

Ethics Advisory Opinions

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Conflicts of Interest

21-1	<p>There is no conflict of interest when Members, who are employed by and/or compensated by a municipality, when a budget funding request provides funding for capital improvement projects located in the Members' district or political subdivision, if the Member, and/or individuals or businesses with whom they are associated - as defined in the Ethics Act - receive no economic interest from said funding.</p> <ul style="list-style-type: none"> • Municipalities are governmental entities, and not to be considered a business with which the Member is associated.
21-3	<p>There is no conflict of interest when a Member sponsors a particular bill when there is no nexus that sponsoring the bill violates the Ethics Act, based on the facts presented.</p> <ul style="list-style-type: none"> • In this matter, even if there would be conflict, Member was sponsoring a farm bill; and the number of farms would meet the requirements for a large class exemption.
19-3	<p>Is it permissible for a Member to participate in allowable ex parte communication briefing before the Public Service Commission?</p> <ul style="list-style-type: none"> • This would not be a conflict of interest if the Member was advocating the of allowing a rebate to Members of the former utility company, SCE&G, even though he would benefit from the rebate, because it fell under a large class exemption. • In an official capacity, a Member may not participate in a permissible ex parte communication with the Public Service Commission when Member is not officially authorized to engage in such an action by the House.
19-7	<p>A Member has no conflict of interest assisting a constituent in contacting a State Agency, as the constituent is publishing a book through a publishing company and the Member receives compensation from the subsidiary of the publishing company.</p> <ul style="list-style-type: none"> • Arranging a meeting such as this is part of the role a Member may have in his or her official position. • There is no conflict of interest because Member does not have an economic interest, since Member obtains compensation from the publishing company's subsidiary, not the publishing company.
19-8	<p>A Member of the House Legislative Oversight Committee (HLOC) may encourage or solicit public comment about an agency under study by the HLOC.</p> <ul style="list-style-type: none"> • This was not a violation of the Ethics Act; Member asked for public comment in general sense and did not solicit only favorable comments, or try to direct the way the public should comment.
17-1	<p>There is not a conflict of interest when a Member sells insurance policies, as an agent of an insurance company, through a competitive bidding process to submit insurance proposals, to local Department of Disabilities and Special Needs Boards and local county hospitals.</p> <ul style="list-style-type: none"> • When a Member fulfills the above requirements, the Member is not considered to have an interest distinct from the general public

	<p>Moreover, Member is not required to abstain from voting on budgetary requests for the DDSN and DDHS, in the situation above, due to the large class exception, in S.C. Code Ann. § 8-13-100(11)(b).</p>
<p>17-5</p>	<p>It is not a conflict of interest for a Member to be employed by the County Treasurer as long as he or she follow the rules of conduct.</p> <ul style="list-style-type: none"> • Member may need to abstain from voting on line items in the Appropriations Bill. • Member must report income on SEI. <p style="text-align: center;"><i>See also, House Advisory Opinion 92-4</i></p>
<p>16-1</p>	<p>Is there a conflict of interest:</p> <p>(A) when a staffer for the House Legislative Oversight Committee (HLOC) worked for a law firm that was hired by a commissioner on the SC Retirement System Investment Commission, which is the Commission being studied by the HLOC;</p> <ul style="list-style-type: none"> • There is no conflict of interest here because the staffer has/had no economic interest in his previous law firm as they were never a partner, but rather a salaried employee. • The firm represented a Commissioner of the Commission under investigation and evidence established the staffer never worked on legal matters for the Commissioner during their previous employment at the firm. • Moreover, the committee is merely investigatory and authorized to report findings; thus, the staffer was not using their employment to influence government decisions regarding a former business in which they were associated. <p>(B) when a Member’s wife has an uncle and cousin that practice law with a commissioner from the Commission;</p> <ul style="list-style-type: none"> • There is no conflict of interest here because the Member-Wife’s cousin and uncle are not considered “immediate family” under S.C. Code Ann. § 8-13-100(18). <p>(C) when the staffer on the HLOC serves as a staffer for the HLOC subcommittee for the State Treasurer’s office when the State Treasurer also serves as a commissioner on the Commission;</p> <ul style="list-style-type: none"> • Because there was no conflict found regarding the staffer in Part A, it was determined that there is no conflict in this instance either. • The House Ethics Committee was confused at what conflict was being alleged, in this specific instance, but also determined no South Carolina Rules of Professional Conduct governing lawyers were violated either. <p>(D) when a Member’s wife has an uncle and cousin that work with a commissioner, should the Member be able to serve on the HLOC subcommittee for the State Treasurer’s office when the State Treasurer also serves as a commissioner on the Commission?</p> <ul style="list-style-type: none"> • There is no conflict of interest in this specific instance either because of the same reasoning in Part B.

16-3	<p>The receipt of Medicaid payments by the Member’s business does not result in a conflict of interest that requires the Member to abstain from voting on Medicaid issues at any point in the legislative process because of the large class exemption.</p> <ul style="list-style-type: none"> • One Member had a medical device company and another Member had a pharmacy. • Any economic benefit received was reasonably foreseen to accrue to anyone in that profession; it did not solely benefit the Member’s interest.
15-2	<p>There is not a violation of S.C. Code Ann. § 8-13-700 when an officer or Member of a House Legislative Caucus refers Caucus business to himself or to a business with which he is associated and from which he makes a profit.</p> <ul style="list-style-type: none"> • The statute does not apply in this situation. • House Legislative Caucus’s do not constitute an “official office” under the Ethics Act. • A Caucus Member would not be using his or her “official office” (i.e., a Member of the SC House of Representatives) to gain an economic benefit; he or she would be using his or her caucus Membership to do so. • The Caucus is not considered a “Governmental entity” under the Ethics Act, for the purposes of the disclosure requirements.
94-4	<p>Member’s serving on a state board agency that oversees agency where they work.</p> <ul style="list-style-type: none"> • If decisions made from service with the agency would confer an economic interest or benefit on the Member it would be prohibited. • Members are prohibited from using their office or official positions to gain an economic interest for themselves and are prohibited from receiving or soliciting anything of value to influence their decision making.
93-11	<p>Members engaged in real estate business, may</p> <ol style="list-style-type: none"> (1) sell real estate in an arm's length transaction to a lobbyist (2) and provide financing for these sales. <ul style="list-style-type: none"> • The transaction must be reported pursuant to S.C. Code Ann. § 8-13-1130. • A legislator is not prohibited from selling real estate to judges.
93-14	<p>Insurance Agent/Broker Member participate in decisions with LCI (and property and casualty subcommittee)</p> <ul style="list-style-type: none"> • A Member is not prohibited from making decisions in an area in which he has an economic interest if the benefit received is no greater than the benefit all Members of the same profession, occupation, or large class receive. • Specific provisions or amendments could create a conflict because of a specialized line of insurance policies carried or because of other aspects of business not typical of all insurance agents.
93-16	<p>Members applying for funds from state agencies for their businesses.</p> <ul style="list-style-type: none"> • Prohibited conduct which creates a conflict of interest can only be evaluated on a case-by-case basis.

	<ul style="list-style-type: none"> • A Member is prohibited from contracting with state governmental agencies funded through state general funds, if the Member voted on the section of the appropriations bill relating to the agency in the past year. • A Member's business is not precluded from receiving funds from state agencies where the federal government is the origin of the funds. A vote on the appropriations bill does not affect the receipt of the funds and the Ethics Act restrictions do not apply.
93-19	Federal Retiree Member take actions to help resolve the federal tax reimbursement issue is permissible and not a conflict of interest because the large class exemption applies, unless Member would be reimbursed to an unequal extent to all other federal retirees in the State.
93-26	<p>Possible conflicts when (1) Member is employed by State University (2) Candidate is employed by State University (3) Member/Candidate and independent consultant to state agencies.</p> <ul style="list-style-type: none"> • A State supported university may employ a Member or candidate, but not as a lobbyist. • Members are prohibited from serving as lobbyist while serving and for one year after it ends; further, lobbyist's principals are prohibited from employing Members on retainer. • A candidate or Member of the House may be a consultant to a state agency if reporting requirements of S.C. Code Ann. § 8-13-1120(A)(2) have been met, along with other applicable provisions.
93-27	<p>Members may be employed by a State university and they may also serve as economic development consultants for entities such as an electric co-op or other subdivisions of government.</p> <ul style="list-style-type: none"> • Members would be prohibited from entering into such employment contracts if they voted on sections of the appropriations bill within the last year that would benefit them personally if such contracts were entered. • Members must abstain from voting if doing so would benefit them economically. • A Member may be a consultant to an electric co-op or subdivision of government. That Member must disclose the employment arrangement and the amount of income received. The Member must abstain from voting on issues that would affect his economic interests. <p>NOTE: HEC ADVISORY OPINION 2021-4 OVERRULED PART ONE.</p>
92-1	<p>Member raising funds for County Health Department (as officer of National Association of Real Estate Brokers)</p> <ul style="list-style-type: none"> • Members are allowed to help organizations or governmental entities raise funds when the Member receives nothing of value for their time or efforts.
92-4	No provisions of the Ethics Act prohibit a Member from being employed with a state agency.

	<ul style="list-style-type: none"> • The employment and income received must be disclosed. • The Member may not vote on parts of the appropriations bill that relates to the agency with which the Member has a contractual arrangement for goods and services. <p>Any conflicts of interest that arise must be dealt with in accordance with the Ethics Act and may require abstention.</p>
92-11	<p>Potential Conflicts of Interest and other issues relating to Voting and Appropriations Bills.</p> <ul style="list-style-type: none"> • When a Member has a potential conflict of interest with legislation, they must send a written statement describing it to the Speaker. • Speaker will print the statement in the House Journal and excuse the Member from voting, deliberating, or taking other action on the legislation. • Members representing clients before governmental entities should refrain from voting on sections of the appropriations bill that affect said entities, if an appearance occurred within one year prior to voting. • Members are not precluding from voting on other sections of the bill or the bill as a whole. • Members are prohibited from representing clients before certain entities if the Member voted on said entities section in the Appropriations Bill in the prior year.
92-14	<p>Conflicts in General Appropriations Bill funding schools where Member's firm represents the school district</p> <ul style="list-style-type: none"> • No conflict exists if the funding measure is statewide and does not uniquely impact the employer/district; where there is no direct appropriation to a specific school district, no conflict exists. <p>Members firm represents clients before the Procurement Review Board but there is not conflict in regard to voting on funding for the board.</p> <ul style="list-style-type: none"> • Members may not knowingly represent another person before a governmental entity except in a contested case under the APA. • Voting on funding for state programs that the Member may help implement is likely an interest of the general public and not a personal one. • If the economic benefit to the Member is incidental to the appropriation and not the main target, there is a presumption of no conflict.
92-27	<p>Corporation which Member is the majority stockholder selling goods to state and local govt entities and voting on the Appropriations Bill</p> <ul style="list-style-type: none"> • The prohibition of a Member contracting for goods and services with a state agency does not extend to simple "over-the-counter" transactions. No recusal from voting is required in such a situation. • Members may not contract for goods and services with an agency funded by an appropriations bill if that Member voted on the section funding for said agency for that year.

