

**From:** Rick Quinn <rick@rickquinn.com>  
**Sent:** Wednesday, February 25, 2015 4:51 PM  
**To:** Bob Cook; Alan Wilson; adampiper [REDACTED]

I saw this H3184 had the below language. Are we ok with this? I thought currently the AG had the only jurisdiction on this matter...

2) If an alleged violation is found to be groundless by the State Ethics Commission, a report must be provided to the appropriate ethics committee. The appropriate ethics committee may concur or nonconcur with the commission's report or, within fifteen days from the receipt of the State Ethics Commission's report, request the commission to continue the investigation and consider additional matters not considered by the commission. If the commission finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to the Attorney General and to the appropriate ethics committee. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than one year. In addition to the criminal penalty provided by this item, the appropriate ethics committee may assess a civil penalty of not more than one thousand dollars against the complainant upon proof by a preponderance of the evidence that the filing of the complaint was groundless, wilful and without just cause or with malice.

**From:** Adam Piper  
**Sent:** Thursday, March 19, 2015 11:48 AM  
**To:** Bob Cook  
**Subject:** Fwd: Re:

Will call you on this when I get back from Senate

Sent from my iPhone

Begin forwarded message:

**From:** <wilson[REDACTED]>  
**Date:** March 19, 2015 at 11:33:21 AM EDT  
**To:** Rick Quinn <[rick@rqasc.com](mailto:rick@rqasc.com)>  
**Cc:** Adam Piper <[apiper@scag.gov](mailto:apiper@scag.gov)>  
**Subject:** Re:

I am in Greenville right now. Adam can get Bob to call you or we can give you Bob's number if you need a quick turnaround.

Sent from my iPhone  
Please excuse typos

On Mar 19, 2015, at 11:28 AM, Rick Quinn <[rick@rqasc.com](mailto:rick@rqasc.com)> wrote:

I have just found out that the caucuses have been FOI'ed for their contributors and expenses related to their "operations" accounts. As I understand it they are not required to file disclosures under current law.

I have also been told that McMaster offered an opinion that caucuses are public bodies.

Two things...

- 1) can I get a copy of that opinion?
- 2) can your office take a look at the issue of FOI and would it apply to operations. It is my feeling since ethics laws don't require reporting...foi should not apply. It would render the ethics act meaningless on that point.

Thank you

Sent from my iPhone

**From:** Rick Quinn <rick@rqasc.com>  
**Sent:** Wednesday, May 21, 2014 7:10 PM  
**To:** Bob Cook  
**Subject:** Re:

I understand...but it does strike to the idea that the general assembly does not have 100% control of the membership

Sent from my iPhone

On May 21, 2014, at 5:14 PM, "Bob Cook" <[BCook@scag.gov](mailto:BCook@scag.gov)> wrote:

Rick I am aware of this provision. Section 8-13-560 is somewhat similar. We are responding generally to what Court said in Rainey

Sent from my iPhone

On May 21, 2014, at 4:13 PM, "Rick Quinn" <[rick@rqasc.com](mailto:rick@rqasc.com)> wrote:

In the Pet. For Supersedeas (in para. 37 and on pg. 22):

“Undoubtedly, it is up to the Legislature to determine whether someone indicted or convicted of a crime should remain a member of the body, or should receive some other reprimand or discipline.”

But see S.C. Const., Article III, SECTION 7. Qualifications of members of Senate and House of Representatives.

