES.**

**~~(F)~~(C) 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, SUBJECT TO JUDICIAL ENFORCEMENT, AND ISSUE SUBPOENAS FOR THE PROCUREMENT OF WITNESSES AND MATERIALS INCLUDING BOOKS, PAPERS, RECORDS, DOCUMENTS, OR OTHER TANGIBLE OBJECTS RELEVANT TO THE AGENCY'S INVESTIGATION BY APPROVAL OF THE CHAIRMAN, SUBJECT TO JUDICIAL ENFORCEMENT. 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 UNDER THIS SECTION.**

**~~(G)~~(D) ALL ~~INVESTIGATIONS, INQUIRIES, HEARINGS, AND ACCOMPANYING DOCUMENTS MUST REMAIN CONFIDENTIAL UNTIL A FINDING OF PROBABLE CAUSE OR DISMISSAL UNLESS THE RESPONDENT WAIVES THE RIGHT TO CONFIDENTIALITY. THE WILFUL RELEASE OF~~**

~~CONFIDENTIAL INFORMATION IS A MISDEMEANOR, AND ANY PERSON  
RELEASING CONFIDENTIAL INFORMATION, UPON CONVICTION, MUST BE  
FINED NOT MORE THAN ONE THOUSAND DOLLARS OR IMPRISONED NOT  
MORE THAN ONE YEAR~~ ARE OPEN TO THE PUBLIC OR ARE CONSIDERED  
TO BE PUBLIC INFORMATION UPON THE REFERRAL OF A MATTER TO  
THE COMMISSION AS PROVIDED IN SECTION 8-13-465.

~~(H)~~(E) THE COMMISSION MUST AFFORD A PUBLIC OFFICIAL, PUBLIC MEMBER, PUBLIC EMPLOYEE, LOBBYIST, OR LOBBYIST'S PRINCIPAL WHO IS THE SUBJECT OF A COMPLAINT THE OPPORTUNITY TO BE HEARD ON THE ALLEGED VIOLATION UNDER OATH, THE OPPORTUNITY TO OFFER INFORMATION, AND THE APPROPRIATE DUE PROCESS RIGHTS INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO COUNSEL. THE COMMISSION, IN ITS DISCRETION, MAY TURN OVER TO THE ATTORNEY GENERAL FOR PROSECUTION APPARENT EVIDENCE OF A VIOLATION OF THE CHAPTER.

~~(H)~~(F) ~~AT THE CONCLUSION OF ITS INVESTIGATION~~ UPON A REFERRAL FROM THE COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE AS PROVIDED IN SECTION 8-13-465, THE COMMISSION STAFF, IN A PRELIMINARY WRITTEN DECISION WITH FINDINGS OF FACT AND CONCLUSIONS OF LAW, MUST MAKE A RECOMMENDATION WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED. IF THE COMMISSION DETERMINES THAT PROBABLE CAUSE DOES NOT EXIST, IT SHALL SEND A WRITTEN DECISION WITH FINDINGS OF FACT AND CONCLUSIONS OF LAW TO THE RESPONDENT AND THE COMPLAINANT. IF THE COMMISSION DETERMINES THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION HAS BEEN COMMITTED, ITS PRELIMINARY DECISION MAY CONTAIN AN ORDER SETTING FORTH A DATE FOR A HEARING BEFORE A PANEL OF THREE COMMISSIONERS, SELECTED AT RANDOM, TO DETERMINE WHETHER A VIOLATION OF THE CHAPTER HAS OCCURRED. IF THE COMMISSION FINDS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED, THE COMMISSION MAY

**WAIVE FURTHER PROCEEDINGS IF THE RESPONDENT TAKES ACTION TO REMEDY OR CORRECT THE ALLEGED VIOLATION.**

**~~(F)~~(G) 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)~~(C). 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.**

**~~(K)~~(H) NO LATER THAN SIXTY DAYS AFTER THE CONCLUSION OF A HEARING TO DETERMINE WHETHER A VIOLATION OF THE CHAPTER HAS OCCURRED, THE COMMISSION PANEL MUST SET FORTH ITS DETERMINATION IN A WRITTEN DECISION WITH FINDINGS OF FACT AND CONCLUSIONS OF LAW. THE COMMISSION PANEL, WHERE APPROPRIATE, SHALL RECOMMEND DISCIPLINARY OR ADMINISTRATIVE ACTION, OR IN THE CASE OF AN ALLEGED CRIMINAL VIOLATION, REFER THE MATTER TO THE ATTORNEY GENERAL FOR APPROPRIATE ACTION.**

**THE ATTORNEY GENERAL MAY SEEK INJUNCTIVE RELIEF OR MAY TAKE OTHER APPROPRIATE ACTION AS NECESSARY. IN THE CASE OF A PUBLIC EMPLOYEE, THE COMMISSION PANEL SHALL FILE A REPORT TO THE ADMINISTRATIVE DEPARTMENT EXECUTIVE RESPONSIBLE FOR THE ACTIVITIES OF THE EMPLOYEE. IF THE COMPLAINT IS FILED AGAINST AN ADMINISTRATIVE DEPARTMENT EXECUTIVE, THE COMMISSION PANEL SHALL REFER THE CASE TO THE GOVERNOR.**