	<p>Correct procedure for abstention noted in House Journal</p> <ul style="list-style-type: none"> • An abstention from voting is noted on the record when that Member submits a written statement describing the matter requiring action and potential conflict to the Speaker for printing in the House Journal.
92-30	<p>Member is permitted to serve on the Policy Board for the South Carolina Center for the Advancement of Teaching and School Leadership, and the Ethics Act does not prohibit such service.</p> <ul style="list-style-type: none"> • A Member may serve on an internal policy board of the statutorily created South Carolina Center for the Advancement of Teaching and School Leadership because it is not a "state board" as defined in S.C. Code Ann. § 8-13-770. • State boards and commissions are those created by an act of the General Assembly or those in which a majority of the board/commissions Membership is consisted of legislators. • The Center's "Policy Board" was created by its bylaws and not legislation, nor is it made up of primarily legislators.
92-41	<p>Merchant Member contributing to Richland County Troopers Association for their Christmas Party.</p> <ul style="list-style-type: none"> • There are no restrictions in the Ethics Act that prohibits area merchants from making donations to the Richland County Troopers Association. Any solicitation that involves the use of official materials as outlined in S.C. Code Ann. § 8-13-700 is in violation of the Ethics Act unless it falls within the exception for incidental uses. • Receiving or solicitation of donations must not have any intent or motivation of influencing governmental decisions or procedures which are stated in S.C. Code Ann. § 8-13-706.
92-47	<p>State Loan (Jobs-Economic Development Authority) received by Company in which Member has a small interest.</p> <ul style="list-style-type: none"> • A company incorporated under the laws of South Carolina is precluded from receiving a Jobs-Economic Development Authority loan because of a legislator's ownership of a minor interest in the company, if the Member voted on an appropriations section dealing with those provisions effecting the Authority and the loan in the last year.

Lawyer/Legislator

19-5	<p>Is it permissible for a Member, who is a lawyer/legislator, to continue to represent state agencies through the governmental insurance operation while serving as an ex officio board Member for a state agency?</p> <ul style="list-style-type: none"> • A Member may not use his or her office to obtain economic interest for himself or herself or a business which the Member is associated.
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	<ul style="list-style-type: none"> • The Act does not deter a Member from carrying out his or duties of the office or other offices he or she may hold unless there is a clear, personal conflict that personally benefits the Member, the Member’s family, or a business which the Member is associated. • Because the government insurance operation preformed a number of functions, including retaining law firms to represent state agencies in suits; and because there are sixty-five firms retained, on a rotating basis, that are approved to handle such work, the Member and his firm may be retained to represent state agencies through the insurance operation while serving as a board member for the state agency. • The Member must list in income and benefits any income earned from representation of a state agency when fees and cost are paid by the government insurance operation, noting this on his or her SEI. <p>Should the lawyer/legislator abstain from board meetings of the state agency when matters of the government agency are discussed and voted on?</p> <ul style="list-style-type: none"> • Yes, because issues directly affecting the Member’s economic interests necessitate a recusal under S.C. Ann. § 8-13-700(B).
17-3	<p>May a Member/Lawyer represent a client before a state agency?</p> <ul style="list-style-type: none"> • A Member may not represent another person before a governmental entity unless there is compliance with certain enumerated exceptions by the Member, under S.C. Code Ann. § 8-13-740(A)(2). <p>May the Member/Lawyer also vote on a budget request related to that state agency?</p> <ul style="list-style-type: none"> • If the Member/Lawyer is in compliance with S.C. Code Ann. § 8-13-740(A)(2), the Member cannot vote on sections of the budget related to a particular agency if the Member, or business with which they are associated (the law firm), has represented a client before said agency within one year prior to the vote. S.C. Code Ann. § 8-13-740(C). • The Member must report any legal fees earned, names of persons represented, and the nature of the contact with said agencies, in their SEI, pursuant to S.C. Code Ann. § 8-13-740(B).
17-4	<p>Is it acceptable for a Member/Lawyer to represent a state agency in a legal matter if the Member/Lawyer’s attorney fees and litigation costs are paid for by a governmental insurance operation?</p> <ul style="list-style-type: none"> • Under S.C. Code Ann. § 8-13-700(A)-(B), in conjunction with the exceptions found in the definition of “economic interest” pursuant to S.C. Code Ann. § 8-13-100, the retention of the Member by an agency for legal defense services against claims is not an interest distinct from that of the general legal community as an arrangement for services and meets the large class exemption. • The Member here agree to an established schedule for payment of their legal fees and cost, and it is the same of any other agreement established between the agency and other attorneys.

	<p>May the Member/Lawyer still vote on a budget request related to that state agency since the agency is not paying the legal fees?</p> <ul style="list-style-type: none"> • The Member is not required to abstain from voting on the section of the years Appropriations Bill relating to the insurance entities retaining the Member. • The Member is not required to abstain from voting on funding for the agencies they represent as they are being paid by the agency insurer and not the agency. <ul style="list-style-type: none"> ○ On the rare occasion the agency pays the Member directly for legal services the Member is providing, the Member should abstain from voting on funding. • Under S.C. Code Ann. § 8-13-1120(a)(2), the Member should list on their SEI, under Income and Benefits, any income earned by representing the agency for which fees and cost are paid by the insurer. <p>Is a Member required to abstain from voting during subcommittee and committee meetings and during debate on the House calendar for bills related to the Member’s agency client?</p> <ul style="list-style-type: none"> • No; for the same reason laid out above, there is no conflict found because the Member is not being paid by the agency, but rather the insurer. <p style="text-align: center;"><i>(Amended October 30, 2017)</i></p>
<p>16-4</p>	<p>Can a lawyer/legislator be associated with a law firm that represents clients pursuant to S.C. Code Ann. §§ 8-13-740 and 8-13-745 provided that the lawyer/legislator properly abstains from voting on matters relating to the clients whom the law firm represents?</p> <ul style="list-style-type: none"> • A Member who is also a lawyer/legislator may be associated with a law firm that represents lobbyist clients as long as the lawyer/legislator complies with the requirements in S.C. Code Ann. §§ 8-13-700(B), 8-13-740, and 8-13-745. • The Member must abstain from voting on matters for clients who are currently represented by the law firm at the time of the vote.
<p>93-23</p>	<p>Lawyer Member represents client before (1) legal department of DOT and (2) possibly in a lawsuit suit against DOT.</p> <ul style="list-style-type: none"> • Depends on whether the representation falls within the meaning of “contested case” under S.C. Code Ann. § 8-13-740. <ul style="list-style-type: none"> ○ Defined as “a proceeding in which legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing.” • Member must report fees earned, services rendered, names of the represented, and the nature of the contracts made with the governmental entity on their next SEI. • Member cannot vote on bills related to the entity for which they were before, for one year after representation. • If the Member has voted on a Member of the governing body of the agency or entity conducting the tribunal, they cannot represent a client going before

	such an entity, or if the Member has voted on that entities appropriations within one year of the vote.
92-28	<p>Conflict of Interest for lawyers, especially tort lawyers, for voting on no-fault insurance bill.</p> <ul style="list-style-type: none"> • A House Member who is a "tort lawyer" does not have a conflict in voting for the no-fault insurance bill. • “Economic interest” that create such conflicts does not include when the economic benefit accrued to the Member, by virtue of their profession, is no greater than the benefits that may accrue to all other Members of the same profession.
92-33	<p>Whether Member law firm who represents state agencies in state tort claims actions require recusal of the Member during Appropriations Bill.</p> <ul style="list-style-type: none"> • A legislator/tort lawyer law firm's representation of state agencies in state Tort Claims Act via the Insurance Reserve Fund and Attorney General's Office does not necessitate his recusal on voting on the sections of the General Appropriations Bill which fund the agency/clients. • Representation of a client which did not directly contract with or compensate the Member, or their firm, would not create a situation requiring recusal.
92-35	<p>Member lawyer representing clients before the Board of Probation, Parole and Pardon Services and the Tax Commission.</p> <ul style="list-style-type: none"> • A lawyer/legislator should not represent Clients before the Probation, Parole and Pardon Board because it is specifically exempted from the S.C. Code Ann. § 1-23-10(4) "contested case" definition. • A lawyer may represent a client before the Tax Commission, subject to the restrictions found in S.C. Code Ann. § 8-13-745(A) and (B).