... **No person who has been convicted of a felony under state or federal law..., or who has pled guilty or nolo contendere to these offenses, is eligible to serve as a member of the Senate or the House of Representatives.** However, notwithstanding any other provision of this Constitution, this prohibition does not apply to a person who has been pardoned under state or federal law or to a person who files for public office fifteen years or more after the completion date of service of the sentence, including probation and parole time, **nor shall any person, serving in office prior to the ratification of this provision, be required to vacate the office to which he is elected.**

Sent from my iPhone

**From:** Bob Cook  
**Sent:** Wednesday, May 21, 2014 7:12 PM  
**To:** Rick Quinn  
**Subject:** RE:

You are correct. We are using section 8-13-560 to demonstrate that indictment and conviction can precede any referral and result in suspension or removal automatically

Robert D. Cook  
Solicitor General  
S.C. Attorney General's Office  
P.O. Box 11549  
Columbia, S.C. 29211  
P: 803-734-3736  
F: 803-734-3524

**From:** Rick Quinn [mailto:[rick@rqasc.com](mailto:rick@rqasc.com)]  
**Sent:** Wednesday, May 21, 2014 7:10 PM  
**To:** Bob Cook  
**Subject:** Re:

I understand...but it does strike to the idea that the general assembly does not have 100% control of the membership

Sent from my iPhone

On May 21, 2014, at 5:14 PM, "Bob Cook" <[BCook@scag.gov](mailto:BCook@scag.gov)> wrote:

Rick I am aware of this provision. Section 8-13-560 is somewhat similar. We are responding generally to what Court said in Rainey

Sent from my iPhone

On May 21, 2014, at 4:13 PM, "Rick Quinn" <[rick@rqasc.com](mailto:rick@rqasc.com)> wrote:

In the Pet. For Supersedeas (in para. 37 and on pg. 22):

“Undoubtedly, it is up to the Legislature to determine whether someone indicted or convicted of a crime should remain a member of the body, or should receive some other reprimand or discipline.”

But see S.C. Const., Article III, SECTION 7. Qualifications of members of Senate and House of Representatives.

... No person who has been convicted of a felony under state or federal law..., or who has pled guilty or nolo contendere to these offenses, is eligible to serve as a member of the Senate or the House of Representatives. However,

notwithstanding any other provision of this Constitution, this prohibition does not apply to a person who has been pardoned under state or federal law or to a person who files for public office fifteen years or more after the completion date of service of the sentence, including probation and parole time, **nor shall any person, serving in office prior to the ratification of this provision, be required to vacate the office to which he is elected.**

Sent from my iPhone

**From:** Rick Quinn <rick@rqasc.com>  
**Sent:** Tuesday, May 27, 2014 10:59 AM  
**To:** Adam Piper; Bob Cook  
**Subject:** Fwd: Attached Image  
**Attachments:** 0417\_001.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** Rick Quinn <[RickQuinn@schouse.gov](mailto:RickQuinn@schouse.gov)>  
**Date:** May 21, 2014 at 11:26:10 AM EDT  
**To:** Rick Quinn <[rick@rqasc.com](mailto:rick@rqasc.com)>  
**Subject:** Fwd: Attached Image

Sent from my iPhone

Begin forwarded message:

**From:** "[hccanonc5035@scstatehouse.net](mailto:hccanonc5035@scstatehouse.net)" <[hccanonc5035@scstatehouse.net](mailto:hccanonc5035@scstatehouse.net)>  
**Date:** May 21, 2014 at 11:24:14 AM EDT  
**To:** Rick Quinn <[RickQuinn@schouse.gov](mailto:RickQuinn@schouse.gov)>  
**Subject:** Attached Image

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

DRAFFIN/LEE  
MAY 20, 2014

\_\_\_\_\_  
CLERK OF THE HOUSE

---

REP. \_\_\_\_\_ PROPOSES THE FOLLOWING AMENDMENT  
No. \_\_\_\_\_ TO H. 3945 (COUNCIL\NL\3945C035.NL.SD14):

REFERENCE IS TO PRINTER'S DATE 5/7/14-H.