**~~(H)~~(I) THE WRITTEN DECISION AS PROVIDED FOR IN SUBITEM ~~(K)~~(H) MAY SET FORTH AN ORDER:**

**(I) REQUIRING THE PUBLIC OFFICIAL, PUBLIC MEMBER, OR PUBLIC EMPLOYEE TO PAY A CIVIL PENALTY OF NOT MORE THAN TWO THOUSAND DOLLARS FOR EACH VIOLATION;**

**(II) REQUIRING THE FORFEITURE OF GIFTS, RECEIPTS, OR PROFITS, OR THE VALUE THEREOF, OBTAINED IN VIOLATION OF THE CHAPTER, VOIDING NONLEGISLATIVE STATE ACTION OBTAINED IN VIOLATION OF THE CHAPTER; OR**

**(III) REQUIRING A COMBINATION OF SUBITEMS (I) AND (II) ABOVE, AS NECESSARY AND APPROPRIATE.**

**~~(M)~~(J) WITHIN TEN DAYS AFTER SERVICE OF AN ORDER, REPORT, OR RECOMMENDATION, A RESPONDENT MAY APPLY TO THE COMMISSION FOR A FULL COMMISSION REVIEW OF THE DECISION MADE BY THE COMMISSION PANEL. THE REVIEW MUST BE MADE ON THE RECORD ESTABLISHED IN THE PANEL HEARINGS. THIS REVIEW IS THE FINAL DISPOSITION OF THE COMPLAINT BEFORE THE COMMISSION. AN APPEAL TO THE COURT OF APPEALS, PURSUANT TO SECTION 1-23-380 AND AS PROVIDED IN THE SOUTH CAROLINA APPELLATE COURT RULES, STAYS ALL ACTIONS AND RECOMMENDATIONS OF THE COMMISSION UNLESS OTHERWISE DETERMINED BY THE COURT.**

**~~(N)~~(K) A FINE IMPOSED BY THE COMMISSION, DISCIPLINARY ACTION TAKEN BY AN APPROPRIATE AUTHORITY, OR A DETERMINATION NOT TO TAKE DISCIPLINARY ACTION MADE BY AN APPROPRIATE AUTHORITY IS PUBLIC RECORD. THIS SECTION DOES NOT**

LIMIT THE POWER OF EITHER CHAMBER OF THE GENERAL ASSEMBLY TO IMPEACH A PUBLIC OFFICIAL OR LIMIT THE POWER OF A DEPARTMENT TO DISCIPLINE ITS OWN OFFICIALS OR EMPLOYEES. THIS SECTION DOES NOT PRECLUDE PROSECUTION OF PUBLIC OFFICIALS, PUBLIC MEMBERS, OR PUBLIC EMPLOYEES FOR VIOLATION OF ANY LAW OF THIS STATE.

~~(O)~~(L) ALL ACTIONS TAKEN BY THE COMMISSION ON COMPLAINTS, EXCEPT ON ALLEGED VIOLATIONS WHICH ARE FOUND TO BE GROUNDLESS BY THE COMMISSION, ARE A MATTER OF PUBLIC RECORD UPON FINAL DISPOSITION;

~~(11) TO ISSUE, UPON REQUEST FROM PERSONS COVERED BY THIS CHAPTER, AND PUBLISH ADVISORY OPINIONS ON THE REQUIREMENTS OF THIS CHAPTER, BASED ON REAL OR HYPOTHETICAL SETS OF CIRCUMSTANCES; PROVIDED, THAT AN OPINION RENDERED BY THE COMMISSION, UNTIL AMENDED OR REVOKED, IS BINDING ON THE COMMISSION IN ANY SUBSEQUENT CHARGES CONCERNING THE PERSON WHO REQUESTED THE OPINION AND WHO ACTED IN RELIANCE ON IT IN GOOD FAITH UNLESS MATERIAL FACTS WERE OMITTED OR MISSTATED BY THE PERSON IN THE REQUEST FOR THE OPINION. ADVISORY OPINIONS MUST BE IN WRITING AND ARE CONSIDERED RENDERED WHEN APPROVED BY FIVE OR MORE COMMISSION MEMBERS SUBSCRIBING TO THE ADVISORY OPINION. ADVISORY OPINIONS MUST BE MADE AVAILABLE TO THE PUBLIC UNLESS THE COMMISSION, BY MAJORITY VOTE OF THE TOTAL MEMBERSHIP OF THE COMMISSION, REQUIRES AN OPINION TO REMAIN CONFIDENTIAL. HOWEVER, THE IDENTITIES OF THE PARTIES INVOLVED MUST BE WITHHELD UPON REQUEST;~~

~~(12)~~(4) TO PROMULGATE AND PUBLISH RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS CHAPTER. PROVIDED, THAT WITH RESPECT TO ~~COMPLAINTS, INVESTIGATIONS, AND HEARINGS,~~ THE RIGHTS OF DUE PROCESS AS EXPRESSED IN THE RULES GOVERNING THE PRACTICE OF LAW MUST BE FOLLOWED;

~~(13)~~(5) ON AND AFTER JULY 1, 1993, TO ADMINISTER CHAPTER 17 OF TITLE 2 BY USE OF THE DUTIES AND POWERS LISTED IN THIS SECTION IN REGARD TO PUNISHMENT FOR VIOLATIONS OF THESE PROVISIONS AND THE ADJUDICATION OF ALLEGED VIOLATIONS;

~~(14)~~(6) TO FILE, IN THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH THE RESPONDENT OF A COMPLAINT RESIDES, A CERTIFIED COPY OF AN ORDER OR DECISION OF THE COMMISSION, WHEREUPON THE COURT MUST RENDER JUDGMENT IN ACCORDANCE WITH THE ORDER OR DECISION WITHOUT CHARGE TO THE COMMISSION AND MUST NOTIFY THE RESPONDENT OF THE JUDGMENT IMPOSED. THE JUDGMENT HAS THE SAME EFFECT AS THOUGH IT HAD BEEN RENDERED IN A CASE DULY HEARD AND DETERMINED BY THE COURT.