Voting on Budget or Bills

21-4	<p>A University may hire a Member, individually as an attorney, but the Member is not required to abstain from voting on that Section in the budget for the University unless the Member’s salary would be directly funded, or it involves a vote on funding legal fees.</p> <ul style="list-style-type: none"> • The Member must comply with S.C. Code Ann. § 8-13-1110 regarding reporting the goods and services purchased from the lobbyist’s principal, the University, on 21-2the Member’s annual SEI. • While employed at the University, the Member does not have a conflict of interest when the budget funding request provides for capital improvements located in that Member’s district or political subdivision if the Member receives economic interest from said funding. <p style="text-align: center;">NOTE: Overruled Part 1 of HEC Advisory Opinion 93-27.</p>
19-9	<p>It is permissible for Members to vote on line-item vetoes to the Annual Appropriations Bill when the Member does not have a conflict with the veto in question.</p>

	<ul style="list-style-type: none"> • Conflicts are established only through a careful case-by-case review, which determines if the Member has used his or her office to obtain an economic interest for himself or herself or the Member’s businesses. • Though Members may have conflicts regarding provisions of the appropriations bill, that does not automatically disallow them from voting on provisions of such a bill.
93-5	<p>Voting on Appropriations Bill if Member has (1) a spouse that is Area Director of State agency; or (2) a business which deals with state and local agencies.</p> <ul style="list-style-type: none"> • Because a Member's wife is Area Director of the S.C. Employment Security Commission, under S.C. Code Ann. § 8-13-700(B), that Member is precluded from voting on the section of the Appropriations bills covering the S.C. Employment Security Commission. • A Member who conducts business with the State is precluded from voting on sections of the appropriations bill relating to the division of State government that the legislator contracts with if that Member has actually contracted with that division of State government, under S.C. Code Ann. § 8-13-745(C). The Member must abstain from voting, following procedures set forth in S.C. Code Ann. § 8-13-700(B)
93-8	<p>Appraisers can introduce and vote on bill that affects appraisal industry if there is no gain or advantage.</p> <ul style="list-style-type: none"> • S.C. Code Ann. §§ 8-13-700(B) and 8-13-100(11) do not prohibit a House Member who is a licensed appraiser from voting on a bill that affects the appraisal industry if the Member gains no advantage over the other appraisers. • If the economic interest that affects the appraiser Member in the same way as all other appraisers than the Member may be involved in the legislation.
93-12	<p>Member who holds ABC license and poker machines that vote on bills related to those subjects.</p> <ul style="list-style-type: none"> • A Member who holds an ABC license and who operates coin operated machines is not prohibited from voting on legislation relating to poker machines if the only economic interest that would affect the Member would not be greater than the effect on all of the ABC license holders and video poker machine operators. • The operators of video poker machines and ABC Licenses holders constituted a larger enough class to fall within the “economic interest” exception in S.C. Code Ann. § 8-13-100(11).
92-17	<p>Voting on House portion of Appropriations Bill.</p> <ul style="list-style-type: none"> • Members are prohibited making, participating, or attempting to use their office to influence governmental action in which they have an economic interest. • Except, if the only economic interest to the Member accrues to them as a Member of a profession, occupation, or large class to no greater extent than such benefit would accrue to other Members of said groups.

	<ul style="list-style-type: none"> • Voting on legislators' salaries is not prohibited because no benefit would accrue to Member because any pay increase cannot go into effect until the next legislative session.
92-18	<p>Member insurance agent voting on insurance act.</p> <ul style="list-style-type: none"> • On its face, there is no conflict here and the Member can vote because any economic interest that may accrue, accrue to Members of the insurance agent profession as a whole. • Different facts may lead to a conflict.
92-19	<p>(1) Pharmacist Member voting on Appropriations bill regarding pharmacist license fees</p> <ul style="list-style-type: none"> • Because whatever the outcome of a such a vote would affect the Members of the primacy occupation generally it is permissible. <p>(2) Medicaid Recipient Member voting on Appropriations bill regarding raising Medicaid funds (3) Provisions that specifically affect the Medicaid funding of pharmacist.</p> <ul style="list-style-type: none"> • Exceptions to economic benefit should allow this voting to happen.
92-34	<p>Member employed by school district voting on County School Board Legislation.</p> <ul style="list-style-type: none"> • There, because the legislator/teacher position with the school district was "far removed" from the local school board and because the vote would not convey an economic benefit to that legislator/teacher, the legislator's vote on reducing the school board from 12 to 8 Members was not precluded by S.C. Code Ann. § 8-13-700(B), nor a violation of the Ethics Act.
92-37	<p>Insurance Agent Member voting on insurance legislation.</p> <ul style="list-style-type: none"> • A legislator/licensed insurance agent may discuss and vote on insurance legislation because his vote is not likely to create a benefit to him that would be different from any other insurance agents as a whole. • There may be specific provisions or amendments which create a conflict because of a specialized line of policies that the Member's business may carry or because of other aspects of the business but more information would be needed to discern the applicability of the Ethics Act in those instances.
92-39	<p>Attorney or Insurance Agent Member voting on No Fault Insurance Bill.</p> <ul style="list-style-type: none"> • Lawyer/legislators or insurance agents are not prohibited from voting on no-fault insurance because an economic benefit will not specifically accrue to that lawyer/legislator any differently than other lawyers or insurance agents.

Family Members

21-2	<p>Whether it is permissible under the Ethics Act for a public employee to staff an Ad Hoc Committee tasked with studying a governmental agency and reporting the Committee's findings regarding the agency if the employee has a family member who works at the agency?</p>
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	<ul style="list-style-type: none"> • A public employee is prohibited from participating in any action which he or a member of his family has an economic interest. S.C. Code Ann. § 8-13-700(B). • The public employee is required to follow the procedures of S.C. Code Ann. § 8-13-700(B)(1) and (3) if issues arise in his employment which would affect the economic interest of himself or his family member. • There is no conflict of interest, under the Ethics Act, because as a staff member of the ad Hoc Committee, the employee would study the agency and report findings, and the Committee is not tasked with making governmental or policy decisions; and the employee’s family member is not in a policy-making or managerial position within the agency. • These scenarios are fact specific and should be reviewed on a case-by-case basis.
19-4	<p>Is it permissible for a Member to directly advocate and support funding for a university in the General Appropriations bill when the Member’s family member serves on the university’s board of trustees?</p> <ul style="list-style-type: none"> • The Member’s family member, as trustee for the university, is only compensated per diem, actual expenses, and access to university functions or sporting events as allowed by the trustee’s position. • Committee finds this does not constitute an “economic interest” that would require the Member to abstain from voting on the University’s section of the budget in the General Appropriations Bill. • The Member may directly advocate and support funding for the University, since the Member’s family member does not have an “economic interest” from his or her service as trustee.
18-9	<p>It is permissible for a Member or Candidate to pay a family member with campaign funds for work performed on the campaign.</p> <ul style="list-style-type: none"> • The Candidate or Member must pay the fair market value for <i>bona fide</i> services rendered. • They must maintain signed documentation regarding the work performed by the family Member.
18-12	<p>May a Member advocate the legislative issues of a non-profit, a 501(c)(4), which employs a family member of a Member?</p> <ul style="list-style-type: none"> • The committee assumes the “advocate” in this context means the Member in his or her official capacity is speaking for or against legislation as well as sponsoring legislation; and, notes this a permissible action by the Member as an “advocate.” • It was unclear if the family member of the Member falls within the definition of “family member” under S.C. Code Ann. § 8-13-100(15). • Assuming this person does meet the requisite requirements in the definition of “family member” under the Act, the Member may not actively “advocate”

	<p>for the third party’s (the non-profit) legislative agenda as the “family member” has an economic interest.</p> <ul style="list-style-type: none"> • Additionally, assuming the person is a “family member,” the Member has a conflict of interest in participating in, voting on, or attempting to influence an official decision related to the non-profit’s legislative agenda. • The public official is required to abstain from voting on matters with which there is a conflict of interest by the procedures in S.C. Code Ann. § 8-13-700(B)(1) and (2). • This opinion is limited to the specific factual situation outlined therein.
<p>17-10</p>	<p>May a Member continue to serve on the Judicial Merit Selection Commission (JMSC) if his wife plans to file for an open Circuit Court seat that will be screened by the Commission?</p> <ul style="list-style-type: none"> • There are no governing statutes or constitutional provisions directly on point, as there are for Members, dictating rules regarding the spouse of a Member running for judicial office. • However, under the Ethics Act, since the decision the Member will make will affect the economic interest of his spouse (a “family member,” under the Act), the Member should comply with the requirements of S.C. Code Ann. § 8-13-700(B) and abstain from screening and voting on judicial candidates for the seat which the Member’s spouse is a candidate for.
<p>97-1</p>	<p>Can Member lease land to son if son obtains loans to develop the land from State Housing Finance and Development Authority.</p> <ul style="list-style-type: none"> • A Member may lease land to his son even if the son obtained loans to develop the land from the State Housing Finance and Development Authority provided that: <ul style="list-style-type: none"> (1) pursuant to S.C. Code Ann. § 8-13-700(B), the Member has not voted on legislation that will benefit his son greater than others obtaining loans from the Authority and (2) the Member is not associated with his son in a business activity where his interest is greater than five percent. S.C. Code Ann. § 8-13-745(C). • The Member would also be subject to the Ethics Act’s reporting requirements in S.C. Code Ann. § 8-13-1120(A) – requiring the Member to disclose the amount of any income or loan received from the government by a Member of the filers immediate family.
<p>96-4</p>	<p>Maximum amount of loans to campaign fund from family Member.</p> <ul style="list-style-type: none"> • Loans to campaigns are subject to the contribution limitations of the Ethics Act. Thus, a House Member may accept a loan no greater than \$1000 unless: <ul style="list-style-type: none"> (1) the loan comes from a commercial lending institution; (2) the loan is made in the regular course of business□ ; (3) the loan is made on the same terms ordinarily available to Members of the public; or,

	<p>(4) if the loan is secured or guaranteed upon which collection is not made. S.C. Code Ann. § 8-13-1326.</p> <ul style="list-style-type: none"> • S.C. Code Ann. § 8-13-1326 (B), precludes candidates or a candidates family Member from being repaid more than \$10,000 in the aggregate after an election.
96-5	Same issue as 97-1 (<i>see above</i>).
94-1	<p>House Member’s spouse acceptance of an investment opportunity from a person with whom the spouse had no relationship prior to the Member being elected.</p> <ul style="list-style-type: none"> • S.C. Code Ann. § 8-13-700(A) does not prohibit a Member's spouse the investment opportunity that was not available to the spouse prior to the Member's election to the House. If the spouse does invest, S.C. Code Ann. § 8-13-700(B) prohibits the Member from participating in or influencing a governmental decision that would affect the spouse's interest. • Nothing in the Ethics Act prohibits a Member from soliciting a contribution from a registered lobbyist if the contribution is for federal elective office only.

Campaign Funds

21-5	<p>A Member, due to the office the Member holds, may use his or her campaign funds to pay the difference from the per diem received to pay for lodging as follows: 1) session days including the night prior to the start of session and the Thursday after session ends, if session ended late; and 2) when required to attend Committee and Subcommittee meetings in person outside of session.</p> <ul style="list-style-type: none"> • The Member must report the difference under the “expenditures” on the Member’s CD report and must retain receipts related to lodging expenditures.
19-1	<p>It is permissible for the Speaker of the House to use his campaign bank account to pay for the Chairman’s breakfast, as he would not conduct the breakfast but for the official position he or she holds as Speaker of the House.</p>
19-2	<p>Are gratuities associated with service provided for campaign event expenses for which campaign funds can be used?</p> <ul style="list-style-type: none"> • Yes, because these gratuities are customary in the service industry, they are related to campaign events and are considered ordinary campaign related expenses. • Limited only to service worker’s such as bartenders, servers, custodial workers and valets. <p>Assuming that gratuities are allowed, are there limitations associated with the payment of those gratuities? May they be paid in cash, gift card, check, item purchased, etc? Are there limitations on amounts?</p> <ul style="list-style-type: none"> • Expenditures more than \$25.00 must be made by written instrument, debit card, or online transfer. • An expenditure may not be made that is clearly in excess of the fair market value (FMV) of services, materials, facilities or other things of value received in exchange.

