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### **Protocol regarding the House Ethics Committee's Handling of Judicial Candidates' Statement of Economic Interests**

**Adopted at the House Ethics Committee Meeting on February 12, 2020**

Recently, counsel for the Judicial Merit Selection Commission (JMSC) questioned the House and Senate Ethics Committee (Committee)'s handling of judicial candidates' SEIs, which the JMSC sends to Committees after received by the judicial candidates. Specifically, the question is whether the House Ethics Committee should shred the judicial candidates' SEIs after the judicial elections are held.

S.C. Code Ann. Section 8-13-910, regarding candidates elected or consented to by General Assembly to file statements of economic interests; authority with whom to file, provides

(A) No person who is a candidate for public office which is filled by election by the General Assembly may be voted upon by the General Assembly until at least ten days following the date on which the candidate files a statement of economic interests as defined in this chapter with the Chairman of the Senate Ethics Committee and the Chairman of the House of Representatives Ethics Committee.

(B) No person who is appointed to an office which is filled with the advice and consent of the Senate or the General Assembly may be confirmed unless the appointment, when received by the Senate and/or the House, is

accompanied by a current original copy of a statement of economic interests which has been filed with the appointing authority and is transmitted with the appointment and until at least ten days following the date on which the appointment, with the attached original economic interest statement, has been received by the Senate and/or the House.”

S.C. Code Ann. Section 8-13-910. Section 8-13-920 also states

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 in 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 five days before the election and the final 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. A copy of all reports received by the Senate Ethics Committee and the House of Representatives Ethics Committee must be forwarded to the State Ethics Commission within two business days of receipt.

Section 8-13-920. Thus, the judicial candidate will have a SEI on file with the House Ethics Committee and possibly a letter explaining if excess of \$100.00 is spent by the candidate in seeking office.

Further, Section 2-19-50 provides

All records, information, and other material that the Judicial Merit Selection Commission has obtained or used to make its findings of fact, except materials, records, and information presented under oath at the public hearing, must be kept strictly confidential. After the commission has reported its findings of fact, all records, information, and material required to be kept confidential must be destroyed. The information required to be kept confidential also shall be exempt from disclosure pursuant to Chapter 4 of Title 30.

Section 2-19-50. (emphasis added). Thus, the argument is that the judicial candidate's SEI and letter reporting in excess of \$100 spent in the candidate's campaign are not made an exhibit at the Public Hearing, and should remain confidential. After the Report and Recommendation becomes final, then all material required to be kept confidential must be destroyed.

Thus, the Committee adopts the following protocol:

Since the judicial candidate's SEI is kept confidential, this document should be destroyed/shredded after the JMSC's Report and Recommendation becomes final. Further, the candidate's letter reporting in excess of \$100 spent in the candidate's campaign should be destroyed thirty one days after the election, since the candidate's final letter could be filed thirty days after the election.