

1980 WL 121206 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 5, 1980

\*1 Honorable Robert C. Lake, Jr.  
Chairman  
Senate Ethics Committee  
205 Gressette Senate Office Building  
Post Office Box 142  
Columbia, South Carolina 29202

Dear Senator Lake:

You have asked the Opinion of this Office on several questions concerning candidates for public office under the State Ethics Act (§§ 8-13-10 et seq., Code of Laws of South Carolina, 1976, as amended).

Your first question is when and where a candidate for the Senate must file a 'statement of economic interest'. A candidate for the Senate must file a 'statement of economic interest' within twenty (20) days after he becomes a candidate. Section 8-13-610(a). The place of filing this statement by a candidate for the Senate is with the Senate Ethics Committee. See § 8-13-610(a) and § 8-13-20(k). In addition, all members of the General Assembly, regardless of whether they are running for re-election, must file an updated 'statement of economic interest' each year by April 15. <sup>1</sup> Section 8-13-840; see also § 8-13-810 and § 8-13-20(k).

Your second question concerns the maintenance by candidates of records of all funds and contributions received during a campaign for elective office. See §§ 8-13-620 and 8-13-630. Specifically, you ask whether a candidate is required to maintain a list of all contributions, or just those that exceed one hundred (\$100.00) dollars. Section 8-13-620 requires a candidate to keep records of all funds and contributions received, with the name and amount of each individual or group contributing more than one hundred dollars to his candidacy. Such a list is required to be filed with the appropriate supervisory office within thirty (30) days after each election in which contributions are sought or received. Therefore, the State Ethics Act only requires that a candidate keep records of all funds and contributions received during a campaign for elected office but only a list of names of contributors for more than one hundred dollars be maintained. <sup>2</sup>

You also ask whether the right of public inspection of the list of campaign donors as required by § 8-13-620 extends for only the two weeks before an election. <sup>3</sup> Section 8-13-620 states in part that:

... Any such candidate, or committee, or group or party shall maintain a current list of all contributors in the amount of more than one hundred dollars during the two-week period prior to the election, which shall be open to public inspection upon request . . .

Therefore, it is clear from the language above that the public inspection required by the candidate, or group or party only covers a period of two weeks prior to the election. However, it should be noted from the filing requirements of § 8-13-620 that the same information is required to be filed with the appropriate supervisory office within thirty (30) days after each election; such information is a matter of public record.

Your final questions also concern campaign disclosure. You ask whether a candidate must file a 'campaign disclosure form', showing his contributions and expenditures, within thirty (30) days after an election, either successful or unsuccessful. It is the Opinion of this Office that § 8-13-620 so requires. The filing is to be at the appropriate supervisory office. You further ask whether an amended campaign disclosure form must be filed again after these thirty (30) days are up if the candidate receives

or expends funds associated with said election. Section 8-13-630 says that a candidate must update the information required by § 8-13-620 by filing the information within ten (10) days after the end of each calendar quarter 'in which the funds were received or expended' for the purpose of paying expenses for such election.

Very truly yours,

\*2 Eugene W. Yates, III  
Assistant Attorney General

Footnotes

- 1 Note that in the case of an incumbent member of the General Assembly seeking re-election, his 'statement of economic interest' is required to be filed the earlier of the two dates, i.e. the earlier of twenty days after filing his declaration of candidacy or April 15.
- 2 It should be noted that the CAMPAIGN DISCLOSURE MANUAL published by the State Ethics Commission states that while such listings are not required, that they are recommended for proper record maintenance. See pp. 13, 14.
- 3 'Election' is defined by § 8-13-20(h) of the State Ethics Act as '(1) a general, special, primary or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, and (3) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States.'

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