

1981 WL 158130 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 5, 1981

*1 Honorable Archie Hardy
Member
House of Representatives
6941-B North Trenholm Road
Columbia, South Carolina 29206

Dear Archie:

Thank you for your note which I received yesterday.

The disbursement of unexpended campaign funds has come up a number of times in this Office and has been the subject of at least two opinions, both of which I am enclosing. You will see that the answer is not entirely certain but there seems to be an absolute lack of legal authority precisely on the issue.

I think it would be a good idea to amend the Ethics Act so as to give some statutory guidance in this area. It seems to me that it could be flatly permitted, or permitted in a prescribed manner. The latter course seems to me most appropriate. For example, if the unexpended campaign funds remaining do not exceed a fixed amount, disbursement could be restricted to charitable or religious organizations; if desired, disbursement could be made for political purposes, such as party affairs, etc.

I had not given thought to the amendatory route but it strikes me as being needed. If you wish, I will undertake research on the matter and come up with what may be legally acceptable; the purposes of disbursements are a matter for your determination. I will understand any reluctance on your part to take the initiative for such an amendment. If you wish, I would be glad to assume that burden.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

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