**AMEND THE BILL, AS AND IF AMENDED,  
IMMEDIATELY AFTER SECTION 22, BY ADDING A  
NEW SECTION APPROPRIATELY NUMBERED TO  
READ:**

**/ SECTION \_\_.PURSUANT TO THE AUTHORITY  
OF THE ATTORNEY GENERAL OF THIS STATE AS  
PROVIDED IN ARTICLE V, SECTION 24 OF THE  
SOUTH CAROLINA CONSTITUTION, NOTHING IN  
CHAPTER 13 OF TITLE 8 OF THE 1976 CODE NOW,  
HERETOFORE, OR HEREAFTER AFFECTS OR  
DIMINISHES THE UNRESTRICTED AUTHORITY OF**

**THE ATTORNEY GENERAL AT ANY TIME TO INVESTIGATE AND, IF THE ATTORNEY GENERAL CHOOSES, TO PROSECUTE POTENTIAL VIOLATIONS OF CHAPTER 13 OF TITLE 8, CHAPTER 17 OF TITLE 2, OR ANY OTHER PROVISIONS OF LAW WHICH THE ATTORNEY GENERAL REASONABLY BELIEVES MAY CONSTITUTE CRIMINAL VIOLATIONS. /**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**

**From:** Adam Piper  
**Sent:** Wednesday, April 23, 2014 11:02 AM  
**To:** Alan Wilson; Bob Cook; Barry Bernstein  
**Cc:** rick@rqasc.com  
**Subject:** Fwd:  
**Attachments:** Remaining Issue Side-by-side.docx; ATT00001.htm

Here is side by side of ethics reform currently before house con law courtesy of rep quinn and the gov's office.

There are a number of items which need our review as well as discussion with rep quinn/others including a potential amendment by Rep Banniester to take certain criminal penalties out of title 8 and place in 16 and move other violations to a non-criminal status.

Sent from my iPhone

Begin forwarded message:

Sent from my iPhone

Begin forwarded message:

**From:** "Rick Quinn" <[rick@rqasc.com](mailto:rick@rqasc.com)>  
**Date:** April 23, 2014 at 10:56:25 AM EDT  
**To:** "Adam Piper" <[adampiper1@gmail.com](mailto:adampiper1@gmail.com)>  
**Subject:** Fwd:

Sent from my iPhone

Begin forwarded message:

**From:** "Patel, Swati" <[SwatiPatel@gov.sc.gov](mailto:SwatiPatel@gov.sc.gov)>  
**Date:** April 23, 2014 at 10:50:02 AM EDT  
**To:** Rick Quinn <[rick@rqasc.com](mailto:rick@rqasc.com)>  
**Subject:** Fwd:

Sent from my iPhone

Begin forwarded message:

**From:** Patrick Dennis <[PatrickDennis@schouse.gov](mailto:PatrickDennis@schouse.gov)>  
**Date:** April 23, 2014 at 10:32:25 AM EDT  
**To:** "Patel, Swati" <[SwatiPatel@gov.sc.gov](mailto:SwatiPatel@gov.sc.gov)>

## H. 3945 Side by Side Remaining Issues

Topic	House	Senate	Comments
<u>Fundraising by Agency Heads</u>	<p>SECTION 15. 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 at the end to read:</p> <p>"(5) the head of any state agency or department who is selected by the Governor, General Assembly, or an appointed or elected board."</p>	<p>SECTION 28. Chapter 13, Title 8 of the 1976 Code is amended by adding:</p> <p>"Section 8-13-704. An agency head or employee of a department listed in Section 1-30-10(A) is prohibited from soliciting campaign contributions for a candidate for statewide elected office."</p>	The Senate language includes a larger class of people who would not be permitted to engage in fundraising.
<u>Campaign Funds Used for Penalties</u>	<p>SECTION 17. Section 8-13-1348(A) of the 1976 Code, as added by Act 248 of 1991, is amended to read:</p> <p>"(A)(1) 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.</p> <p><u>(2) Campaign funds may not be used to pay penalties and fines issued by the State Ethics Commission or the Joint Committee on Ethics pursuant to a finding of misconduct, or levied by a</u></p>	<p>SECTION 71. Section 8-13-1348(A) of the 1976 Code, as added by Act 248 of 1991, is amended to read:</p> <p>"(A)(1) <del>No</del> <u>A</u> candidate, committee, public official, or political party may <u>not</u> 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.</p> <p><u>(2) Campaign funds may not be used to pay penalties resulting from a criminal prosecution.</u></p>	The senate language would not apply to fines, fees etc that are applied by the House or Senate Committee or the Commission but only to matters that