	<ul style="list-style-type: none"> • For such gratuities, the Member or candidate must pay the FMV for the services rendered, payment must be bona fide, and documentation of the rendered services and expenditures must be maintained; <i>See HEC AO 2018-9.</i> <p>May campaign funds be used to rent a venue for campaign purposes?</p> <ul style="list-style-type: none"> • Yes because this is an ordinary campaign expense. <p>Are there limitations on amount?</p> <ul style="list-style-type: none"> • The value set must be the FMV. <p>If the venue is a private home, how should value be determined?</p> <ul style="list-style-type: none"> • The value set must be the FMV. <p>Is that value an in-kind contribution? If so, may that value be off-set by the use of campaign funds? Are there limitations on the form that those off-setting payments may take or must they be by check?</p> <ul style="list-style-type: none"> • A donated space, other than a private home, is valued as an in-kind contribution, subject to contributions limits. • This must be reported as a corresponding and matching in-kind expenditure. • Thank you gifts to hosts are permissible campaign expenses and must be reported on a Member's CD (in detail).
19-10	<p>Is it permissible for a Member to use his or her campaign funds to pay attorney's fees or a settlement to defend him or her against an alleged copyright violation?</p> <ul style="list-style-type: none"> • Yes, if the legal expenses are related to the office or campaign. • Here, the copyright violation alleged derived from the Member using a Google image in his or her campaign newsletter, and it was determined related to the office or campaign.
18-1	<p>Is it permissible for a Member or candidate to use campaign funds to pay for his or her attorney's fees?</p> <ul style="list-style-type: none"> • A Member or candidate may use campaign funds to pay attorney fees if under investigation and the investigation is related to the office held or a campaign in which they ran. • The HEC could seek reimbursement for the funds upon a guilty plea or conviction of the wrongdoing in question. • In actions of alleged personal misconduct, legal expenses would not be allowed to be paid from campaign funds of the Member or candidate, "even if they were alleged to have occurred during a campaign", at a campaign location or event, or at a location involving the exercise of the duties of a Member's office. • If a Member or candidate is under subpoena related to the office or campaign, he or she may use campaign funds for expenses necessary to comply with said subpoena.
18-2	<p>A Member may use his or her campaign funds to make a contribution to the South Carolina Public Interest Foundation (a 501(c)(3) organization), provided that neither the Member, his or her family, nor business with which they are associated, derives a personal and financial benefit.</p>

	<ul style="list-style-type: none"> This must be reported on the Member’s CD report that it is an expenditure to a charitable organization.
18-5	<p>May a Member withdraw cash from his or her campaign bank account for campaign expenditures over \$25.00?</p> <ul style="list-style-type: none"> S.C. Code Ann.§ 8-13-1348(C)(1) “prohibits a Candidate or Member from withdrawing cash from his or her campaign bank account to pay for” campaign or office related expenditures in excess of \$25.00 “other than those [instances] expressly authorized under S.C. Code Ann.§ 8-13-1348(E).” S.C. Code Ann.§ 8-13-1348(E) allows a candidate or Member to “maintain a petty cash fund” (not exceeding \$100.00) for certain expenditures including “office supplies, food, transportation expenses, and other necessities,” and may not exceed \$25.00 per expenditure.
18-7	<p>Is it permissible for a Member or Candidate to use his or her campaign account to contribute to the campaign of a candidate for Federal Office?</p> <ul style="list-style-type: none"> Though “S.C. Code Ann.§ 8-13-1340(A)’s prohibition on contributions to other candidates does not include candidates seeking Federal office,” “such a contribution is not permissible pursuant to S.C. Code Ann.§ 8-13-1348(A)” because “it is not an expenditure related to the campaign or the office held.”
18-8	<p>Is it permissible for a Member to sell radio ad time for a non-partisan radio show that the Member will host?</p> <ul style="list-style-type: none"> Nothing in the Ethics Act prohibits a Member from serving as host of a non-partisan radio show; but the Member, considered as a compensated agent, may not sell ads on behalf of the radio station because this would violate S.C. Code Ann.§ 8-13-700. <p>If a Member may serve as a host on a non-partisan radio show, is it permissible for the Member to use his or her campaign funds to pay for the non-partisan radio show’s airtime?</p> <ul style="list-style-type: none"> Yes, because this would be a permissible expenditure due to the office the Member holds. The Member must list the radio show advertisement as an expenditure on his or her campaign disclosure report.
17-2	<p>Is it acceptable for a Member to use campaign funds to pay for expenses incurred when traveling due to the office the Member holds, including meals, lodging, and mileage when the legislative session has ended?</p> <ul style="list-style-type: none"> Yes, because these expenses are connected to the office the Member holds and would not be incurred but for him or her holding said office. <p>Would it also be acceptable to use campaign funds to pay for travel expenses if the Member is asked to serve as a speaker at an in-state meeting (not sponsored by a lobbyist principal) related to legislative matters?</p> <ul style="list-style-type: none"> Yes, because this is part of the Member’s ordinary duties as a Member of the House.

17-7	<p>A Member may use his or her campaign funds to pay reasonable and necessary expenses for transportation, lodging and meals for the Member and his or her spouse while at the following international, national, regional, state or local events: political party conferences, political party conventions, legislative, trade or issues conferences, and speaking engagements.</p> <ul style="list-style-type: none"> Based on the plain meaning of the statute and other materials, the Committee determined the “a political event,” found in S.C. Code Ann. § 8-13-1348(A)-(B), encompasses the aforementioned events because “for an elected official such events are inherently political in nature and a logical extension of the their ability to effectively represent their constituents by virtue of the educational material provided, contacts made, and other information gained.”
17-11	<p>A Member may use his or her campaign funds to make a contribution to the Korean War Veterans Association, Inc. (KWVA) for construction of the Wall of Remembrance at the Korean War Memorial in Washington, D.C.?</p> <ul style="list-style-type: none"> KWVA is considered a charitable organization and not a “political or partisan” organization. Because it is a charitable organization, a Member or candidate may donate to said organization using campaign funds to support the erection of monuments, as long as the Members, their immediate family, or the business with which they are associated do not derive a personal and/or financial benefit from making the contribution.
17-12	<p>What is the meaning of “material asset” as it pertains to a campaign disclosure report? What type of expenditures made with campaign funds are considered assets of the campaign?</p> <ul style="list-style-type: none"> Generally, an asset is “anything with monetary value attached to it.” In the context of a Member’s office or campaign, an asset would likely have a “tangible lasting value.” Things considered “assets” for the purposes of the CD report, include but are not limited to: (if any of these assets are over \$100.00 they are “material assets” to be disposed when the Member or candidate files his or her Final CD Report) <ul style="list-style-type: none"> Office furniture Electronic items (printers, copiers, cell phones, iPads, laptops, and electronic signs) Clothing Things not considered “assets” of the campaign or office <ul style="list-style-type: none"> Campaign signs, campaign literature, and other printed campaign materials that were purchased by the campaign.
17-14	<p>May a Member use his or her campaign funds to purchase door prizes for a town hall or community event?</p> <ul style="list-style-type: none"> Yes, because a door prize is an ordinary expense incurred in connection with the individual’s campaign or duties as a holder of elective office. <p>May a Member accept donations for door prizes?</p>

	<ul style="list-style-type: none"> • Not at campaign fundraisers, so it does not appear the Member is engaged in vote-buying or influencing another's vote in any way. • Yes at a town hall or community event, the Member may accept contributions for this purpose (monetary or in-kind). <p>May a Member give away door prizes at campaign fundraisers?</p> <ul style="list-style-type: none"> • No, so it does not appear the Member is engaged in vote-buying or influencing another's vote in any way.
17-16	<p>May a Member use his or her campaign funds to make a contribution to a state or local political party or political caucus?</p> <ul style="list-style-type: none"> • Yes, because contributions to political groups are considered office-related expenses. • The Member may only donate to the political caucus or party's administrative account, not to its campaign account.
16-2	<p>Is it acceptable to use campaign funds for the following expenditures:</p> <p><u>Not Permissible</u></p> <p>(A) Dues for Membership in a service-type organization or as a renewing Member;</p> <p>(B) Membership at a private club;</p> <p>(C) Dry Cleaning;</p> <p>(D) Member's meal with a constituent;</p> <ul style="list-style-type: none"> • Even if with a constituent, or lobbyists, the Member purchasing normal daily meals with campaign funds is not allowed and is considered a personal expenditure. <p>(E) Maintenance for a Member's private vehicle used for campaigning or office business;</p> <p>(F) Fines and penalties received as a result of office;</p> <p>(G) Gifts for Individual Members;</p> <p>(H) Personal or constituent's living expenses;</p> <p>(I) An Election in a different office/body;</p> <ul style="list-style-type: none"> • Not allowed unless the candidate obtains the contributors written authorization to do so. <p><u>Permissible</u></p> <p>(J) Contributions to charitable organizations, churches, or schools;</p> <ul style="list-style-type: none"> • Overruling HEC AO 92-44; 92-46, as it relates to a school fundraising project; and 94-10, as it relates to contributions to churches. <p>(K) Sponsorships which include an advertisement and dues;</p> <ul style="list-style-type: none"> • Must result in publication of the Member's name and public title or the candidates name and public office sought. <p>(L) Member's cell phone bill when the cell phone is used for campaigning and House official business as well as for personal use;</p>