**SECTION 8-13-325.** IN ORDER TO OFFSET COSTS ASSOCIATED WITH THE: (1) ADMINISTRATION AND REGULATION OF LOBBYISTS AND LOBBYIST'S PRINCIPALS, AND (2) ENFORCEMENT OF CHAPTER 17 OF TITLE 2, THE STATE ETHICS COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE SHALL RETAIN FEES GENERATED BY THE REGISTRATION OF LOBBYISTS AND LOBBYISTS' PRINCIPALS AND THE INITIAL FINE OF ONE HUNDRED DOLLARS, AS PROVIDED IN SECTION 2-17-50(A)(2)(A), AND THE INITIAL FINE OF ONE HUNDRED DOLLARS, AS PROVIDED IN SECTION 8-13-1510(1), FOR REPORTS RECEIVED BY THE STATE ETHICS COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE.

**SECTION 8-13-330.** (A) THE COMMISSION MAY EMPLOY AND REMOVE SUCH STAFF AS MAY BE AUTHORIZED AND PROVIDED BY THE GENERAL ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATIONS ACT, ~~AT ITS PLEASURE, AN EXECUTIVE DIRECTOR. THE EXECUTIVE DIRECTOR HAS THE RESPONSIBILITY FOR EMPLOYING AND TERMINATING OTHER PERSONNEL AS MAY BE NECESSARY. THE~~

~~EXECUTIVE DIRECTOR ADMINISTERS THE DAILY BUSINESS OF THE COMMISSION AND PERFORMS DUTIES ASSIGNED BY THE COMMISSION.~~

**(B) NO MEMBER OR EMPLOYEE OF THE STATE ETHICS COMMISSION MAY BE A CANDIDATE, AN OFFICIAL IN A POLITICAL PARTY, OR A LOBBYIST. OTHER THAN BY VIRTUE OF MEMBERSHIP ON OR EMPLOYMENT WITH THE STATE ETHICS COMMISSION, NO MEMBER OR EMPLOYEE OF THE STATE ETHICS COMMISSION MAY BE A PUBLIC OFFICIAL, PUBLIC MEMBER, OR PUBLIC EMPLOYEE.**

**(C) NO MEMBER OF THE STATE ETHICS COMMISSION OR ITS STAFF MAY PARTICIPATE IN POLITICAL MANAGEMENT OR IN A POLITICAL CAMPAIGN DURING THE MEMBER'S OR EMPLOYEE'S TERM OF OFFICE OR EMPLOYMENT. NO MEMBER OF THE STATE ETHICS COMMISSION OR ITS STAFF MAY MAKE A CONTRIBUTION TO A CANDIDATE OR KNOWINGLY ATTEND A FUNDRAISER HELD FOR THE BENEFIT OF A CANDIDATE. VIOLATION OF THIS PROVISION SUBJECTS THE EMPLOYEE TO IMMEDIATE DISMISSAL AND THE COMMISSIONER TO REMOVAL BY THE GOVERNOR.**

**SECTION 8-13-340. THE STATE ETHICS COMMISSION AT THE CLOSE OF EACH FISCAL YEAR SHALL REPORT TO THE GENERAL ASSEMBLY AND THE GOVERNOR CONCERNING THE ACTION IT HAS TAKEN, THE NAMES, SALARIES, AND DUTIES OF ALL PERSONS IN ITS EMPLOY, AND THE MONEY IT HAS DISBURSED AND SHALL MAKE OTHER REPORTS ON MATTERS WITHIN ITS JURISDICTION AND RECOMMENDATIONS FOR FURTHER LEGISLATION AS MAY APPEAR DESIRABLE.**

~~SECTION 8-13-350. WHEN HIRED, FILING FOR OFFICE, OR APPOINTED AND UPON ASSUMING THE DUTIES OF EMPLOYMENT, OFFICE, OR POSITION IN STATE GOVERNMENT, A PUBLIC OFFICIAL, PUBLIC MEMBER, AND PUBLIC EMPLOYEE SHALL RECEIVE A BROCHURE~~

~~PREPARED BY THE STATE ETHICS COMMISSION DESCRIBING THE GENERAL APPLICATION OF THIS CHAPTER.~~

~~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 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 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 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 5. ARTICLE 5, CHAPTER 13, TITLE 8 OF THE 1976 CODE IS AMENDED TO READ:**

## **“ARTICLE 5**

## SENATE AND HOUSE OF REPRESENTATIVES ETHICS COMMITTEES

**SECTION 8-13-510.** THERE IS CREATED A HOUSE OF REPRESENTATIVES LEGISLATIVE ETHICS COMMITTEE AND A SENATE LEGISLATIVE ETHICS COMMITTEE. EACH ETHICS COMMITTEE IS COMPOSED OF SIX MEMBERS UNLESS OTHERWISE PROVIDED BY RULE OF THE RESPECTIVE HOUSE. 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.