## H. 3945 Side by Side Remaining Issues

<p><b><u>Campaign Funds Used for Penalties</u></b></p>	<p><u>court of competent jurisdiction as a result of any criminal convictions."</u></p> <p><i>(would require adjustment for recognition of whatever structural form is ultimately taken. The words "appropriate supervisory agency" should be inserted if House language is chosen)</i></p>	<p>(B) The payment 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.</p> <p>(C)(1) An expenditure of more than twenty-five dollars drawn upon a campaign account must be made by:</p> <ul style="list-style-type: none"> <li>(a) a written instrument;</li> <li>(b) debit card; or</li> <li>(c) online transfers.</li> </ul> <p>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.</p> <p>(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.</p> <p>(D) An expenditure may not be made that is</p>	<p>are prosecuted in a court.</p>
--	---	--	-----------------------------------

## H. 3945 Side by Side Remaining Issues

<p><b><u>Campaign Funds Used for Penalties</u></b></p>		<p>clearly in excess of the fair market value of services, materials, facilities, or other things of value received in exchange.</p> <p>(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.</p> <p><u>(F) A person who violates the provisions of this section is guilty of a:</u></p> <p><u>(1) misdemeanor, if the amount used or converted to personal use in violation of this section is ten thousand dollars or less, and upon conviction, the person must be fined not more than five thousand dollars or imprisoned for not more than one year, or both:</u></p> <p><u>(2) felony, if the amount converted to personal use is more than ten thousand dollars, and upon conviction, the person must be fined not more than ten thousand dollars or imprisoned not more than ten</u></p>	<p>The senate adds substantial penalties to this section. Likely, this is aimed at the misuse of campaign funds portion of 8-13-1348 rather than the use of these funds for fines and fees.</p>
--	--	---	---

## H. 3945 Side by Side Remaining Issues

		<u>years, or both."</u>	
<u>Recusal</u>	<p>SECTION 7. Section 8-13-745 of the 1976 Code, as added by Act 248 of 1991, is amended to read:</p> <p>"Section 8-13-745. (A) No member of the General Assembly <del>or an individual with whom he is associated</del> 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.</p> <p>(B) Notwithstanding any other provision of law, after the effective date of this section, no member of the General Assembly <del>or any individual with whom he is associated</del> 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</p>	<p>SECTION 27. Section 8-13-700 of the 1976 Code is amended to read:</p> <p>"Section 8-13-700. (A) <del>No</del> <u>A</u> public official, public member, or public employee may <u>not</u> knowingly use his official office, membership, or employment to:</p> <p>(1) obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated;</p> <p>(2) <u>participate or engage in a private business for which the public official, public member, or public employee is compensated for services rendered during the hours of employment for the State or for a political subdivision of the State. However, this item does not apply to a member of the General Assembly provided it does not result in additional public expense;</u></p> <p>(3) <u>use offices, equipment, materials, or supplies of the State or a political subdivision of the State for a private business or for private business activities for which the public official, public member, or public employee is compensated.</u></p>	
<u>Recusal</u>			

## H. 3945 Side by Side Remaining Issues

<p><b><u>Recusal</u></b></p>	<p>prohibit a member from voting on other sections of the general appropriation bill or from voting on the general appropriation bill as a whole.</p> <p><del>(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.</del></p> <p>(D) The provisions of this section do not apply to any court in the unified judicial system.</p> <p>(E) When a member of the General Assembly is required by law to appear because of his business</p>	<p>This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use that does not result in additional public expense, <u>or to the incidental conversations, communications, or activities of a part-time public official or part-time public member related to his primary occupation or business.</u></p> <p>(B) <del>No</del> A public official, public member, or public employee may <u>not</u> make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. <u>If a member of the General Assembly determines that he has a conflict pursuant to this section, he shall comply with items (1) and (2) before abstaining from all votes on the matter.</u> A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated shall:</p> <p>(1) prepare a written statement describing</p>	
------------------------------	---	--	--