	<ul style="list-style-type: none"> • Member must be able to produce supporting documentation for the portion of the bill used for legislative business if paying for part of their personal phone bill with campaign funds. <p>(M) Expenses for Promotional items, Merchandise, or Advertising that contain the Candidate or Member’s Name and Office;</p> <p>(N) Office Equipment Expenses;</p> <p>(O) Dues for Membership in an organization or as a new Member;</p> <ul style="list-style-type: none"> • If the member joins a nonpolitical, civic organization as a way to assist him or her to stay in touch with civic leaders in his or her district this is also permissible. <p>(P) Clothing;</p> <ul style="list-style-type: none"> • Must be only for official use and listed as an asset on the CD form, and account for it when closing the campaign account. <p>(Q) Gifts or Flowers for Office Staff, House Staff, or Constituents including Gifts, Resolutions, and Cards for Deaths, Births, or other Special Events sent by the Speaker or Members to other Members;</p> <p>(R) Travel expenses and meals for a person, district group, or team being recognized by the House of Representatives;</p> <p>(S) Resolutions and Flags;</p> <p>(T) Signs that benefit the Community;</p> <p>(U) Food or meals for functions that are directly related to the office;</p> <p>(V) Meals and/or beverages for campaign workers;</p> <ul style="list-style-type: none"> • May subject the member to liability, such as host liability. <p>(W) Meals for Members and Staff by a Committee Chairman, Speaker, and Speaker Pro Tempore;</p> <p>(X) Tickets to a political event;</p> <p>(Y) Legal expenses associated with a candidate or Member’s campaign;</p> <ul style="list-style-type: none"> • Not allowable for personal misconduct by the member. <p>(Z) Newspapers and News Services</p>
15-3	<p>Permissible</p> <ul style="list-style-type: none"> • Donating to the Blatt Building's custodial staff and House staff; and, • purchasing flowers for staff Members and constituents due to certain events <p>However, purchasing hearing aid batteries is personal in nature so a Member may not use campaign funds for this expense. See S.C. Code Ann. § 8-13-1348(A).</p>
13-2	<p>Whether campaign funds may be used to pay for legal expenses associated with a candidate’s campaign?</p> <ul style="list-style-type: none"> • The Committee narrowly determined that legal expenses flowing directly from someone’s campaign may be an appropriate use of campaign funds, but not for lawsuits due to the Member/candidates personal misconduct. • This opinion derived from lawsuits that ensued following the 2012 election and actions thereafter regarding the legitimacy of the election and who should have appeared on ballots in that election.

02-1	<p>(1) Use of campaign funds for ticket purchase if invitation came only because a Representative. (2) Use of campaign funds to non-political organizations in which invitation to join only because a Representative.</p> <ul style="list-style-type: none"> • Members may purchase tickets and pay dues to non-political organization with campaign funds even if the group is non-political in nature as long as the expenditure is sufficiently campaign related. • When a Member is invited to a non-political function or is asked to join a non-political organization only because of the Member’s status as a Representative, the invitation could be considered sufficiently tied to the Member’s campaign or office such that campaign funds may be used. • Because of this opinion, Member/candidates no longer have to comply with the restrictions set forth in AO 92-46 and in sections 5 or 6 of the permitted uses of campaign funds section of the “Laundry List Opinion” of 1995.
00-1	<p>Members and/or candidates are not allowed to use campaign funds to pay for late penalties regarding the filing of campaign disclosure forms or economic interests forms.</p> <ul style="list-style-type: none"> • The committee determined these types of expenditures are “not allowed because they do not relate to the campaign or office as required by S.C. Code Ann. § 8-13-1348[.]” but are rather “related more to a Member’s conduct.” • Allowing a Member to pay personal fines with campaign funds would violate the spirit of the Ethics Act. • If it is found a Member used campaign funds to pay a fine, the funds will be returned immediately by the committee and the \$10 dollar per day fine for a delinquent filer will not be tolled. The fine will be assessed each day until payment is rendered in the correct way or until the total fine reaches maximum amount established under S.C. Code Ann. § 8-13-1510(2).
99-1	<p>Use of campaign funds for donations to charity if donation will result in publication of Member’s name. (Known as a “sponsorship”).</p> <ul style="list-style-type: none"> • Members may contribute campaign funds to non-political organizations if the contribution results in publication of the Member’s name. • Except as provided for in S.C. Code Ann. § 8-13-1370 [relating to final disbursement of campaign funds], Members and candidates may use campaign funds to make contributions to non-profit organizations if the contribution results in publication of the Member or candidate’s name and public title or public office sought in the organization’s program, magazine, report or other type of published material. • Such contributions qualify as campaign or office-related advertising expenses under S.C. Code Ann. § 8-13-1348 of the Ethics Act.
99-3	<p>Purchase of computer or other permanent office equipment with campaign funds if used for campaign purposes.</p>

	<ul style="list-style-type: none"> • Members may purchase a computer, fax machine or other permanent-type office equipment with funds if such equipment is used for campaign or office related purposes. • The equipment is no longer required to remain in the Members Blatt Building office or district office; but if such equipment is being used for both personal and campaign/office related work, it should be purchased with personal funds and offset by campaign funds to the proportionate amount campaign/office related use. • Members no longer must comply with the location restrictions on the purchase of permanent-type office equipment found in AO 92-3 and AO 92-51.
98-3	<p>Use of campaign funds to contribute to the Strom Thurmond Monument Committee.</p> <ul style="list-style-type: none"> • Members may use campaign funds to contribute to the Strom Thurmond Monument Committee because it is a political or partisan group. <i>See AO 92-3.</i>
97-4	<p>Use of campaign funds to purchase fruit baskets for constituents.</p> <ul style="list-style-type: none"> • A Member may not use campaign funds to purchase fruit baskets for senior citizens as a Christmas gift, generally. • A Member could use campaign funds to purchase such baskets if (1) it is provided as refreshments at a legislative meeting with constituents where legislation affecting their interest is discussed or (2) if the fruit baskets advertise the Member's name.
95-2	<p>Use of campaign funds for Christmas gifts for Blatt custodial staff.</p> <ul style="list-style-type: none"> • A legislator may not use campaign funds to contribute to a fund to purchase gifts for custodians in the Blatt Building because the State pays the salaries of the custodial workers. <p style="text-align: center;">NOTE: Overruled by 2015-3.</p>
95-3	<p>Use of campaign funds for the purchase of handicap parking signs at fire department.</p> <ul style="list-style-type: none"> • Though it may not be a traditional expense, the legislator may use campaign funds to purchase handicap signs for a fire station because the situation is analogous to the purchasing of flags for schools and community centers. • This kind of action benefits a large segment of the community the General Assembly has traditionally sought to provide for and may be seen as legitimate office related expense.
95-4	<p>Use of campaign funds to pay for travel expenses of championship teams to the Statehouse.</p> <ul style="list-style-type: none"> • A legislator should use his discretion in deciding whether to pay for the trip of a high school championship team to Columbia for recognition by State legislators. • Although not specifically prohibited the public might perceive the expenditure improper. Thus, the Committee advised the legislator not to fund the trip.

95-5	<p>Use of campaign funds to campaign for a different office; Member's contributions to the Democratic Party from a campaign account.</p> <ul style="list-style-type: none"> • Contributions received for one office may be used in campaigning for a second office provided the following conditions are met: the person making the contribution gives written authorization for its use to further the candidacy of the individual for a specific office which is not the office for which the contribution was originally intended. • A Member can make a contribution to the Democratic party from campaign funds because it is a political group.
95-7	<p>Use of campaign funds for dinner thanking constituents for support during Membership tenure.</p> <ul style="list-style-type: none"> • A legislator using campaign funds to pay for a reception for his constituents that serve a legitimate legislative purpose or serve an ordinary function of the office is allowed. • Hosting a reception for donating constituents appears to be an ordinary function of the legislator's office and does not violate either the spirit or the language of the Ethics Act.
94-2	<p>Use of campaign funds for event for volunteer firemen where there will be discussion of pending legislation.</p> <ul style="list-style-type: none"> • Expenditures from the campaign fund must be related to the Member's office or campaign, not a personal expense that is unrelated to either. • Because the event deals with legislation and interest of the persons affected by such, it is "related to the Member's office" and is permissible.
94-10	<p>Use of campaign funds for donations to a church or to pay constituent's utility bills.</p> <ul style="list-style-type: none"> • As a remedial measure, the Member was asked to reimburse campaign account for any expenditures leading to the issue in the AO. • New standard: A House Member should refrain from making any expenditures from campaign funds, which are not clearly expenses traditionally incurred in House campaigns across the State.
93-2	<p>Members can purchase, with campaign funds, tickets to the annual Business and the Arts Partnership Awards dinner sponsored by the Joint Legislative Committee on Cultural affairs, because it is considered a "political function."</p>
93-6	<p>The framing and presentation of a House resolution for a constituent through the use of campaign funds is permissible.</p>
93-9	<p>Office Supplies bought with personal funds but used for campaign purposes should follow the "charge-per-use" method of offsetting the personal funds as outlined in Adv. Op. 92-51.</p>
93-28	<p>Rules regarding using Campaign Funds for the purchase of tickets for a Caucus Fundraiser and giving those tickets away may be permissible under the Ethics Act.</p>

	<ul style="list-style-type: none"> • If the campaign account is active, the funds may be used to purchase ticket for such an event but only given away to the Member's immediate family. • If the campaign account is undergoing final disbursement, the funds can be contributed to a committee or party; and, because the ticket purchase is a contribution to the committee, the tickets could be given to friends, supporters, and constituents.
92-3	<p>Permissive use of campaign funds under Ethics Act.</p> <ul style="list-style-type: none"> • Each expenditure should be judged on whether it is an ordinary office or campaign related expense; versus a personal expense not connected to ordinary duties of the office • Purchase of flag for school/local govt/non-profit. This service is generally expected of Members and can be seen as a responsibility of the office. Thus, campaign funds can be used for this. • Membership dues/contributions to various clubs/service organization. Dues or contributions to some organizations, but not all, can be paid from campaign funds. Allowed for political party or partisan organization. Not allowed for community service organizations that are not politically oriented • Expenditure on office items are allowed because they are ordinary expenses related to the office. Members are also allowed to use funds for similar expenditures for their local offices that are used solely for public purposes. • Expenditures for such items for a private office are prohibited.
92-5	<p>Use of campaign funds if Member decides to run for Senate.</p> <ul style="list-style-type: none"> • The only way to roll over these funds is to have the contributors given written authorization. • If the candidate is defeated or decides not to run again, the remaining funds must be accounted for in a final disbursement to a charitable organization, return of the funds pro rata to contributors, contribution to the State general fund, or a combination of such.
92-40	<p>(1) Use of campaign funds to pay dues to certain organizations like ALEC is permitted, under S.C. Code Ann. § 8-13-1348, because such organization are legislative oriented and serve a legitimate legislative purpose.</p> <p>(2) Use of campaign funds to make a contribution politically oriented group like College Republicans is permitted if the nature of the group is political or partisan; only then is it campaign or office related.</p>
92-43	<p>A candidate may be reimbursed for money spent on mileage incurred in a campaign at the current state rate, which takes into consideration several elements including gas and wear and tear on the vehicle.</p>
92-44	<p>A contribution from campaign funds to a group of high school students who are raising money for a school trip is not related to the campaign or office and should be made from personal funds.</p>

