**South Carolina General Assembly**

118th Session, 2009-2010

**A156, R183, S652**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Knotts, Elliott, Ford and Campbell

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Introduced in the Senate on March 31, 2009

Introduced in the House on May 21, 2009

Last Amended on April 21, 2010

Passed by the General Assembly on April 22, 2010

Governor's Action: May 11, 2010, Signed

Summary: Professional fundraising counsel

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/31/2009 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C03-31-09.docx)‑11

 3/31/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C03-31-09.docx)‑11

 4/15/2009 Senate Referred to Subcommittee: Knotts (ch), Ford, Campbell

 5/13/2009 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-13-09.docx)‑11

 5/14/2009 Scrivener's error corrected

 5/20/2009 Senate Committee Amendment Amended and Adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-20-09.docx)‑72

 5/20/2009 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-20-09.docx)‑72

 5/21/2009 Senate Read third time and sent to House [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-21-09.docx)‑33

 5/21/2009 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-21-09.docx)‑141

 5/21/2009 House Referred to Committee on **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-21-09.docx)‑141

 4/14/2010 House Committee report: Favorable with amendment **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C04-14-10.docx)‑11

 4/20/2010 House Debate adjourned until Wednesday, April 21, 2010 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C04-20-10.docx)‑68

 4/21/2010 House Amended [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C04-21-10.docx)‑44

 4/21/2010 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C04-21-10.docx)‑44

 4/22/2010 House Read third time and returned to Senate with amendments [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C04-22-10.docx)‑14

 4/22/2010 Senate Concurred in House amendment and enrolled [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C04-22-10.docx)‑77

 5/6/2010 Ratified R 183

 5/11/2010 Signed By Governor

 5/21/2010 Effective date See Act for Effective Date

 5/25/2010 Act No. 156

**VERSIONS OF THIS BILL**

[3/31/2009](file:///p%3A%5Cpprever%5C2009-10%5C652_20090331.docx)

[5/13/2009](file:///p%3A%5Cpprever%5C2009-10%5C652_20090513.docx)

[5/14/2009](file:///p%3A%5Cpprever%5C2009-10%5C652_20090514.docx)

[5/20/2009](file:///p%3A%5Cpprever%5C2009-10%5C652_20090520.docx)

[4/14/2010](file:///p%3A%5Cpprever%5C2009-10%5C652_20100414.docx)

[4/21/2010](file:///p%3A%5Cpprever%5C2009-10%5C652_20100421.docx)

(A156, R183, S652)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33‑56‑75 SO AS TO PROVIDE THAT A LIST OF CONTRIBUTORS TO A SOLICITATION CAMPAIGN CONDUCTED BY A PROFESSIONAL FUNDRAISING COUNSEL OR SOLICITOR IS THE PROPERTY OF THE CHARITABLE ORGANIZATION FOR WHOM THE CAMPAIGN IS CONDUCTED; TO REQUIRE A PROFESSIONAL FUNDRAISING COUNSEL OR SOLICITOR RECEIVING CONTRIBUTIONS ON BEHALF OF THE CHARITABLE ORGANIZATION TO DELIVER THE LIST OF CONTRIBUTORS FOLLOWING THE CAMPAIGN TO THE CHARITABLE ORGANIZATION; TO PROHIBIT THE PROFESSIONAL FUNDRAISING COUNSEL OR SOLICITOR FROM WITHHOLDING THE LIST, RESTRICTING THE CHARITABLE ORGANIZATION’S USE OF THE LIST, OR PROVIDING THE LIST OR USE OF THE LIST TO ANYONE OTHER THAN THE CHARITABLE ORGANIZATION; TO PROVIDE ADMINISTRATIVE FINES AND SANCTIONS TO BE IMPOSED BY THE SECRETARY OF STATE AGAINST A PROFESSIONAL FUNDRAISING COUNSEL OR SOLICITOR IN VIOLATION OF THIS ACT; AND TO PROVIDE AN EXEMPTION FOR CERTAIN POLITICAL CAMPAIGNS; AND TO AMEND SECTION 33‑56‑160, RELATING TO ADMINISTRATIVE FINES AND FEES COLLECTED UNDER THE SOUTH CAROLINA SOLICITATION OF CHARITABLE FUNDS ACT, SO AS TO PROVIDE THAT FINES COLLECTED PURSUANT TO SECTION 33‑56‑75 MAY NOT BE RETAINED BY THE SECRETARY OF STATE BUT MUST BE DEPOSITED WITH THE STATE TREASURER IN A SEPARATE FUND TO BE USED TO ADMINISTER SECTION 33‑56‑75.**