## H. 3945 Side by Side Remaining Issues

<p><b><u>Recusal</u></b></p>	<p>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.</p> <p>(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 <u>before</u> January 1, 1992."</p> <p>SECTION 4. Section 8-13-700 of the 1976 Code, as last amended by Act 40 of 2011, is further amended by adding a new subsection at the end to read:</p> <p>"(F) Any public official who must recuse himself pursuant to this section shall do so at all times the matter is before the body or agency of which the public official is a member. The requirement of recusal under this section applies to, but is not limited to, matters considered by committees, subcommittees, study committees, or other components of the body or agency of which the public official is a member."</p>	<p>the matter requiring action or decisions and the <u>specific</u> nature of his potential conflict of interest with respect to the action or decision;</p> <p>(2) if the public official is a member of the General Assembly, he shall deliver a copy of the statement to the presiding officer of the appropriate house. The presiding officer shall have the statement printed in the appropriate journal and require that the member of the General Assembly be excused from votes, deliberations, and other action on the matter on which a potential conflict exists;</p> <p>(3) if he is a public employee, he shall furnish a copy of the statement to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he shall take the action prescribed by the State Ethics Commission;</p> <p>(4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused</p>	
------------------------------	--	---	--

## H. 3945 Side by Side Remaining Issues

		<p>from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes;</p> <p>(5) if he is a public member, he shall furnish a copy to the presiding officer of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and shall require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause such disqualification and the reasons for it to be noted in the minutes.</p> <p>(C) Where a public official, public member, or public employee or a member of his immediate family holds an economic interest in a blind trust, he is not considered to have a conflict of interest with regard to matters pertaining to that economic interest, if the existence of the blind trust has been disclosed to the appropriate supervisory office.</p> <p>(D) The provisions of this section do not apply to any court in the unified judicial system.</p>	
--	--	--	--

## H. 3945 Side by Side Remaining Issues

		<p>(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.</p> <p><u>(F) Any public official who must recuse himself pursuant to this section shall do so at all times during consideration of the matter before the body or agency of which the public official is a member. The requirement of recusal under this section applies to, but is not limited to, participation in matters considered by committees, subcommittees, study committees, or other components of the body or agency of which the public official is a member. The requirement of recusal does not apply to participation in any procedural matters considered by the committee, subcommittee, or other component of the body or agency of which the public official is a member.</u></p>	
<b><u>"Black out" Period</u></b>	<p>SECTION 11. Section 8-13-1308 of the 1976 Code is amended by adding an appropriately lettered subsection to read:</p> <p><u>"( ) During the twenty day period prior to an election, a candidate or committee must electronically report the name and address and</u></p>	<p>SECTION 57. Section 8-13-1308 of the 1976 Code is amended to read:</p> <p>"Section 8-13-1308.</p> <p><u>(F) Five days before an election, a candidate or committee must amend and file the previously filed pre-election certified</u></p>	

