

1981 WL 158116 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 23, 1981

*1 The Honorable Thomas E. Smith, Jr.

Senator

District Number Eleven

Gressette Senate Office Building

Post Office Box 142

Suite 512

Columbia, South Carolina 29202

Dear Senator Smith:

You have asked this Office whether the political party organization of each county is required to file a 'campaign disclosure' form under the State Ethics Act (§§ 8-13-10 through 8-13-1020, [CODE OF LAWS OF SOUTH CAROLINA](#) 1976, as amended).

Campaign disclosure forms are covered by §§ 8-13-620 and 630. § 8-13-620 says in part: 'Any 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 . . . '.

The main object of this section is to ensure that funds raised for candidates for public office be accounted for. The logical person, group, committee or political party organization to report these funds would be the entity that 1) receives and keeps records on them and 2) either gives them to the candidate, spends, or retains them. A county organization that acts merely as a conduit for funds to the state party would not be required to report. The state party would, of course, be required to file.

Therefore, it is the opinion of this Office that if a county political party organization receives funds to support a candidate or candidates and either spends or retains these funds or hands them over to the candidate, that organization must file a campaign disclosure form. If, on the other hand, the county organization is merely a conduit for the funds to the state organization, the county organization need not file.

I hope this has been of help to you.

Sincerely,

Eugene W. Yates, III

Assistant Attorney General

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