**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 932**

**STATUS INFORMATION**

General Bill

Sponsors: Senator McLeod

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Introduced in the Senate on January 14, 2020

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

Summary: Campaign statements

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2019 Senate Prefiled

12/11/2019 Senate Referred to Committee on **Judiciary**

1/14/2020 Senate Introduced and read first time ([Senate Journal‑page 45](file:///h:\sj\20200114.docx))

1/14/2020 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 45](file:///h:\sj\20200114.docx))

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**VERSIONS OF THIS BILL**

[12/11/2019](file:///p:\pprever\2019-20\932_20191211.docx)

**A** **BILL**

TO AMEND SECTION 8‑13‑320 OF THE 1976 CODE OF LAWS TO REQUIRE THE STATE ETHICS COMMISSION TO POST A MANUAL REGARDING RECOMMENDED UNIFORM METHODS OF REPORTING ON THE STATE ETHICS COMMISSION’S WEBSITE, AND TO ESTABLISH A POLICY TO ADMINISTRATIVELY CLOSE A CASE FOR FAILURE TO TIMELY FILE A REPORT OR STATEMENT, AND TO PROVIDE MANDATORY ANNUAL DISTANCE LEARNING COURSES; TO AMEND SECTION 8-13-530 TO REQUIRE EACH LEGISLATIVE ETHICS COMMITTEE TO POST A MANUAL REGARDING RECOMMENDED UNIFORM METHODS OF REPORTING ON THE STATE ETHICS COMMISSION’S WEBSITE, AND TO ESTABLISH A POLICY TO ADMINISTRATIVELY CLOSE A CASE FOR FAILURE TO TIMELY FILE A REPORT OR STATEMENT, AND TO PROVIDE MANDATORY ANNUAL DISTANCE LEARNING COURSES; TO ADD SECTION 8‑13‑1363 TO THE 1976 CODE OF LAWS TO PROVIDE THAT A CANDIDATE OR COMMITTEE MUST CONTINUE TO FILE A CAMPAIGN STATEMENT OR STATEMENT OF INACTIVITY UNTIL ALL DEBTS ARE RESOLVED AND FUNDS HAVE BEEN DISBURSED; TO AMEND SECTION 8-13-1368 TO MAKE A CONFORMING CHANGE; AND TO AMEND SECTION 8-13-1510 TO PROVIDE THE MAXIMUM CIVIL PENALTY OF $5,000 PER ELECTION CYCLE FOR A STATEMENT OR REPORT REQUIRED BY ARTICLE 13 OF CHAPTER 13, TITLE 8.

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

SECTION 1. Section 8‑13‑320(2) of the 1976 Code of Laws is amended to read:

“(2) to prepare and publish a manual setting forth recommended uniform methods of reporting for use by persons required to file statements with the State Ethics Commission as required by this chapter, and to post the manual on the Commission’s website;”

SECTION 2. Section 8‑13‑320 of the 1976 Code of Laws is amended by adding appropriately numbered items to read:

“() to establish a policy to administratively close a case when a person fails to timely file a report or statement with the commission as required by this chapter;

() to provide mandatory annual distance learning courses regarding the provisions of this chapter.”

SECTION 3. Section 8‑13‑530 of the 1976 Code of Laws is amended to read:

“(7) administer or recommend sanctions appropriate to a particular member, or staff of, or candidate for, the appropriate house pursuant to Section 8‑13‑540, including the recovery of the value of anything transferred or received in breach of the ethical standards, or dismiss the charges; ~~and~~

(8) 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, and may issue, upon request from a member or staff of the appropriate house, or legislative caucus committee, or candidate for the appropriate house, and publish advisory opinions on the requirements of these chapters;

(9) prepare and publish a manual setting forth recommended uniform methods of reporting for use by persons required to file statements with the appropriate house as required by this chapter, and post the manual on the respective ethics committee’s website;

(10) establish a process to appeal the committee’s decision regarding a fine for a late filing of a statement or report required by this chapter;

(11) establish a policy to administratively close a case when a person fails to timely file a report or statement with the ethics committee as required by this chapter;

(12) provide mandatory annual distance learning courses regarding the provisions of this chapter.”

SECTION 4. Article 13, Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1363. A candidate or committee must continue to file either a campaign statement or statement of inactivity until all debts are resolved and campaign accounts are closed and the funds have been disbursed pursuant to Section 8‑13‑1370.”

SECTION 5. Section 8‑13‑1368 of the 1976 Code of Laws is amended to read:

“~~(A)~~ ~~A candidate is not exempt from the campaign filing requirements as provided in this article until after an election in which the candidate is a candidate or is defeated and after the candidate no longer accepts contributions, incurs expenditures, or pays for expenditures incurred.~~

(~~B~~A) Committees and ballot measure committees may dissolve only after no longer accepting contributions, incurring expenditures, or paying for expenditures incurred.

(~~C~~B) If a committee or a ballot measure committee owes or is owed money, the committee or a ballot measure committee may dissolve, but must report the status of the debt annually on the same schedule as active committees or ballot measure committees until all debts are resolved. The method of resolution to eliminate these debts, including contributions accepted and payment for expenditures incurred, must be stated on the report.

(~~D~~C) A final report may be filed at the time or before a scheduled filing is due. The form must be marked “final” and include a list of the material assets worth one hundred dollars or more and state their disposition.”

SECTION 6. Section 8‑13‑1510(A) of the 1976 Code is amended to read:

“(A) Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if the statement or report is not filed within five days after the established deadline provided by law in this chapter; and

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars. The maximum civil penalty for a statement or report required by Article 13 of this chapter is $5,000 per election cycle.”

SECTION 7. This bill takes effect upon approval by the Governor. The provisions in SECTION 6 apply to outstanding matters in which fines have been assessed prior to the effective date.

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