**SECTION 8-13-520.** EACH ETHICS COMMITTEE SHALL MEET AND RECOMMEND ANY CHANGES IN THE LAW OR RULES RELATING TO ETHICS CONSIDERED PROPER TO THEIR RESPECTIVE HOUSES. CHANGES RECOMMENDED MUST BE CONSISTENT WITH THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA, THE PROVISIONS OF THIS CHAPTER, AND ANY OTHER APPLICABLE LAW.

**SECTION 8-13-530.** (A) BEGINNING JULY 1, 2015, THE ETHICS COMMITTEES OF THE HOUSE AND SENATE HAVE THE DUTY AND POWER TO ADJUDICATE COMPLAINT REFERRALS FROM THE COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE AS PROVIDED IN SECTION 8-13-465 AND ALSO HAVE THE POWER AND DUTY TO IMPOSE PENALTIES OR OTHER PUNISHMENTS AS AUTHORIZED IN THIS ARTICLE IN REGARD TO VIOLATIONS FOUND WHICH RESULT THEREFROM. OTHERWISE, THE DUTIES AND FUNCTIONS OF THE ETHICS COMMITTEES OF THE HOUSE AND SENATE UNDER THIS CHAPTER, UNLESS OTHERWISE STATED, ARE

DEVOLVED UPON THE COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE AND THE PROVISIONS OF THIS CHAPTER SHALL BE CONSTRUED ACCORDINGLY AND SHALL APPLY MUTATIS MUTANDIS.

**(B) 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;~~

~~(4)(1) RECEIVE AND HEAR, UPON A REFERRAL FROM THE COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE AS PROVIDED IN SECTION 8-13-465, A COMPLAINT WHICH ALLEGES A BREACH OF A PRIVILEGE GOVERNING A MEMBER OR STAFF OF 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. NO COMPLAINT MAY 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)(2) OBTAIN INFORMATION AND INVESTIGATE 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 IF NECESSARY BY SUBPOENA IN CONDUCTING HEARINGS THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF PERTINENT BOOKS AND PAPERS;~~

~~(6)(3) ADMINISTER OR RECOMMEND SANCTIONS APPROPRIATE TO A PARTICULAR MEMBER OR STAFF OF OR CANDIDATE FOR THE APPROPRIATE HOUSE PURSUANT TO SECTION 8-13-540 OR DISMISS THE CHARGES; AND~~

~~(7)(4) 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.~~

~~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.~~

(1) IF AFTER SUCH PRELIMINARY INVESTIGATION RECEIPT OF A REFERRAL FROM THE COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE AS PROVIDED IN SECTION 8-13-465, 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 ON A MATTER ARE CONFIDENTIAL UNTIL RECEIPT OF A REFERRAL FROM THE COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE AS PROVIDED IN SECTION 8-13-465. 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 OPEN 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.**

**SECTION 8-13-550. (A) UPON RECEIPT OF A RECOMMENDATION OF EXPULSION OR AN APPEAL FROM AN ORDER OF THE ETHICS COMMITTEE MADE PURSUANT TO THE PROVISIONS OF SECTION 8-13-540, THE PRESIDING OFFICER OF THE HOUSE OR SENATE SHALL CALL THE HOUSE OR SENATE INTO OPEN SESSION AT A TIME TO BE DETERMINED AT HIS DISCRETION OR IN EXECUTIVE SESSION IF THE HOUSE OR SENATE CHOOSES, AS A COMMITTEE OF THE WHOLE, TO CONSIDER THE ACTION OF THE ETHICS COMMITTEE. THE HOUSE OR SENATE SHALL SUSTAIN OR OVERRULE THE ETHICS COMMITTEE'S ACTION OR ORDER OTHER ACTION CONSISTENT WITH THIS CHAPTER OR CHAPTER 17 OF TITLE 2.**

**(B) UPON CONSIDERATION OF AN ETHICS COMMITTEE REPORT BY THE HOUSE OR THE SENATE, WHETHER IN EXECUTIVE OR OPEN SESSION, THE RESULTS OF THE CONSIDERATION, EXCEPT IN THE CASE OF THE ISSUANCE OF A PRIVATE REPRIMAND, ARE A MATTER OF PUBLIC RECORD.**

**SECTION 8-13-560. UNLESS OTHERWISE CURRENTLY OR HEREAFTER PROVIDED FOR BY HOUSE OR SENATE RULE, AS IS APPROPRIATE:**

**(1) A MEMBER OF THE GENERAL ASSEMBLY WHO IS INDICTED IN A STATE COURT OR A FEDERAL COURT FOR A CRIME THAT IS A FELONY, A CRIME THAT INVOLVES MORAL TURPITUDE, A CRIME THAT HAS A SENTENCE OF TWO OR MORE YEARS, OR A CRIME THAT VIOLATES ELECTION LAWS MUST BE SUSPENDED IMMEDIATELY WITHOUT PAY BY THE PRESIDING OFFICER OF THE HOUSE OR SENATE, AS APPROPRIATE. THE SUSPENSION REMAINS IN EFFECT UNTIL THE PUBLIC OFFICIAL IS ACQUITTED, CONVICTED, PLEADS GUILTY, OR PLEADS NOLO CONTENDERE. IN THE CASE OF A CONVICTION, THE OFFICE MUST BE DECLARED VACANT. IN THE EVENT OF AN ACQUITTAL OR DISMISSAL OF CHARGES AGAINST THE PUBLIC OFFICIAL, HE IS ENTITLED TO REINSTATEMENT AND BACK PAY.**

