

The State of South Carolina



Office of the Attorney General

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September 29, 1986

The Honorable Patrick B. Harris
Chairman, House Legislative Ethics Committee
Post Office Box 11867
Columbia, South Carolina 29211

Dear Representative Harris:

In a letter to this Office you indicated that a state representative is having a fundraiser to raise money for personal legal fees. He has questioned whether he needs to report such activity to the House Ethics Committee and if so, how should it be reported.

I am unaware of any provision of this State's Ethics Act, Section 8-13-10 et seq of the Code, which would absolutely prohibit such a fundraiser. However two particular statutes should be noted in such regard. Section 8-13-410(1) states in part:

(n)o public official ... shall use his official position or office to obtain personal financial gain for himself.

Section 8-13-420 states in part:

(w)hoever gives or offers to any public official ... any compensation ... to influence his action, vote, opinion or judgment as a public official ... or such public official solicits or accepts such compensation to influence his action, vote, opinion or judgment shall be subject to punishment....

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While such provisions do not absolutely prohibit payment to a fund established to pay legal fees of a public official, their prohibitions should be noted.

As to whether any such payments would have to be reported to the House Ethics Committee, it appears that such payments would not have to be handled as contributions to a political campaign. Pursuant to Section 8-13-620

(a)ny candidate for office or any committee working on behalf of a candidate for office, or any duly organized group or political party receiving or soliciting funds for the support of a political candidate or candidates shall maintain a record of all funds and contributions received, with the name and amount of each individual or group contributing more than one hundred dollars and to what candidate such contribution was made....

Funds to help pay personal legal fees appear to be distinguishable from campaign funds which must be reported pursuant to such provision.

However, aside from campaign funds, any state representative who receives a gift from a lobbyist, as defined by Section 2-17-20 of the Code, of a value of more than one hundred (\$100.00) dollars must report such gift to the House Ethics Committee. Such provision should be noted if in fact any contributions to pay legal fees are received from lobbyists.

If there is anything further, please advise.


Sincerely,



Charles H. Richardson
Assistant Attorney General

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REVIEWED AND APPROVED BY:


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