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

**Charitable organizations campaign contributor lists**

SECTION 1. Chapter 56, Title 33 of the 1976 Code is amended by adding:

 “Section 33‑56‑75. (A) A list provided by the charitable organization of the names, postal addresses, telephone numbers, email addresses, and the dates and amounts of each donation, of each contributor to a solicitation campaign organized pursuant to this chapter conducted by a professional fundraising counsel or professional solicitor is the property of the charitable organization for which the solicitation campaign is conducted. The professional fundraising counsel or professional solicitor must maintain this list throughout the duration of the solicitation campaign until the list is transferred to the charitable organization pursuant to subsection (B).

 (B) If the contributions are received by a professional fundraising counsel or professional solicitor, his agent or subcontractor, then the professional fundraising counsel or professional solicitor shall deliver the list of contributors, including the names, postal addresses, telephone numbers, email addresses, and dates and amounts of donations, to the charitable organization within ninety days after the solicitation campaign has been completed, or within ninety days after each anniversary of a solicitation campaign that lasted for more than one year.

 (C) A professional fundraising counsel or professional solicitor must not:

 (1) withhold from the charitable organization the list referenced in subsection (A);

 (2) restrict any use by the charitable organization of the list referenced in subsection (A);

 (3) transfer possession or control of the list referenced in subsection (A) to any person other than the charitable organization that owns the list;

 (4) permit the use of the list referenced in subsection (A) by any person not so authorized by the charitable organization; or

 (5) use the list referenced in subsection (A) for the benefit of any person other than the owner of the list, without the explicit written consent of the charitable organization that owns this list.

 (D)(1) If a professional fundraising counsel or a professional solicitor violates a provision of this section, the Secretary of State must notify the professional fundraising counsel or professional solicitor by mailing a notice by registered or certified mail, with return receipt requested, to the last known address of the violator. If the violation is not remedied within fifteen days after the formal notification or receipt of the notice, the Secretary of State may assess an administrative fine of one hundred dollars for each day of noncompliance, not to exceed a maximum fine of twenty‑five thousand dollars for each violation.

 (2) A person who is assessed an administrative fine pursuant to this section shall, within thirty days from receipt of certified or registered notice from the Secretary of State, pay the assessed fine or request a contested case hearing before the Administrative Law Court. If no fine is remitted or no contested case is requested, then the Secretary of State may suspend the registration of the person and is authorized to request an injunction against the person in the Administrative Law Court to prohibit the person from engaging in further charitable solicitation activities in this State. The decision of the Administrative Law Court may be appealed as provided in Section 1‑23‑610.

 (E) The provisions of this section do not apply to a professional fundraising counsel or a professional solicitor used for a political campaign subject to disclosure requirements of Section 8‑13‑920.”

**Use and disbursal of fines and fees**

SECTION 2. Section 33‑56‑160 of the 1976 Code is amended to read:

 “Section 33‑56‑160. (A) The first two hundred thousand dollars in administrative fine revenue received pursuant to this chapter in a fiscal year, not including fine revenues collected pursuant to Section 33‑56‑75, may be retained by the Secretary of State to offset the expenses of enforcing this chapter. All administrative fines collected pursuant to this chapter in excess of two hundred thousand dollars in a fiscal year, not including fine revenues collected pursuant to Section 33‑56‑75, must be transmitted to the State Treasurer and deposited in the state general fund. All fees collected pursuant to this chapter must be transmitted to the State Treasurer and deposited in a fund separate and distinct from the state general fund and used by the Secretary of State for the purpose of administering the provisions of this chapter.

 (B) All administrative fines collected pursuant to Section 33‑56‑75 in a fiscal year must be transmitted to the State Treasurer and deposited in a fund separate and distinct from the state general fund. The revenue collected from these fines must be directed to the Secretary of State for the purpose of administering the provisions of that section.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor and applies to all transactions or contracts entered into on or after that date.

Ratified the 6th day of May, 2010.

Approved the 11th day of May, 2010.

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