**(2) IF THE PUBLIC OFFICIAL IS INVOLVED IN AN ELECTION BETWEEN THE TIME OF THE SUSPENSION AND FINAL CONCLUSION OF THE INDICTMENT, THE PRESIDING OFFICER OF THE HOUSE OR SENATE, OR THE GOVERNOR, AS APPROPRIATE, SHALL AGAIN SUSPEND HIM AT THE BEGINNING OF HIS NEXT TERM. THE SUSPENDED PUBLIC OFFICIAL MAY NOT PARTICIPATE IN THE BUSINESS OF HIS PUBLIC OFFICE.”**

**SECTION 6. SECTION 8-13-100(5) AND (9) 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. 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.**

**(9) ‘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, ~~AS DEFINED IN SECTION 8-13-1300(6), FOR THE PURPOSE OF INFLUENCING~~ TO INFLUENCE AN ELECTION; OR PAYMENT OR COMPENSATION FOR THE PERSONAL SERVICE OF ANOTHER PERSON WHICH IS RENDERED ~~FOR ANY PURPOSE~~ TO INFLUENCE AN ELECTION WHETHER ANY OF THE ABOVE ARE MADE OR OFFERED DIRECTLY OR INDIRECTLY. ‘CONTRIBUTION’ DOES NOT INCLUDE 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.”**

**SECTION 7. SECTION 8-13-740(A)(2)(C) OF THE 1976 CODE, AS LAST AMENDED BY ACT 181 OF 1993, IS FURTHER AMENDED TO READ:**

**“(C) IN A CONTESTED CASE OR A MATTER THAT MAY BECOME A CONTESTED CASE, AS DEFINED IN SECTION 1-23-310, EXCLUDING A CONTESTED CASE FOR A RATE OR PRICE FIXING MATTER BEFORE THE SOUTH CAROLINA PUBLIC SERVICE COMMISSION OR SOUTH CAROLINA DEPARTMENT OF INSURANCE, OR IN AN AGENCY’S CONSIDERATION OF THE DRAFTING AND PROMULGATION OF REGULATIONS UNDER CHAPTER 23, ~~OF~~ TITLE 1 IN A PUBLIC HEARING.”**

**SECTION 8. SECTION 8-13-745 OF THE 1976 CODE, AS ADDED BY ACT 248 OF 1991, IS AMENDED TO READ:**

**“SECTION 8-13-745. (A) NO MEMBER OF THE GENERAL ASSEMBLY ~~OR AN INDIVIDUAL WITH WHOM HE IS ASSOCIATED~~ OR BUSINESS WITH WHICH HE IS ASSOCIATED MAY REPRESENT A CLIENT FOR A FEE IN A CONTESTED CASE, AS DEFINED IN SECTION 1-23-310, BEFORE AN AGENCY, A COMMISSION, BOARD, DEPARTMENT, OR OTHER ENTITY IF THE MEMBER OF THE GENERAL ASSEMBLY HAS VOTED IN THE ELECTION, APPOINTMENT, RECOMMENDATION, OR CONFIRMATION OF A MEMBER OF THE GOVERNING BODY OF THE AGENCY, BOARD, DEPARTMENT, OR OTHER ENTITY WITHIN THE TWELVE PRECEDING MONTHS.**

**(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AFTER THE EFFECTIVE DATE OF THIS SECTION, NO MEMBER OF THE GENERAL ASSEMBLY ~~OR ANY INDIVIDUAL WITH WHOM HE IS ASSOCIATED~~ OR BUSINESS WITH WHICH HE IS ASSOCIATED MAY REPRESENT A CLIENT**

**FOR A FEE IN A CONTESTED CASE, AS DEFINED IN SECTION 1-23-310, BEFORE AN AGENCY, A COMMISSION, BOARD, DEPARTMENT, OR OTHER ENTITY ELECTED, APPOINTED, RECOMMENDED, OR CONFIRMED BY THE HOUSE, THE SENATE, OR THE GENERAL ASSEMBLY IF THAT MEMBER HAS VOTED ON THE SECTION OF THAT YEAR'S GENERAL APPROPRIATION BILL OR SUPPLEMENTAL APPROPRIATION BILL RELATING TO THAT AGENCY, COMMISSION, BOARD, DEPARTMENT, OR OTHER ENTITY WITHIN ONE YEAR FROM THE DATE OF THE VOTE. THIS SUBSECTION DOES NOT PROHIBIT A MEMBER FROM VOTING ON OTHER SECTIONS OF THE GENERAL APPROPRIATION BILL OR FROM VOTING ON THE GENERAL APPROPRIATION BILL AS A WHOLE.**

