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ADVISORY OPINION 2019 - 1

The House Legislative Ethics Committee received a request from a Member for an advisory opinion. The Member questioned whether the Speaker of the House could pay for the costs of the Chairmen's breakfast from his or her campaign funds. In the past, the Speaker of the House has held a breakfast at a local club either once a week or once per month during the legislative session to discuss the work of each standing Committee with each of the Committee chairmen. The Chairmen's breakfast is not known as a social event but is conducted as a business meeting with the Speaker and the standing Committee Chairmen.

Pursuant to House Rule 4.16C.(5), the Committee renders the following advisory opinion.

DISCUSSION

S.C. Code § 8-13-1348 provides:

(A) No candidate, committee, public official, or political party may use campaign funds to defray personal expenses which are unrelated to the campaign or the office if the candidate is an officeholder nor may these funds be converted to personal use. The prohibition of this subsection does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual's duties as a holder of elective office.

S.C. Code § 8-13-1348(A). Thus, campaign funds may be used for campaign expenditures or expenditures related to the office the Member holds.

In House Ethics Committee Opinion 2016-2, the Laundry List opinion, which dealt with permissible and impermissible uses of campaign funds, the Committee opined, regarding meals for Members and Staff by a Committee Chairman, Speaker, and Speaker Pro Tempore:

A Chairman of a House Legislative Committee requested the ability to use his campaign funds to pay for a Committee thank you dinner for all of the Members who serve on the Committee and all

of the staffers who staff the Committee. The Committee finds that paying for a dinner for all of the Committee Members and staff as a thank you is a permissible expenditure from campaign funds as the Chairman would not have this expenditure but for the office he holds. The Committee also finds it is permissible for the Speaker and Speaker Pro Tempore to pay for meals for the Chairmen of Committees and Caucuses.

House Ethics Committee Opinion 2016-2, II, number 14, p. 9. Therefore, the Committee finds that it is a permissible expenditure from the Member/Speaker's campaign funds to pay for the Chairmen's breakfast pursuant to Section 8-13-1348(A). The Committee further finds that anything done by the Speaker or a Chairman of a Committee in furtherance of the office the Speaker or Chairman holds, such as, providing meals and gifts paid by campaign funds, is related to the office held.

CONCLUSION

In summary, the Speaker of the House may use his campaign bank account to pay for the Chairmen's breakfast as he would not conduct the Chairmen's breakfast but for the official position he holds as Speaker of the House.

Adopted January 10, 2019.