

1980 WL 120736 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 23, 1980

*1 The Honorable Robert C. Lake, Jr.
Senate Ethics Committee
The Senate of South Carolina
Post Office Box 142
Columbia, South Carolina 29202

Dear Senator Lake:

You have asked the opinion of this office on whether an unopposed candidate for party nomination must file contribution disclosure material within thirty days after the primary election.

The contribution disclosure requirement is set forth in [§ 8-13-620, Code of Laws of South Carolina](#), which states:

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, with the name and amount of each individual or group contributing more than one hundred dollars and to what candidate such contribution was made. Duplicate, certified originals of such list showing the names of all contributors of more than one hundred dollars shall be filed with the appropriate supervisory office within thirty days after each election in which such contributions are sought or received. 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. When a final list is filed with the supervisory office such candidate or group receiving such funds shall file a certified report stating the amounts expended and for what purposes, how much is retained and what its ultimate distribution shall be. (emphasis added)

The campaign practice provisions of Title 8, including the aforementioned section, apply in part to any person who has filed a declaration of candidacy for a primary election. [§ 8-13-20\(c\), \(h\); §§ 7-11-210, et seq.](#), as amended.

The language of [§ 8-13-620](#) directly applicable to the question presented by you provides that the contribution disclosure material shall be 'filed with the appropriate supervisory office within thirty days after each election in which such contributions are sought or received.' Although an unopposed candidate may not appear on the primary ballot, he has filed a declaration of candidacy and is a candidate for public office. Thus, according to the plain language and purpose of [§ 8-13-620](#), if an unopposed candidate seeks or receives contributions prior to the primary election, the necessary contribution disclosures must be filed within thirty days after the primary election. See [§ 8-13-10](#).

It is the opinion of this Office that if an unopposed candidate for party nomination seeks or receives contributions prior to the primary election, he must file contribution disclosure material within thirty days after the primary election.

Sincerely,

James M. Holly
Assistant Attorney General

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