**~~(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AFTER THE EFFECTIVE DATE OF THIS SECTION, NO MEMBER OF THE GENERAL ASSEMBLY OR AN INDIVIDUAL WITH WHOM HE IS ASSOCIATED IN PARTNERSHIP OR A BUSINESS, COMPANY, CORPORATION, OR PARTNERSHIP WHERE HIS INTEREST IS GREATER THAN FIVE PERCENT MAY ENTER INTO ANY CONTRACT FOR GOODS OR SERVICES WITH AN AGENCY, A COMMISSION, BOARD, DEPARTMENT, OR OTHER ENTITY FUNDED WITH GENERAL FUNDS OR OTHER FUNDS IF THE MEMBER HAS VOTED ON THE SECTION OF THAT YEAR'S APPROPRIATION BILL RELATING TO THAT AGENCY, COMMISSION, BOARD, DEPARTMENT, OR OTHER ENTITY WITHIN ONE YEAR FROM THE DATE OF THE VOTE...THIS SUBSECTION DOES NOT PROHIBIT A MEMBER FROM VOTING ON OTHER SECTIONS OF THE APPROPRIATION BILL OR FROM VOTING ON THE GENERAL APPROPRIATION BILL AS A WHOLE. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PUBLIC OFFICIAL, INCLUDING MEMBERS OF THE GENERAL ASSEMBLY, OR A PUBLIC EMPLOYEE, MAY NOT TAKE A VOTE ON OR TAKE AN ACTION ON A MATTER IN WHICH HE, AN IMMEDIATE FAMILY MEMBER, OR A BUSINESS WITH WHICH HE IS ASSOCIATED HAS A KNOWN FINANCIAL INTEREST.~~**

**(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) THE PROVISIONS OF SUBSECTIONS (A), (B), AND (C) DO NOT APPLY IN THE CASE OF ANY VOTE OR ACTION TAKEN BY A MEMBER OF THE GENERAL ASSEMBLY ~~PRIOR TO~~ BEFORE JANUARY 1, 1992.”**

**SECTION 9. 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 LEARNING WHO PARTICIPATES IN THE DEVELOPMENT OF INTELLECTUAL PROPERTY THAT BENEFITS THE INSTITUTION AND THE STATE OF SOUTH CAROLINA, PROVIDED THAT THE INSTITUTION OF HIGHER LEARNING RETAINS SOME ROYALTY RIGHTS TO THE INTELLECTUAL PROPERTY.”**

**SECTION 10. 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 11. SECTION 8-13-1120 OF THE 1976 CODE, AS LAST AMENDED BY ACT 6 OF 1995, IS FURTHER 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 SPECIFIC 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), '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 SPECIFIC 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 12. SECTION 8-13-1300 (4),(6), (7), (23), AND (32) OF THE 1976 CODE, AS LAST AMENDED BY ACT 76 OF 2003, IS FURTHER 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.~~ **'CANDIDATE' DOES NOT INCLUDE A CANDIDATE WITHIN THE MEANING OF SECTION 431(B) OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1976.**

**(6) 'COMMITTEE' MEANS AN ASSOCIATION, A CLUB, AN ORGANIZATION, OR A GROUP OF PERSONS, INCLUDING A PARTY COMMITTEE, A LEGISLATIVE CAUCUS COMMITTEE, OR A NONCANDIDATE COMMITTEE, WHICH, ~~TO INFLUENCE THE OUTCOME OF AN ELECTIVE OFFICE,~~ HAS AS ITS MAJOR PURPOSE THE NOMINATION, ELECTION, OR DEFEAT OF ONE OR MORE CANDIDATES AND 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,~~ HAS THE MAJOR PURPOSE TO SUPPORT OR OPPOSE THE NOMINATION, ELECTION, OR DEFEAT OF ONE OR MORE CANDIDATES AND 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.**

**~~'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.~~**

**(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<sup>2</sup>; OR PAYMENT OR COMPENSATION FOR THE PERSONAL SERVICE OF ANOTHER PERSON WHICH IS RENDERED ~~FOR ANY PURPOSE~~ TO A CANDIDATE OR COMMITTEE WITHOUT CHARGE TO INFLUENCE AN ELECTION, 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.**

**(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~~ HAS AS ITS MAJOR PURPOSE THE NOMINATION, ELECTION, OR DEFEAT OF ONE OR MORE CANDIDATES, 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.**

**(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,~~ WHOSE MAJOR PURPOSE IS TO PROMOTE OR DEFEAT A BALLOT MEASURE AND 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.”**

**SECTION 13. 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 CLEARLY IDENTIFIED CANDIDATE FOR ELECTED OFFICE; AND**

**(B) THAT IS PUBLICALLY AIRED OR DISTRIBUTED WITHIN SIXTY DAYS PRIOR TO A GENERAL ELECTION OR WITHIN THIRTY DAYS PRIOR TO A PRIMARY FOR THAT OFFICE.**

**THE DEFINITION DOES NOT INCLUDE:**

**(1) 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;**

**(2) A COMMUNICATION THAT CONSTITUTES AN EXPENDITURE OR INDEPENDENT EXPENDITURE UNDER THIS ARTICLE,**

**(3) 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; OR**

**(4) A COMMUNICATION THAT MEETS ALL OF THE FOLLOWING CRITERIA:**

**(I) DOES NOT MENTION ANY ELECTION, CANDIDACY, POLITICAL PARTY, OPPOSING CANDIDATE, OR VOTING BY THE GENERAL PUBLIC;**

**(II) DOES NOT TAKE A POSITION ON THE CANDIDATE'S CHARACTER OR QUALIFICATIONS AND FITNESS FOR OFFICE; AND**

**(III) PROPOSES A COMMERCIAL TRANSACTION.”**

**SECTION 14. 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) AN APPROPRIATE SUPERVISORY OFFICE MAY REQUEST IN WRITING, DISCLOSURE OF ANY RECORDS REQUIRED TO BE MAINTAINED BY THIS SECTION, SUBJECT TO THE LIMITATIONS OF SECTION 8-13-320(9)(D). SUCH A REQUEST SHALL BE FOR PURPOSES OF VERIFYING CAMPAIGN DISCLOSURE FORMS FILED PURSUANT TO SECTION 8-13-1308. A CANDIDATE, COMMITTEE, OR BALLOT MEASURE COMMITTEE MUST COMPLY WITH A WRITTEN REQUEST FROM AN APPROPRIATE SUPERVISORY OFFICE WITHIN THIRTY DAYS.**