92-46	<p>Use of campaign funds for contributions to political party caucuses or high school fund raising project.</p> <ul style="list-style-type: none"> • Contributions to a high school fund raising trip may not be made from campaign accounts. • Contributions to a political caucus can be paid with personal or campaign funds if they are incurred as a result of the duties of the elective office or which are only generally and indirectly related to a campaign (ex. tickets to a political rally).
92-50	<p>Use of campaign funds for advertisements in publications printed by non-profit organizations.</p> <ul style="list-style-type: none"> • Ads purchased in a magazine, report, or any other publication of a tax-exempt organization must be in reference to a candidate's candidacy or office if the purchase is not part of the final disbursement of the campaign account. • The ad must be campaign or office related on its face. • A candidate's name appearing on list of contributors is not considered an ad for purposes of S.C. Code Ann. § 8-13-1348. <p style="text-align: center;">Repealed AO 1999-1</p>
92-51	<p>Purchase of a fax machine with campaign funds to be used at Member's house which is used as constituent office to accommodate constituent situations that require immediate attention.</p> <ul style="list-style-type: none"> • Permanent office equipment which will be of personal use after a Member is no longer involved in campaigning and/or in office, should not be purchased with campaign funds. • Campaign funds could be used to lease such equipment or pay for a charge-per-use basis. • Member can pay for a machine with personal funds and lease of charge-per-use to his or her own campaign. • Written record should be kept delineating the situation and accounting for money transfers.

Statements of Economic Interests

20-2	<p>Whether any person (former Candidate or Member) required to file a Statement of Economic Interests form who is no longer holding office as of March 30th of the year following the previous filing is required to submit the Statement of Economic Interests?</p> <ul style="list-style-type: none"> • Members and candidates must file and updated SEI by March 30th at noon, with a 5-day grace period permitted. • Any person required to file an SEI who is no longer holding office as of March 30th of the year following the previous filing, is not required to submit an SEI. <p style="text-align: center;">NOTE: Overruled Part 1 of 2013-3</p>
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18-10	<p>Must a Member, who serves as a legislative appointment to a state commission, report this position on his or her Statement of Economic Interests?</p> <ul style="list-style-type: none"> • A Member, serving on a state board, council or commission, by appointment relating to his or her office, pursuant to the Constitution or by statute, is not required to report this position on his or her SEI.
17-6	<p>A Member continue to list under gifts on his or her Statement of Economic Interest “see Delegation office for a list” with the list noting the parking privileges received by the Delegation Members which includes the value, donor, and description of those privileges.</p>
13-3	<p>Whether a person with an open campaign account must file an updated Statement of Economic Interests form by April 15th.</p> <ul style="list-style-type: none"> • NOTE: Part 1 overruled by HEC ADVISORY OPINION 2020-2. <p>Whether a person filing a Statement of Economic Interests form must include state retirement?</p> <ul style="list-style-type: none"> • Retirement accounts are funds previously invested by the person into a retirement system, and the money received does not need to be disclosed because these funds are merely being returned to person who put them into the system. • Online instructions specifically note to not include these funds in the SEI.
95-6 (Not Found)	<p>Reporting requirements on Statement of Economic Interests for the purpose of reforesting farmland.</p>
93-15	<p>Does question #20 of Statement of Economic Interests Form refer to agencies that contract with HOR or with any agency.</p> <ul style="list-style-type: none"> • The information requested in item 20 concerns those businesses who contract with the House and not a business which has contracted with any agency. • If the Member is employed by another governmental agency, any compensation from entities who contract with said agency would be reported here as well.
92-25	<p>(1) Reporting on SEI invitations approved by House Invitations Committee</p> <ul style="list-style-type: none"> • Members must report on their SEI the source and a brief description of any lodging, food, or entertainment received from a person or entity, who likely would not have provided such hospitality, but for the Member’s office. • Members must also report the receipt of anything of value from a lobbyist’s or lobbyist principal. <p>(2) Reporting those on W-2 Not something that is under the purview of the Ethics Committee.</p>

Gifts

94-5	<p>Gift caps at reception given by SC Optometric Association.</p> <ul style="list-style-type: none"> • The Association is a lobbyist's principal. Therefore, under the governing section of the Ethics Act, the entire House Membership or other recognized group must be invited; and, it is disallowed unless the exception is met. • To calculate the value, use the total value of the event divided by the number of guest invited to get the fair market value of the gift and make sure it complies with the requirements of the Ethics Act.
92-2	<p>Acceptance of gift from organization not involved in lobbying, no matter the cost.</p> <ul style="list-style-type: none"> • Under the Ethics Act there are no restrictions on public officials accepting gifts from organizations not involved in lobbying - regardless of value. • If the gift is valued over \$25, and given because of the elected office, it must be reported on the Member's SEI.

Contributions

20-1	<p>It is permissible for a Member or Candidate to accept an in-kind contribution of clothing with a value not to exceed \$1,000.00 within an election cycle from a clothier.</p> <ul style="list-style-type: none"> • Here, Member's question related to receiving clothing form clothier M.M. LaFleur. (A company that offered to dress female candidates campaigning for public office, free of charge. The company asked state or local candidates to check the permissibility of such a gift, under the candidate's state campaign finance rules.) • This was an identifiable good or service at no charge so this was considered an acceptable in kind contribution. • The Member cannot receive clothes with a value exceeding \$1000.00 within an election cycle. • The in-kind contribute must be reported on the Member or Candidates campaign disclosure report. • Here, the clothes were accepted with a contingency they be donated at the end of the campaign or when the candidate is finished using them, so the Member must honor this agreement.
19-6	<p>What are the appropriate steps to make pursuant to the Ethics Act by a House Legislative Committee when asked by a contributor to be reimbursed for a contribution made due to an error on the contributor's part, even when Member plans to contributor the same amount from a different account after reimbursement?</p> <ul style="list-style-type: none"> • Committee should report the initial contribution on the applicable Operating Disclosure report. • When the replacement contribution is received, the contribution should be reflected on Committee's next Operating Disclosure Report.

	<ul style="list-style-type: none"> • The Committee was not required to report the reimbursement on the initial Disclosure report, Committee should send the Chairman of the Ethics Committee a letter explain the nature of the reimbursement and that was why it was deleted from the original Operating Disclosure report.
18-3	<p>A Candidate for the House or a Member may not receive campaign contributions in the form of Bitcoin or digital currency, because it does not fall within the definition of “contribution” under the Ethics Act.</p>
18-6	<p>A candidate or Member may use third party account providers (such as PayPal) to accept online contributions.</p> <ul style="list-style-type: none"> • Proper steps must be completed to set up a third-party account for accepting campaign contributions through such accounts and providers. • The Third Party must be able to provide the candidate or Member the required information for the candidate or Member to meet all the disclosure requirements within the Ethics Act. • This is now common practice. <p>Reporting online campaign contributions and maintenance fees as expenditures on CD reports; and when must a contribution be transferred from the third party to the campaign account?</p> <ul style="list-style-type: none"> • For “small donors” the candidate does not have to individually report some required information as for other contributors on the Member’s CD report, but it is advised that the Member maintain these records. • Any contributions more than \$100.00 accepted online, must be reported by the candidate under “contributions” in the Member’s CD report, and said reporting must consist of the required information noted in S.C. Code Ann. § 8-13-1308(F)(2)-(3). • The full value of the contribution must be reported on the candidate CD report, and if a contributor donates more than \$100.00 in an election cycle, the other required information pursuant to the act must also be reported. • In the “expenditures” section of the same CD report, the Member must report the maintenance fees retained by the third part account for handling and transmitting the contribution to the candidate campaign bank account. • The candidate must ensure the online contribution is transferred to his or her campaign account within ten days after the contribution is made online. S.C. Code Ann. § 8-13-1312. <p>Is it permissible for a Member to pay campaign expenses directly from an online third-party account prior to the transfer of the online contributions to the Member’s campaign bank account?</p> <ul style="list-style-type: none"> • Committee finds that third party accounts such as merchant accounts are not a campaign checking and/or savings, S.C. Code Ann. § 8-13-1312, thus expenditure from the third-party account prior to transfer to the campaign account is not permissible, but rather must be made through the campaign bank account.

	<p>If third party accounts are permissible, what are the specific rules for reporting contributions made and expenditures related to the third-party sites?</p> <ul style="list-style-type: none"> • It is incumbent upon the candidate to verify with the Money Services Division of the Attorney General’s Office whether the third-party online services the candidate is using is registered as a money transmitter or exempt from registration as such under the S.C. Code.
18-11	<p>May a candidate for the House accept a campaign contribution from the federal campaign account of a South Carolina candidate, who is seeking federal office?</p> <ul style="list-style-type: none"> • Federal election law permits a federal candidate to contribute to state candidates if state law permits such a contribution. • Under the Ethics Act, persons seeking federal office are not considered a “candidate” and, therefore, are generally not subject to the requirements governing transfers from campaign account to a second campaign account. S.C. Code Ann. § 8-13-1352; § 8-13-1300(4); § 8-13-1300(9). • Based on the holding in SEC AO 2002-001 the contribution from a federal account to a state account would be permissible under the Ethics Act, if the federal candidate obtained the written authorization from the federal contributor as required by S.C. Code Ann. § 8-13-1352 and using the procedure outline in SEC AO 99-006. • The candidate for S.C. House must verify the candidate for federal office obtained written authorization permitting the contribution to the state candidate. • Verification from the federal candidate may consist of any written response (formal letter, email, etc.) that he or she affirms that permission was obtained from the federal contributors. • Such contributions to a candidate for the House are limited to \$1,000.00 per election cycle. S.C. Code Ann. § 8-13-1324(A)(1)(c).
03-1	<p>If a Member accrues debt during an election, they can receive contributions to retire the debt after the General Election.</p> <ul style="list-style-type: none"> • Contributions would be subject to the limits for the last election in which the candidate sought the office for which the debt was incurred. • If the campaign is indebted to the candidate for personal loans, after the campaign, the candidate may only be repaid \$10,000 of the personal debt. S.C. Code Ann. § 8-13-1328. <p>The Ethics Act is silent regarding a time limit for receiving funds for debt retirement, thus it may be retired at any time as long as contributions are subject to the applicable limits.</p> <p>They may be received after a cycle has closed and credited to that closed cycle.</p>
96-1	<p>The Ethics Act does not specifically prohibit or allow a House Member to solicit or raise funds conditioned upon the Member running unopposed in an election.</p>

- However, if a Member conditions acceptance of a contribution upon not facing opposition in an upcoming election, the Ethics Act may consider such a contribution a “loan”.

