

# Senate Ethics Committee

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## SENATE ETHICS COMMITTEE ADVISORY OPINION # 92-2

To: Members, South Carolina Senate

From: Edward E. Saleeby, Chairman  
Senate Ethics Committee

Re: Filing of Initial Certified Campaign Reports

Date: January 29, 1992

The Committee on Ethics was presented the following question at its last meeting on January 15, 1992.

Does a member who has not raised or expended \$500 or more in 1992 which would trigger an initial certified campaign report pursuant to Section 8-13-1308(A) have to file report within ten days of the close of the first quarter when a statement of inactivity is due?

Section 8-13-1308 expressly requires the filing of an initial certified campaign report within 10 days of the "receipt or expenditure of campaign contributions totaling, in an accumulated aggregate, five hundred dollars or more, ...." (Emphasis added.) If this threshold is not reached, an initial report is not required until fifteen days before an election. Item (B) of Section 8-13-1308 requires that "[f]ollowing the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are

made, whether before or after an election." In contrast to the prior law, Section 8-13-1362 states that, "[i]f a candidate or committee has not accepted any contributions and has not made any expenditures during a reporting period, the candidate or a duly authorized officer of the committee must file a statement of inactivity."

In reading Sections 8-13-1308 and 8-13-1362 together, absent contribution or expenditure activity sufficient to meet the threshold, it could be reasonably determined that an initial certified campaign report would not be required until fifteen days before an election. The Committee rejects this conclusion, as an equally reasonable determination may be reached which is consistent with the complete and regular filing schedule contemplated by the new law.

Therefore, assuming the \$500 threshold has not been reached prior to April 1, 1992, the Committee concludes that a member must file an initial certified campaign report as specified in Section 8-13-1308(E) within ten days of April 1, 1992. If the \$500 threshold has been met prior to April 1, 1992, a member would be required to file an initial certified campaign report within ten days of the date when the threshold amount is met and then file a quarterly report within ten days of April 1, 1992. Although not expressly addressed by Section 8-13-1308(E), the Committee further concludes that, in the initial certified campaign report, a member must report contributions received in the fourth quarter of 1991<sup>1</sup> and add this total to the amount which the member brings forward from the last campaign report filed with the Committee. In addition to the initial certified campaign report, a member organizing as a candidate committee must file a statement of organization with the Senate Committee on Ethics pursuant to Section 8-13-1306.

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<sup>1</sup>The requirement for a January report of contributions and/or expenditures occurring in the last quarter of 1991 was eliminated with the repeal of the prior statute. Thus, absent the conclusions reached in this opinion, expenditures or contributions received in the last quarter of 1991 might go unreported until May or later. It is axiomatic that this committee cannot advise or compel a member of file a report pursuant to a statute that is no longer in effect. Instead, the committee is rendering its opinion based upon the clear intent of the new act to provide accurate and complete record keeping with regard to the receipts and expenditures of campaign funds which must be reported at regular intervals.