## H. 3945 Side by Side Remaining Issues

<p><b><u>"Black out" Period</u></b></p>	<p><u>amount accepted from each person who makes:</u></p> <p><u>(1) a contribution of more than two hundred fifty dollars; or</u></p> <p><u>(2) a contribution of less than two hundred fifty dollars that when combined with all other contributions accepted from the person during the period that have not been reported, exceed two hundred fifty dollars.</u></p> <p><u>The electronic report required by this section must be made within forty-eight hours after the applicable contribution is accepted, must include in the total the amount of any contribution from the person accepted during the period not previously reported, and must be filed and publicly accessible in the manner provided by Section 8-13-365."</u></p> <p>SECTION 12. Section 8-13-1309 of the 1976 Code is amended by adding an appropriately lettered subsection to read:</p> <p><u>"( ) During the twenty day period prior to an election, a ballot measure committee must electronically report the name and address and amount accepted from each person who makes:</u></p> <p><u>(1) a contribution of more than two hundred fifty dollars; or</u></p> <p><u>(2) a contribution of less than two hundred fifty</u></p>	<p><u>campaign report required under subsection (D) showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee to that date not previously reported and through the sixth day before the election.</u></p> <p><u>(J) All reports required by this section must be filed pursuant to Section 8-13-365."</u></p> <p>SECTION 58. Section 8-13-1309 of the 1976 Code is amended to read:</p> <p><u>"(E) Five days before a ballot measure election, a ballot measure committee must amend and file the previously filed pre-election certified campaign report required under subsection (C) showing contributions of more than one hundred dollars and expenditures to the committee to that date not previously reported and through the sixth day before the election.</u></p> <p><u>(G) All reports required by this Section must be filed pursuant to Section 8-13-365."</u></p>	
---	---	--	--

## H. 3945 Side by Side Remaining Issues

	<p><u>dollars that when combined with all other contributions accepted from the person during the period that have not been reported, exceed two hundred fifty dollars.</u></p> <p>The electronic report required by this section must be made within forty-eight hours after the applicable contribution is accepted, must include in the total the amount of any contribution accepted from the person during the period not previously reported, and must be filed and publicly accessible in the manner provided by Section 8-13-365."</p>		
<b><u>Judicial Eligibility</u></b>		<p>SECTION 23. Section 2-19-70(A) of the 1976 Code is amended to read:</p> <p>"(A) No member of the General Assembly may be elected to a judicial office while he is serving in the General Assembly nor shall that person be elected to a judicial office for a period of <del>one-year</del> <u>two years</u> after he either:</p> <p>(1) ceases to be a member of the General Assembly; or</p> <p>(2) fails to file for election to the General Assembly in accordance with Section 7-11-15."</p>	
<b><u>Lobbyist Eligibility</u></b>		SECTION 33. Section 8-13-755 of the 1976	

## H. 3945 Side by Side Remaining Issues

		<p>Code is amended to read:</p> <p>"Section 8-13-755. A former public official, former public member, or former public employee holding public office, membership, or employment on or after January 1, 1992, may not for a period of <del>one year</del> <u>two years</u> after terminating his public service or employment:</p> <p>(1) serve as a lobbyist or represent clients before the agency or department on which he formerly served in a matter which he directly and substantially participated during his public service or employment, <u>unless otherwise prohibited pursuant to Section 2-17-15</u>; or</p> <p>(2) accept employment if the employment:</p> <p>(a) is from a person who is regulated by the agency or department on which the former public official, former public member, or former public employee served or was employed; and</p> <p>(b) involves a matter in which the former public official, former public member, or former public employee directly and substantially participated during his public service or public employment.</p>	
--	--	---	--

## H. 3945 Side by Side Remaining Issues

<p><b><u>Electioneering</u></b></p>	<p>Section 8-13-1300 of the 1976 Code is amended by adding an appropriately numbered subsection to read:</p> <p>"( ) 'electioneering communication' means any broadcast, cable, or satellite communication or mass postal mailing or telephone bank that has the following characteristics:</p> <p>(a) refers to a <b><u>clearly identified</u></b> candidate for elected office,</p> <p>(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, <del>and</del></p> <p><del>(c) may be received by either:</del></p> <p><del>(i) fifty thousand or more individuals in the State in an election for statewide office or seven thousand five hundred or more individuals in any other election if in the form of broadcast, cable, or satellite communication,</del></p> <p><del>(ii) twenty thousand or more households, cumulative per election, in a statewide election or two thousand five hundred households, cumulative per election, in any other election if in the form of mass mailing or telephone bank.</del></p> <p>(d) The definition does not include:</p> <p>(i) a communication appearing in a news story,</p>	<p>SECTION 54. Section 8-13-1300 of the 1976 Code is amended by adding</p> <p>"( ) 'electioneering communication' means any broadcast, cable, or satellite communication or mass postal mailing or telephone bank that has the following characteristics:</p> <p>(a) refers to a candidate for elected office,</p> <p>(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, and</p> <p>(c) may be received by either:</p> <p>(i) fifty thousand or more individuals in the State in an election for statewide office or seven thousand five hundred or more individuals in any other election if in the form of broadcast, cable, or satellite communication,</p> <p>(ii) twenty thousand or more households, cumulative per election, in a statewide election or two thousand five hundred households, cumulative per election, in any other election if in the form of mass mailing or telephone bank.</p>	
-------------------------------------	---	--	--

