

SOUTH CAROLINA

Governing Agency

- 1. What agency is charged with administering the state's campaign finance laws? Does it have authority to conduct its own investigations, including public hearings and subpoena power?**

The States Ethics Commission has the authority to administer South Carolina's campaign finance laws. [S.C. CODE ANN. § 8-13-310](#). The Commission has the authority to start investigations and issue subpoena. [S.C. CODE ANN. § 8-13-320\(9\), \(10\)\(f\)](#). The Commission also has the power to conduct hearings, which are open to the public. [S.C. CODE ANN. § 8-13-320\(10\)](#).

- 2. Does the agency have the ability to sanction, including injunctions and fines?**

Injunctions – None.

Fines – The Commission may impose a late filing fee of \$100 if not filed within 5 days; then \$10 per day for the next 10 days and \$100 for additional days (not to exceed \$5,000). [S.C. CODE ANN. § 8-13-1510](#). Other violations are subject to prosecution by the Attorney General and subject to fines imposed by a court of jurisdiction. [S.C. Code Ann. § 8-13-1520](#).

- 3. Is the agency headed by an elected official? If not, are the members of the agency protected from removal without cause?**

Members of the States Ethics Commission are appointed: four are appointed by the Governor; two by the Senate; and two by the House of Representatives. [S.C. CODE ANN. § 8-13-310\(A\)](#). Members may only be removed for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity. [S.C. CODE ANN. § 8-13-310\(F\)](#).

Campaign Coordination

- 4. (a) Are there rules defining the types of conduct and campaign spending that presumptively establish coordination between campaigns and independent expenditure committees?**

The statute defines independent expenditure as an expenditure that is not coordinated with, requested by, or made upon consultation with a candidate or an agent of a candidate; or a committee or agent of a committee. [S.C. CODE ANN. § 8-13-1300\(17\)](#). "Coordinated with" means discussion or negotiation between a candidate or a candidate's agent and a person, an agent of a person, any other agent of a candidate, or any combination of these concerning, but not limited to, a political communication's

- contents, including the specific wording of print, broadcast, or telephone communications; appearance of print or broadcast communications; the message or theme of print or broadcast communications;

- timing, including the proximity to general or primary elections, proximity to other political communications, and proximity to other campaign events;
- location, including the proximity to other political communications, or geographical targeting, or both;
- mode, including the medium (phone, broadcast, print, etc.) of the communication;
- intended audience, including the demographic or political targeting, or geographical targeting; and
- volume, including the amount, frequency, or size of the political communication. [S.C. CODE ANN. § 8-13-1300\(33\)](#).

(b) Does the state have a safe harbor rule and, if so, what does it allow?

No

Campaign Contributions

5. (a) Does the state limit the amount of contributions to political candidates for state level offices by individuals, corporations, other entities (PACs, 501(c)(4)s)?

Individuals to candidate (aggregate limit to include both primary and general election): \$3,500

PACs to candidate: same as individuals

Corporations or Unions to candidate: same as individuals. [S.C. CODE ANN. § 8-13-1314](#).

(b) Does the state limit the amount of contributions to state political parties?

No person may contribute to a committee an amount aggregating more than \$3,500 in a calendar year. [S.C. CODE ANN. § 8-13-1322](#). "Committee" includes a party committee, which is a committee established by a political party. [S.C. CODE ANN. § 8-13-1300\(24\)](#).

Campaign Disclosure Requirements

6. What is the dollar amount for disclosure of campaign contributions to candidates?

Candidates must report the total of contributions accepted by the candidate or committee, the name and address of each person making a contribution of more than \$100 and the amount and date of receipt of each contribution. [S.C. CODE ANN. § 8-13-1308\(F\)](#).

7. Does the state require reporting of contributors to independent expenditure committees, including second level disclosure of members of contributing LLCs and donors to contributing 501(c)(4)s or similar entities?

Any committee spending more than \$500 to influence the outcome of an election is required to file reports listing the name and address of each person making a donation of more than \$100, as well

as the amount and date of the contribution. [S.C. CODE ANN. § 8-13-1308\(A\), \(F\)](#). However, the Commission has been unable to enforce these registration and disclosure requirements for candidates since a 2010 decision declaring the Ethics Act's definition of committee as unconstitutional. *Citizens for Life v. Crawcheck* 759 F. Supp. 2d 708, 720 (D.S.C. 2010).

There are no provisions requiring the disclosure of the beneficial owners of LLCs or the funders of 501(c) organizations, which contribute to independent spenders.

8. Does the state require the disclosure of the payors of political advertisements or other electioneering communications to appear directly on the communication made through print media, broadcast media (TV, radio etc.), and Internet-based media (Facebook, Twitter, Google, and other online platforms)?

A candidate, committee, or other person which makes an expenditure in the distribution, posting, or broadcasting of a communication to voters supporting or opposing a public official, a candidate, or a ballot measure must place his name and address on the printed matter or have his name spoken clearly on a broadcast so as to identify accurately the person and his address. [S.C. CODE ANN. § 8-13-1354](#). This applies to any paid communication to voters supporting or opposing a public official, a candidate, or a ballot measure, and applies to all print media, broadcast media, and internet-based.

Campaign Finance Filing Requirements

9. (a) Is there a requirement for candidates to report contributions of \$1,000 or more received within 30 days prior to an election and, if so, what is the filing deadline?

Candidates and committees must report any contributions totaling \$500 or more within ten days after receipt. [S.C. CODE ANN. § 8-13-1308\(A\)](#). Candidates and committees must also report contributions of more than \$100 at least 15 days before an election. [S.C. CODE ANN. § 8-13-1308\(D\)\(1\)](#).

(b) Is there a requirement for independent spenders to report expenditures of \$5,000 or more that are made during the 30 days prior to an election and, if so, what is the filing deadline? Also do these reports include information on contributions received, as well as expenditures made?

Committees must report within ten days any independent expenditure totaling \$500 or more. [S.C. CODE ANN. § 8-13-1308\(A\)](#). Committees must also report contributions of more than \$100 at least 15 days before an election. [S.C. CODE ANN. § 8-13-1308\(D\)\(1\)](#). Additionally, committees must immediately file a report every time an expenditure of \$10,000 or more is made within 20 days before an election. [S.C. CODE ANN. § 8-13-1308\(D\)\(2\)](#).

(c) Is there a requirement for candidates and independent spenders to file a post-election report within 30 days of an election and, if so, what is the filing deadline?

There are no post-election filing requirements.

Accessibility of Reports

10. (a) Are reports required to be filed electronically?

Reports must be filed electronically through

<https://ssl.sc.gov/EthicsRegistration/Login/Login.aspx>. S.C. CODE ANN. § 8-13-365.

(b) Are reports available on an easily searchable and sortable website?

Search by candidates/committee - YES

- Name - YES
- Election Year - YES
- Office - YES
- Date and Amount of Contribution – NO
- Date and Amount of Expenditure – NO
- Contributor - YES

Search by independent expenditure – YES

- Election Year - NO
- Amount of Expenditure – NO
- Candidate supported or opposed - NO. Public Disclosure and Accountability Reporting System, S.C. STATE ETHICS COMM’N
<https://apps.sc.gov/PublicReporting/Index.aspx>

Appendix: Sources of Law & Guidance

Statutes

[S.C. CODE ANN. § 8-13.](#)

Guidance

Public Disclosure and Accountability Reporting System, S.C. STATE ETHICS COMM’N
<https://apps.sc.gov/PublicReporting/Index.aspx>