Lobbyists/ Lobbyist’s Principal

17-13	<p>Is a Legislative Special Interest Caucus (LSIC) considered a “legislative caucus” for purposes of the exemption which allows a lobbyist’s principal to provide lodging, transportation, entertainment, food, meals, beverages, or an invitation to a function to groups? May a Member of a LSIC accept an invitation to a function paid for by a lobbyist’s principal?</p> <ul style="list-style-type: none"> • A Member of a LSIC may not accept an invitation to a function paid for by a lobbyist’s principal because the LSIC is not considered a “Legislative caucus” and not exempt, under S.C. Code Ann. § 8-17-90. <p>LSIC may accept an invitation from a Section 501(C)(3) entity that is not a registered lobbyist’s principal.</p> <ul style="list-style-type: none"> • The Member belonging to the LSIC must report any gift received reasonably valued at \$25.00 or more on his or her SEI if the donor would not have given the gift but for the Member’s position.
17-15	<p>Must a Member report an event which was co-sponsored by several lobbyist’s principals that the Member attended as a gift on his or her Statement of Economic Interests?</p> <ul style="list-style-type: none"> • Yes, because the lobbyist’s principal would not have sponsored the event for the Member but for the Member’s office or position. <p>Must a Member report the value of the gift for each lobbyist’s principal if each value is at or above the threshold amount?</p> <ul style="list-style-type: none"> • The Member must report under the “gifts” section of his or her SEI, the value of the gift for each lobbyist’s principal if each value is at or above the threshold amount set in S.C. Code Ann. § 8-13-1120(A)(9) (currently \$25).
99-2	<p>Nothing in the Ethics Act prevents a Member from working for a consulting and public relations firm that manages campaigns for federal, state and local offices and provides consulting services to lobbyist’s principals.</p> <ul style="list-style-type: none"> • The Ethics Act prohibits a Member receiving “anything of value” from a lobbyist. • It “does not prohibit a Member from providing service to and receiving payment for services from a lobbyist’s principal or a consulting firm hired by a lobbyist’s principal.” • Disclosures of conflicts of interest would be required, along with other applicable requirements of the Ethics Act. <p>Other like employment situations will be determined on a case-by-case basis.</p>
98-1	<p>Member works for a law firm that has lobbyist’s principal client, does Member have to report the relationship if interest is less than 5%?</p>

	<ul style="list-style-type: none"> • Yes. A Member must report a relationship between his law firm and a lobbyist's principal client as long as the Member actually knows of the relationship. • Member should report the type of goods and services purchased, the amount, from whom the material was purchased, and his relationship to that person or business.
97-2	A Member may purchase tickets to an athletic event from a lobbyist principal as long as the Member pays the face value of the ticket and the event is open to the public.
97-3	<p>May a (1) Member or Legislative caucus acceptance of copy machine from lobbyist; and, (2) if the gift to a public official or committee has no market value, can it still be a "thing of value"?</p> <ul style="list-style-type: none"> • A legislative caucus or Member may accept a copy machine, which is a "thing of value" under this section, from a lobbyist principal but not from a lobbyist. • S.C. Code Ann. § 2-17-90(A) does not prohibit the receipt of a "thing of value" from a lobbyist principal to a Member or legislative caucus.
96-3	<p>A House Member's spouse may accompany the Member to a lobbyist sponsored event at the expense of the lobbyist principal, within the applicable limits of S.C. Code Ann. § 2-17-90(B).</p> <ul style="list-style-type: none"> • The restrictive language of the statute applies to Members and not to spouses.
95-1	<p>Invitations from non-lobbyist principal foundation where legislation will be discussed.</p> <ul style="list-style-type: none"> • A non-lobbyist's principal organization sponsoring a conference may reimburse a legislator for the actual and reasonable expenses incurred while the legislator is attending an out-of-state speaking engagement, provided the Speaker has approved the trip. • Because the Ethics Act allows a legislator to use campaign funds to pay for a spouse's expenses incurred in conjunction with a political event, it seems reasonable that the Ethics Act will further allow a foundation that is not a lobbyist's principal to pay for the spouse's expenses.
94-3	<p>Member's playing in a charity basketball game against lobbyist, House staff team, and news media team with lobbyist paying for related expenses is permitted, but Members must report anything of value received from such groups.</p> <ul style="list-style-type: none"> • Members can socialize with lobbyist, but lobbyist are prohibited from giving or facilitating the transfer of anything of value from them to the Member - including transportation or beverages. • Lobbyist can play, but can neither drive the Members to the event nor provide food or drink for them. • They are also prohibited from funding the event, or renting the facilitating since they would be doing so on behalf of the Members.
94-6	Members, who are also Congressional candidates, receiving contributions from lobbyist is permitted, but only for the Congressional campaign.

	<ul style="list-style-type: none"> Members are prohibited from accepting contributions from lobbyists, but does include or apply to a person who is also considered a candidate under the Federal Campaign Act of 1976 Members fitting this description may receive contributions from lobbyist's, but only for their Congressional or other Federal campaign.
93-1	<p>Receipt of sculpture from person not directly involved in lobbying.</p> <ul style="list-style-type: none"> A public official may accept a gift from a non-lobbying group, no matter the value of the gift. However, receipt of the gift must be reported on the Statement of Economic Interests form.
93-10	<p>Acceptance from lobbyist principal (1) \$24.95 book; (2) check for \$100.</p> <ul style="list-style-type: none"> If the book was classified as a "thing of value" or "entertainment" it would be permissible to accept since its value is below the \$25.00 per day requirement. It was unclear if the check was a gift or contribution, so the Committee assumed it was best practice to consider it a contribution because those are subject to more stringent reporting requirements. The ambiguous money received should be placed in his or her campaign account and used only for campaign purposes, not personal expenses.
93-13	<p>Lobbyist's principals giving contributions to ALEC when portions of those will be used to pay expenses for Legislators who attend.</p> <ul style="list-style-type: none"> When a lobbyist's principal's contribution to ALEC is used to pay the expenses of South Carolina legislators who attend ALEC functions, the function is a lobbyist's principal function and the entire groups as mentioned and defined in S.C. Code Ann. § 2-17-90 would have to be invited. If the Member was a speaker at such an event, reimbursement of actual expense would be permitted.
93-22	<p>Licensed Insurance Member consulting on insurance matters for the State Trade Association which employs lobbyist in SC.</p> <ul style="list-style-type: none"> A lobbyist's principal shall not employ a Member of the House or a Member's immediate family as a lobbyist, while the Member is serving or for one year after such service has ended. S.C. Code Ann. § 2-17-15. Lobbyist's principals may not employ a Member on retainer. S.C. Code Ann. § 2-17-110(G). A Member could be employed by the State Trade Association, a lobbyist's principal, if the Member is neither retained nor serves as a lobbyist and is not employed on retainer. Other provisions would limit the Members voting power regarding legislation that in which they may have an interest, based on employment.
93-29	<p>Going on a trip with lobbyist; socializing with lobbyist with no value given; and the meaning of S.C. Code Ann. § 2-17-80(c) in general.</p> <ul style="list-style-type: none"> Lobbyists and Members share hotel accommodations, travel together, play golf together or partake in other entertainment, or dine together, provided that the

	Member does not allow the lobbyist to provide for, offer, facilitate or incur any of the expenses of such activities on behalf of the Members.
93-30	<p>The permissibility of Members of House Freshman Caucus attending a breakfast sponsored by college affiliated group depends on if the groups are lobbyist's principals or not.</p> <ul style="list-style-type: none"> • If the group is not a lobbyist/lobbyist's principal Members may attend <ol style="list-style-type: none"> 1. If invited because of elected office, must be reported in SEI if valued at over \$25 per day, or in the aggregate \$200 in a year. • If the group is a lobbyist's principal, only "recognized groups" of Members under the Ethics Act can attend. <ol style="list-style-type: none"> 1. Under the Ethics Act, the Freshman Caucus is not recognized in the list of groups that are allowed to be invited <p>The lobbyist's principal could invite the entire Membership of either house, a committee, subcommittee, or caucus based on race, ethnicity, gender, or political party.</p>
92-10	<p>Standing committee acceptance of invitation from lobbyist as only authorized agent of lobbyist principal in SC.</p> <ul style="list-style-type: none"> • Invitations by a lobbyist are prohibited as is their receipt by Members, if the invitation includes an offer of anything of value.
92-12	<p>Member's acceptance of a plane ticket from lobbyist principal for winning golf tournament sponsored by lobbyist principal national organization is not allowed</p> <ul style="list-style-type: none"> • No Member or candidate may accept and no lobbyist principal may provide either with transportation (aside from six exceptions which do not apply here).
92-20	<p>Lobbyist Principal donates gifts of less than \$25 as prizes for charity is allowed.</p> <ul style="list-style-type: none"> • The Ethics Act prohibits Members from soliciting gifts from lobbyists but not lobbyist's principals. • Because the gift goes to the charity and not the Member it likely does not have to report on the SEI either.
92-24	<p>Fundraising by SC Black Caucus and lobbyist principal</p> <ul style="list-style-type: none"> • Members are not allowed to solicit or receive a contribution from a lobbyist or a person acting on behalf of a lobbyist. A House Member or a committee, here the Legislative Black Caucus, may solicit funds from a lobbyist's principal. A committee of the House cannot receive in contributions more than \$3500 a year.
92-31	<p>Depending upon whether lobbying activities take place, the Redevelopment Authority may sponsor a function for a legislative delegation.</p>
92-38	<p>Bank Employee Member listing lobbyist or lobbyist principals who do business with bank on Economic Interests sheet.</p> <ul style="list-style-type: none"> • A legislator/banker (or business owner) must disclose those lobbyists and lobbyist's principals that he knows have purchased services from the bank (or business) worth over \$200. If legislator unaware of lobbyist or principal purchase exceeding \$200, then no need to report.

