**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3062**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. J.E. Smith

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Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Campaign practices

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2008 House Prefiled

12/9/2008 House Referred to Committee on **Judiciary**

12/15/2008 Scrivener's error corrected

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑38

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑39

**VERSIONS OF THIS BILL**

[12/9/2008](file:///p:\pprever\2009-10\3062_20081209.docx)

[12/15/2008](file:///p:\pprever\2009-10\3062_20081215.docx)

**A** **BILL**

TO AMEND SECTION 8‑13‑1300, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF CAMPAIGN PRACTICES, SO AS TO AMEND THE DEFINITION OF “INDEPENDENT EXPENDITURE” TO PROVIDE THAT EXPENDITURES BY A PARTY COMMITTEE WHICH HAVE THE EFFECT OF ADVOCATING THE DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE ARE DEEMED TO BE A CONTRIBUTION TO THE OPPONENT, TO PROVIDE FOR WHEN THERE IS MORE THAN ONE OPPONENT TO A CANDIDATE, TO PROVIDE THAT EXPENDITURES AND CONTRIBUTIONS ARE SUBJECT TO CERTAIN PROVISIONS OF CHAPTER 13, TITLE 8, AND TO REQUIRE THAT AFFECTED ENTITIES ARE SUBJECT TO THE REPORTING AND RECORDKEEPING REQUIREMENTS UNDER ARTICLE 13, CHAPTER 13, TITLE 8, FROM JULY 1, 2008, WHEN THE FIRST REPORT IS DUE AFTER THE EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. Section 8‑13‑1300(17) of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“(17) ‘Independent expenditure’ means:

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

(b) when taken as a whole and in context, the expenditure made by a person expressly to urge a particular result in an election but which is not:

(i) made to;

(ii) controlled by;

(iii) coordinated with;

(iv) requested by; or

(v) made upon consultation with a candidate or an agent of a candidate.

(c) Expenditures by party committees or expenditures by legislative caucus committees based upon party affiliation are considered to be controlled by, coordinated with, requested by, or made upon consultation with a candidate or an agent of a candidate.

(i) For purposes of this item, an expenditure made by a party committee or legislative caucus committee advocating the defeat of a clearly identified candidate are deemed a contribution to the opponent.

(ii) If there is more than one opponent to a candidate and each opponent shares the same political party, the contribution must be reported in equal shares as a contribution to each candidate.

(iii) Expenditures made under this item are subject to the limitations provided for in this chapter including, but not limited to, Sections 8‑13‑1302, 8‑13‑1304, 8‑13‑1314, and 8‑13‑1316 and the reporting requirement provided for in this chapter.

(iv) Contributions to a party committee or legislative caucus committee are subject to the limitation provided for in this chapter including Sections 8‑13‑1322, 8‑13‑1324, 8‑13‑1340, and 8‑13‑1350.

(v) Section 8‑13‑1354 applies to the expenditures as provided in this item.”

SECTION 2. The amendment to Section 8‑13‑1300(17) of the 1976 Code in Section 1 of this act, is effective for those affected entities beginning July 1, 2008, for all reports and records required under the provisions of Article 13, Chapter 13, Title 8.

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

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