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A BILL

TO AMEND SECTION 2-17-90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, RELATING TO ACTS PROHIBITED OF LOBBYISTS’ PRINCIPALS, SO AS TO DELETE THE SPECIFIC AUTHORIZATION FOR AMERICAN LEGISLATIVE EXCHANGE COUNCIL CONVENTIONS AND CONFERENCES; AND TO AMEND SECTION 8-13-1348, AS AMENDED, RELATING TO THE USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES, SO AS TO CLARIFY THE TYPE OF PROHIBITED EXPENSES.

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

SECTION 1. Section 2-17-90(A)(1) of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“(A) Except as otherwise provided under Section 2-17-100, no lobbyist’s principal may offer, solicit, facilitate, or provide to a public official or public employee, and no public official or public employee may accept lodging, transportation, entertainment, food, meals, beverages, or an invitation to a function paid for by a lobbyist’s principal, except for:

(1) as to members of the General Assembly, a function to which a member of the General Assembly is invited if the entire membership of the House, the Senate, or the General Assembly is invited, or one of the committees, subcommittees, joint committees, legislative caucuses or their committees or subcommittees, or county legislative delegations of the General Assembly of which the legislator is a member is invited. However, the Speaker of the House and Speaker Pro Tempore of the House may be included in an invitation to one of the above groups. In addition, invitations may be extended and accepted when the invitation is extended to all

1 members in attendance at ~~(a)~~ national and regional conventions and
2 conferences of organizations for which the General Assembly pays
3 annual dues as a membership requirement ~~and (b) American~~
4 ~~Legislative Exchange Council conventions and conferences;”~~
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6 SECTION 2. Section 8-13-1348 of the 1976 Code, as last amended
7 by Act 76 of 2003, is further amended to read:
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9 “Section 8-13-1348. (A) No candidate, committee, public
10 official, or political party may use campaign funds to defray
11 personal expenses which are unrelated to the campaign or the office
12 if the candidate is an officeholder nor may these funds be converted
13 to personal use. The prohibition of this subsection does not extend
14 to the incidental personal use of campaign materials or equipment
15 nor to an expenditure used to defray any ordinary expenses incurred
16 in connection with an individual’s duties as a holder of elective
17 office. Personal expenses include:

18 (1) fines, fees or other charges imposed by an appropriate
19 supervisory office; or

20 (2) fines, fees, or charges as a result of a criminal matter.

21 (B) The payment or reimbursement of reasonable and necessary
22 travel expenses or for food or beverages consumed by the candidate
23 or members of his immediate family while at, and in connection
24 with, a political event are permitted associated with the campaign or
25 the office are permitted; however:

26 (1) a payment or reimbursement of mileage for travel
27 associated with the campaign or office must be at the rate
28 established for the year by the Internal Revenue Service;

29 (2) the payment or reimbursement for any lodging, food and
30 beverage, or travel expenses, other than mileage, for the candidate,
31 a member of the candidate’s immediate family or staff must be for
32 travel for the purpose of campaigning for office or otherwise a part
33 of the official responsibilities of an officeholder. Official
34 responsibilities of the officeholder include, but are not limited to,
35 political party events, official appearances or meetings for which
36 reimbursement is not offered by a governmental entity, and
37 educational forums or conventions to which an officeholder is
38 invited in his official capacity;

39 (3) communication or other office equipment purchased with
40 campaign funds including, but not limited to, cell phones,
41 computers, printers, copiers and other similar devices are considered
42 the sole property of the campaign and must be disclosed as assets of
43 the campaign at the time of purchase. Further, this equipment must

1 be accounted for pursuant to Sections 8-13-1368 and 8-13-1370
2 upon the final disbursement of a campaign account; and

3 (4) payments to campaign or office staff must be made
4 contemporaneously with the work provided. A campaign may not
5 employ an immediate family member of the candidate.

6 (C)(1) An expenditure of more than twenty five dollars drawn
7 upon a campaign account must be made by:

8 (a) a written instrument check drawn upon a campaign
9 account;

10 (b) debit or credit card; or

11 (c) online transfers.

12 (2) The campaign account must contain the name of the
13 candidate or committee, and the expenditure must contain the name
14 of the recipient. These expenditures must be reported pursuant to the
15 provisions of Section 8-13-1308.

16 (2) Expenditures of twenty five dollars or less that are not
17 made by a written instrument, debit card, or online transfer
18 containing the name of the candidate or committee and the name of
19 the recipient must be accounted for by a written receipt or written
20 record.

21 (3) Nothing in this section applies to an expenditure of funds
22 not contained in a campaign bank account.

23 (D) An expenditure may not be made that is clearly in excess of
24 the fair market value of services, materials, facilities, or other things
25 of value received in exchange.

26 (E) A candidate or a duly authorized officer of a committee may
27 not withdraw more than one hundred dollars from the campaign
28 account to establish or replenish a petty cash fund for the candidate
29 or committee at any time, and at no time may the fund exceed one
30 hundred dollars. Expenditures from the petty cash fund may be
31 made only for office supplies, food, transportation expenses, and
32 other necessities and may not exceed twenty five dollars for each
33 expenditure.”

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

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