

Senate Ethics Committee

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ADVISORY OPINION #93-5

To: Members, South Carolina Senate

From: Hugh K. Leatherman, Sr.
Chairman, Senate Ethics Committee

Date: June 28, 1993

Re: Reporting Requirements for Candidates for Offices Elected
by General Assembly

The Joint Legislative Committee for Judicial Screening has asked the Ethics Committee to clarify when a candidate for office elected by the General Assembly must file the expenditure reports required by S. C. Code Ann. §8-13-920.

That section provides:

A person running for an office elected by the General Assembly must file a report with the Chairman of the Senate Ethics Committee and the Chairman of the House of Representatives Ethics Committee of money in excess of one hundred dollars spent by him or in his behalf seeking the office. The report must include the period beginning with the time he first announces his intent to seek the office. The report must not include travel expenses or room and board while campaigning. Contributions made to members of the General Assembly during the period from announcement of intent to election date must be included. The report must be updated quarterly with an additional report filed thirty days after the election. Persons soliciting votes on behalf of candidates must submit expenses in excess of one hundred dollars to the candidate which must be included on the candidate's report.

The Committee finds that, under §8-13-920, a candidate must file an initial report at such time as expenditures in behalf of his candidacy calculated from the time he announces his intention to seek the office reach a cumulative total of one hundred dollars. In calculating the one hundred dollar threshold amount, the candidate must include all expenditures made by him and all

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expenditures made by persons soliciting votes on behalf of his candidacy and must exclude expenditures for travel, room, and board incurred while campaigning. "Expenditure" means "a purchase, payment, loan, forgiveness of a loan, and advance, in-kind contribution or expenditure, a deposit, transfer of funds, a gift of money, or anything of value for any purpose." §8-13-100(14).

Although no form is specified for the reporting of expenditures, the Committee believes that the report, at a minimum, should contain a statement of the amount spent by, or on behalf of, a candidate during the reporting period and a statement whether the candidate made any contributions to members of the General Assembly during the reporting period and the amount of those contributions, if any.

Once an initial report is filed, it must be updated quarterly until the election is held. An additional report is filed five days prior to the election and a final report must be filed thirty days after the election.