## H. 3945 Side by Side Remaining Issues

	<p>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,</p> <p>(ii) a communication that constitutes an expenditure or independent expenditure under this Article,</p> <p>(iii) 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,</p> <p><del>(iv) a communication made which, incidental to advocacy for or against a specific piece of legislation, ordinance, or local initiative, pending before the General Assembly or governing body of a political subdivision, urges the audience to communicate with a member or members of the General Assembly or the governing body of a political subdivision, concerning that piece of legislation, ordinance, or local initiative, or</del></p> <p>(v) a communication that meets all of the following criteria:</p> <p>(1) does not mention any election, candidacy, political party, opposing candidate, or voting by</p>	<p>(d) The definition does not include:</p> <p>(i) 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,</p> <p>(ii) a communication that constitutes an expenditure or independent expenditure under this Article,</p> <p>(iii) 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,</p> <p>(iv) a communication made which, incidental to advocacy for or against a specific piece of legislation, ordinance, or local initiative, pending before the General Assembly or governing body of a political subdivision, urges the audience to communicate with a member or members of the General Assembly or the governing body of a political subdivision, concerning that piece of legislation, ordinance, or local initiative, or</p> <p>(v) a communication that meets all of the</p>	
--	---	--	--

## H. 3945 Side by Side Remaining Issues

	<p>the general public;</p> <p>(2) does not take a position on the candidate's character or qualifications and fitness for office; and</p> <p>(3) proposes a commercial transaction."</p> <p>Chapter 13, Title 8 of the 1976 Code is amended by adding:</p> <p>"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:</p> <p>(1) a detailed description of the use of the expenditure or communication and the amount of the expenditure or the cost of the communication;</p> <p>(2) the full name, primary occupation, <del>street address, and phone number</del> of the reporting person, <u>as well as the physical address and</u></p>	<p>following criteria:</p> <p>(1) does not mention any election, candidacy, political party, opposing candidate, or voting by the general public;</p> <p>(2) does not take a position on the candidate's character or qualifications and fitness for office; and</p> <p>(3) proposes a commercial transaction."</p> <p>SECTION 61. Chapter 13, Title 8 of the 1976 Code is amended by adding:</p> <p>"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:</p> <p>(1) a detailed description of the use of the</p>	
--	--	--	--

## H. 3945 Side by Side Remaining Issues

	<p><b><u>phone number for the residence or place of business for the reporting person;</u></b></p> <p>(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;</p> <p>(4) the name of the candidate or ballot measure that is the <del>target</del> <b><u>subject</u></b> 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;</p> <p>(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 <b><u>coordination</u></b> <del>concert</del>, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and</p> <p>(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</p> <p>(b) if the donor is a business or another organization that is not an individual, then the</p>	<p>expenditure or communication and the amount of the expenditure or the cost of the communication;</p> <p>(2) the full name, primary occupation, street address, and phone number of the reporting person;</p> <p>(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;</p> <p>(4) the name of the candidate or ballot measure that is the target 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;</p> <p>(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 concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and</p> <p>(6)(a) the identification of the top five donors to the reporting person and for any</p>	
--	--	---	--

## H. 3945 Side by Side Remaining Issues

	identification must indicate the name and title of the chief executive officer or the controlling individual of the donor organization."	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."	
--	--	---	--