**SECTION 15. 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) TWO 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 COMMENCING AT LEAST TWENTY DAYS BEFORE THE ELECTION AND ENDING TWO DAYS BEFORE THE ELECTION.**

**(F) 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)(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;**

**(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)~~ (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."**

**SECTION 16. 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. 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 OR AUTHORIZED BY THE CANDIDATE OR A DULY AUTHORIZED OFFICER OF A COMMITTEE, MUST BE PAID BY DEBIT OR CREDIT CARD ISSUED IN THE NAME OF THE CANDIDATE OR COMMITTEE OR MUST BE PAID THROUGH ONLINE TRANSFERS AUTHORIZED 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 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 17. 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 ELECTRONICALLY IN THE MANNER PRESCRIBED BY THE COMMISSION PURSUANT TO SECTION 8-13-365 WITHIN THIRTY DAYS 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 OF THE REPORTING PERSON, AS WELL AS THE PHYSICAL ADDRESS AND PHONE NUMBER FOR THE RESIDENCE OR PLACE OF BUSINESS FOR 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 SUBJECT 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 COORDINATION WITH, OR AT THE REQUEST OR SUGGESTION OF, ANY CANDIDATE OR ANY AUTHORIZED COMMITTEE OR AGENT OF SUCH CANDIDATE; AND**

**(6)(A) 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**

**(B) 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 18. SECTION 8-13-1318 OF THE 1976 CODE, AS ADDED BY ACT 248 OF 1991, IS AMENDED TO READ:**

**“SECTION 8-13-1318. (A) 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.**

**(B) ANY CONTRIBUTIONS RECEIVED PURSUANT TO THIS SECTION MUST BE USED FOR THE PURPOSE OF RETIRING CAMPAIGN DEBT ONLY.”**

**SECTION 19. 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 MAY BE ATTRIBUTED TO THE PRIMARY OR PRIMARY RUNOFF, RESPECTIVELY OR THE GENERAL ELECTION CYCLE THAT FOLLOWS THE PRIMARY OR PRIMARY RUNOFF.”**

**SECTION 20. SECTION 8-13-1338(A) OF THE 1976 CODE, AS ADDED BY SECTION 248 OF 1991, IS AMENDED TO READ BY ADDING A NEW ITEM (5) AT THE END TO READ:**

**“(5)THE HEAD OF ANY STATE AGENCY OR DEPARTMENT WHO IS SELECTED BY THE GOVERNOR, GENERAL ASSEMBLY, OR AN APPOINTED OR ELECTED BOARD.”**

**SECTION 21. SECTION 8-13-1340 OF THE 1976 CODE IS AMENDED TO READ:**

**“SECTION 8-13-1340. (A) EXCEPT AS PROVIDED IN SUBSECTIONS ~~(B) AND (E)~~ SUBSECTION (B), 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.**

**(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 22. SECTION 8-13-1348 OF THE 1976 CODE IS AMENDED TO READ:**

**“SECTION 8-13-1348. (A) NO CANDIDATE, COMMITTEE, PUBLIC OFFICIAL, OR POLITICAL PARTY MAY 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.**

**(B) THE PAYMENT OR REIMBURSEMENT 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. ASSOCIATED WITH THE CAMPAIGN OR THE OFFICE ARE PERMITTED. HOWEVER:**

**(1) ANY PAYMENT OR REIMBURSEMENT OF MILEAGE FOR TRAVEL ASSOCIATED WITH THE CAMPAIGN OR OFFICE MUST BE AT THE RATE ESTABLISHED FOR THE YEAR BY THE INTERNAL REVENUE SERVICE;**

**(2) THE PAYMENT OR REIMBURSEMENT FOR ANY LODGING EXPENSES, FOOD AND BEVERAGE EXPENSES, OR TRAVEL EXPENSES OTHER THAN MILEAGE FOR THE CANDIDATE, A MEMBER OF THE CANDIDATE'S IMMEDIATE FAMILY, OR STAFF MUST BE FOR TRAVEL FOR THE PURPOSE OF CAMPAIGNING FOR OFFICE OR OTHERWISE A PART OF THE OFFICIAL RESPONSIBILITIES OF AN OFFICEHOLDER. OFFICIAL RESPONSIBILITIES OF THE OFFICEHOLDER SHALL INCLUDE, BUT NOT BE LIMITED TO, POLITICAL PARTY EVENTS, OFFICIAL APPEARANCES OR MEETINGS FOR WHICH REIMBURSEMENT IS NOT OFFERED BY THE GOVERNMENTAL ENTITY, AND EDUCATIONAL FORUMS OR CONVENTIONS TO WHICH AN OFFICEHOLDER IS INVITED IN THEIR OFFICIAL CAPACITY;**

**(3) ANY COMMUNICATION OR OTHER OFFICE EQUIPMENT PURCHASED WITH CAMPAIGN FUNDS, INCLUDING BUT NOT LIMITED TO CELL PHONES, COMPUTERS, PRINTERS, COPIERS AND OTHER SIMILAR DEVICES SHALL BE THE SOLE PROPERTY OF THE CAMPAIGN AND MUST BE DISCLOSED AS ASSETS AT THE TIME OF PURCHASE. FURTHER, THIS EQUIPMENT MUST BE ACCOUNTED FOR PURSUANT TO SECTIONS 8-13-1368 AND 8-13-1370 UPON THE FINAL DISBURSEMENT OF A CAMPAIGN ACCOUNT; AND**

**(4) ANY PAYMENTS TO CAMPAIGN OR OFFICE STAFF MUST BE MADE CONTEMPORANEOUSLY WITH THE WORK PROVIDED. A**

**CAMPAIGN MAY NOT EMPLOY AN IMMEDIATE FAMILY MEMBER OF THE CANDIDATE.**

**~~(C)(1)~~ AN EXPENDITURE ~~OF MORE THAN TWENTY-FIVE DOLLARS~~ DRAWN UPON A CAMPAIGN ACCOUNT MUST BE MADE BY:**

**(A) ~~A WRITTEN INSTRUMENT~~ A CHECK DRAWN UPON A CAMPAIGN ACCOUNT;**

**(B) DEBIT OR CREDIT 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. IF AN APPROPRIATE SUPERVISORY OFFICE DETERMINES THAT A VIOLATION OF THIS SECTION HAS OCCURRED, INVOLVING THE MISUSE OF CAMPAIGN FUNDS, IT SHALL NOTIFY THE OFFENDING PERSON OF ITS DETERMINATION IN WRITING AND THE PERSON IS THEN~~**

**AFFORDED A PERIOD OF THIRTY DAYS FROM THE DATE OF THE NOTIFICATION TO CURE THE VIOLATION BY REIMBURSING THE CAMPAIGN ACCOUNT FROM PERSONAL FUNDS IN AN AMOUNT NECESSARY TO MAKE THE CAMPAIGN ACCOUNT WHOLE. IF THIS REIMBURSEMENT OCCURS, THE VIOLATION IS CONSIDERED CURED AND NO FURTHER CIVIL OR CRIMINAL ACTION AGAINST THE PERSON MAY OCCUR. HOWEVER, THE PERSON MUST NOT BE OFFERED THE OPPORTUNITY TO CURE THE MISUSE IF THE APPROPRIATE SUPERVISORY OFFICE MAKES A DETERMINATION THAT EITHER:**

**(1) THE PERSON WAS PREVIOUSLY PUT ON NOTICE BY AN APPROPRIATE SUPERVISORY OFFICE THAT AN IDENTICAL OR SUBSTANTIALLY SIMILAR EXPENDITURE DID NOT COMPLY WITH THIS SECTION;**

**(2) THE MISUSE OF FUNDS RESULTED FROM AN INTENTIONAL OR FRAUDULENT ATTEMPT TO APPLY CAMPAIGN FUNDS TO PERSONAL USE; OR**

**(3) THE EXPENDITURE OR MULTIPLE EXPENDITURES EXCEED TWO THOUSAND DOLLARS IN THE AGGREGATE FOR AN ELECTION CYCLE.”**

**SECTION 23. THE REPEAL OR AMENDMENT BY THIS ACT OF ANY LAW, WHETHER TEMPORARY OR PERMANENT OR CIVIL OR CRIMINAL, DOES NOT AFFECT PENDING ACTIONS, RIGHTS, DUTIES, OR LIABILITIES FOUNDED THEREON, OR ALTER, DISCHARGE, RELEASE OR EXTINGUISH ANY PENALTY, FORFEITURE, OR LIABILITY INCURRED UNDER THE REPEALED OR AMENDED LAW, UNLESS THE REPEALED OR AMENDED PROVISION SHALL SO EXPRESSLY PROVIDE. 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 ANY 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. MOREOVER, THE PROVISIONS OF THIS ACT, TO INCLUDE THOSE PROVISIONS THAT AMEND EXISTING LAWS, SHALL NOT APPLY TO CONDUCT THAT OCCURRED PRIOR TO THE EFFECTIVE DATE OF THIS ACT.**

**SECTION 24. IF ANY SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, 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 THIS ACT, THE GENERAL ASSEMBLY HEREBY DECLARING THAT IT WOULD HAVE PASSED THIS ACT, AND EACH AND EVERY SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, CLAUSE, PHRASE, AND WORD THEREOF, IRRESPECTIVE OF THE FACT THAT ANY ONE OR MORE OTHER SECTIONS, SUBSECTIONS, PARAGRAPHS, SUBPARAGRAPHS, SENTENCES, CLAUSES, PHRASES, OR WORDS HEREOF MAY BE DECLARED TO BE UNCONSTITUTIONAL, INVALID, OR OTHERWISE INEFFECTIVE.**

**SECTION 25. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE PROVISIONS OF THIS ACT TAKE EFFECT UPON APPROVAL BY THE GOVERNOR. HOWEVER, SECTIONS 1 THROUGH 5 TAKE EFFECT ON JULY 1, 2015, SECTION 11 TAKES EFFECT ON JANUARY 1, 2015, AND OTHER PROVISIONS OF THIS ACT WHICH REQUIRE MODIFICATIONS TO BE IMPLEMENTED TO THE ELECTRONIC FILING SYSTEM FOR DISCLOSURES AND REPORTS AS DETERMINED BY THE STATE ETHICS COMMISSION SHALL NOT APPLY OR BE IMPLEMENTED UNTIL SIX MONTHS AFTER APPROVAL OF THIS ACT BY THE GOVERNOR. /**

**RENUMBER SECTIONS TO CONFORM.**

**AMEND TITLE TO CONFORM.**