	<ul style="list-style-type: none"> • A disclaimer may be input into the report denoting the nature of the relationship between the legislators employer and the lobbyist's or lobbyist's principal.
92-42	<p>Members reporting travel expenses reimbursed by lobbyist principal who hosted a meeting Member participated in.</p> <ul style="list-style-type: none"> • Legislator must report travel expenses reimbursed by the lobbyist's principal who hosted the meeting in which the Member was a participant. • Section 19 on the Statement of Economic Interests form is the place for these reimbursements to be listed. • If the Member is speaking at the engagement, they may be reimbursed for actual expenses incurred, under S.C. Code Ann. § 2-17-100.
92-48	<p>Member receipt of gift from organization that does not retain a lobbyist .</p> <ul style="list-style-type: none"> • A public official may accept a gift from an organization not involved in lobbying, no matter the value of the gift. • If the gift is given because of the Members position, S.C. Code Ann. § 8-13-710(B) applies. (AO 92-49)
92-49	<p>Member attendance at a function put on by a group that is not a lobbyist or lobbyist principal</p> <ul style="list-style-type: none"> • S.C. Code Ann. § 8-13-710(B) requires a Member to report anything received by a non-lobbyist's principal over \$25.00 a day or \$200.00 per year if the gift was given because of the Member's office in the House.

Payment and Attendance at Events/Tours

17-9	<p>May a Member participate in an educational tour to Israel, where all members are invited to participate, with expenditures paid by a non-lobbyist principal host organization?</p> <ul style="list-style-type: none"> • Yes, as long as the Member has a “legislative interest” in the tour offered. • Expenditures may be paid by a non-lobbyist principal host organization and “could include touring, meals, hotel, and possibly some airline travel,” as a gift; and if this gift is provided to the public official because of their position as such, it must be reported on the Member’s SEI. <p>May a Member use his or her campaign funds to pay for the expenses of this educational tour?</p> <ul style="list-style-type: none"> • Yes because the Member is participating in this tour “for legislative and economic development purposes in order to carry out the duties of the office he or she holds” as a Member of the House. <p>Expenditures made for such purpose would need to be reported on the Member’s applicable CD report.</p>
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93-20	<p>Reimbursement for accommodations and meals when speaking before the SC Association of Premium Companies Conference are permissible under the Ethics Act if;</p> <ul style="list-style-type: none"> • the amounts are reasonable and • incurred in a reasonable time and manner • Member must also report the reimbursement on their SEI <p>The Association is a lobbyist's principal, but normal restrictions do not apply because an exception applies for such reimbursements for speaking engagements at conferences.</p>
93-25	<p>Reimbursement for a trip that was in some way connected with office activities is permissible.</p> <ul style="list-style-type: none"> • Member visited a manufacturer who would have been affected by proposed legislation from the Member, to learn about the industry - manufacturer reimbursed Member for the trip and is not engaged in lobbying within the state. • Any such reimbursements are not governed by the restrictions of lobbyist principals under the Act, but it must be reported on Member's SEI because it was given, in part based, on Member's office.
92-9	<p>Member attending an out of state American Legislative Exchange Council (ALEC) meeting, paid for by ALEC.</p> <ul style="list-style-type: none"> • The Ethics Act allows for the payment or reimbursement of actual, reasonable expenses incurred while attending an out state speaking engagement, subject to approval by the Speaker. <p>If ALEC is a working conference serving a legislative purpose, it is permissible.</p>
92-13	<p>Educational Seminars for Members, conducted by a group or organization which does not involve lobbying, under S.C. Code Ann. § 2-17-10, does not violate the Ethics Act.</p>
92-21	<p>Reimbursement of Member by ALEC for out-of-pocket expenses incurred while attending ALEC meeting is allowed and does not violate the Ethics Act. No written approval is from the Speaker is required.</p>
92-29	<p>Payment for accommodations and food provided by group when a Member is a speaker at a function.</p> <ul style="list-style-type: none"> • A House Member acting in an official capacity may not receive anything of value for speaking before a public or private group except for the payment or reimbursement of reasonable actual expenses incurred during a speaking engagement. • No prior approval is required for reimbursement of meal and accommodations that are reasonably connected with accomplishing the purpose of the speaking engagement. However, reimbursement or payment for an out-of-state speaking engagement does require prior written approval from the House speaker.

92-32	<p>An invitation to legislators for dinner on Campus does not violate the Ethics Act, so long as the dinner is not for the purpose of lobbying.</p> <p>If the dinner is valued at more than \$25, the legislator will have to report this on their SEI, because the invite was only extended based on their status as officeholders.</p>
92-45	<p>Accepting an invitation to SC Association of Counties Conference where food, lodging and registration is paid for by the county.</p> <ul style="list-style-type: none"> • A Member may not accept more than \$25.00 a day limit from the annual South Carolina Association of Counties Conference even where the county is providing the expenses. Reporting requirements do not apply where the county is not a lobbyist's principal. <p>S.C. Code Ann. § 8-13-710(B) covers expenditures made on behalf of Members because of their elected positions.</p>

Elections

13-1	<p>Are candidates without primary opposition, pursuant to a Supreme Court ruling, entitled to both a primary and a general “election cycle” for purposes of applying the campaign contribution limits established by S.C. Code 8-13-1314 and 1316?</p> <ul style="list-style-type: none"> • The Ethics Act’s definition of “election cycle” states “the contribution limits . . . are for each primary, runoff or special election <u>in which the candidate has opposition</u> and for each general election.” If the candidate is unopposed during an election cycle, on contribution limit applies. • Committee found a competition existed between candidates and was not erased by the Supreme Court Ruling. • Certification at the end of filing constitutes candidacy in determining if opposition exists. • If a candidate has a certified primary opponent who was later decertified, the candidate did have opposition, allowing a candidate to receive an “election cycle” for their primary.
06-1	<p>The “45 Day Rule” & interpretation of S.C. Code Ann. § 8-13-1300(7) and (31).</p> <ul style="list-style-type: none"> • The “45 day rule” provides certain communication made within the final 45 days before an election must be reported as “expenditures” but are not “contributions”, and are not subject to the contribution limitations of the Ethics Act. • S.C. Code Ann. § 8-13-1300(31)(c) defines the “communication” covered. <ul style="list-style-type: none"> ○ Any communication, within 45 days of an election, supporting a candidate or attacking or opposing a candidate, regardless of if the communication expressly advocates a vote for or against a candidate. ○ “Communication” means <ul style="list-style-type: none"> ▪ Paid advertisements on TV or radio ▪ Paid message conveyed by phone, mail, or e-mail

- Paid advertisements over \$5,000 conveyed through a medium not already listed
- Not including news, commentary, or editorial programming or article, or communication to an organizations Members.
- **S.C. Code Ann. § 8-13-1300(7) defines “contribution.”**
 - It includes, “money, or anything of value made to a committee, other than candidate committee, and is used to pay for communications made not more than fort-five days before the election to influence the outcome of an elective office as defined in S.C. Code Ann. § 8-13-1300(31)(c)”
 - Must deposit funds in a separate account from a campaign account.
- Thus, “31(c) communications” are not contributions; and because they are specifically exempted, caucus committees are not restricted by the \$5,000 contribution limit in S.C. Code Ann. § 8-13-1316.

Legislative caucus committees may spend ANY AMOUNT on communication within 45 days of an election.

- Though they must deposit funds in a separate account, **they do NOT have to report the receipt of funds to be used for “31(c) communications” within 45 days of an election.**
- S.C. Code Ann. § 8-13-1308(G) provides, legislative caucus committees must report all contributions over \$500.
- “31(c) communications” within 45 days of an election, are not contributions, thus, they don’t have to be reported like other funds.

Funds used to pay for “31(c) communications” are considered “expenditures” under the Ethics Act, and legislative caucus committees must report money spent on such communications.

- Such committees must file a pre-election report showing expenditures to or b the committee for the period ending twenty before the election.
- Such committees must immediately file a campaign report upon incurring expenditures more than \$10,000 on a candidate for statewide office and \$2,000 for a candidate for any other office.

Legislative caucus committees making “31(c) communications” within 45 days of an election must identify the caucus in the communication.

Miscellaneous

18-4

May a Member use his title of “Member of the S.C. House of Representatives” for an advertisement in a newspaper?

- The fact a Member holds “official office” does not prohibit one from stating they are a “Member of the SC House of Representatives” in and advertisement for the profession or business in which they are employed.

	<ul style="list-style-type: none"> • Any Member may note their title in an advertisement the Member purchase for dissemination to the public.
17-8	<p>A Member may serve on the board of a charitable, non-profit organization and it is not considered dual office holding.</p> <ul style="list-style-type: none"> • The Member must comply with the disclosure requirement of the SEI including any compensation received; and if the board were to receive public funds for which the Member must vote on as a public official, the Member must follow the abstention procedures in S.C. Code Ann. § 8-13-700(B). • Based on Constitutional interpretations of the Supreme Court and Advisory Opinions from the Attorney General, Membership on a private nonprofit board does not constitute and office for the purposes of accessing a violation.
15-1	<p>Pursuant to S.C. Code Ann. § 8-13-700, may a Member of the House of Representatives, who is also a salaried employee of a technical college, introduce local businesspeople to the continuing education sales department of the technical college?</p> <ul style="list-style-type: none"> • It appears the Member's action is not a violation of the Ethics Act because the Technical College is not a business with which he or she is associated as defined by the statute. • Caution is advised because the Member's constituents may question whether the Member's introduction, made while known as a public official, could construed as implicitly promoting the economic benefit of the Technical College.
14-1	<p>When a Member uses a personal vehicle for travel related to the campaign or office, what is the appropriate method of reimbursement?</p> <ul style="list-style-type: none"> • Member must use the standard mileage rates as established by the IRS (this is the only appropriate method going forward). • Mileage may not exceed the actual distance traveled and must be computed using the shortest practical route. • Committee advises keeping record of such mileage, including date, starting point, and destination.
13-4	<p>(1) Is it appropriate for a General Assembly Member to request and use the state airplane to transport an out of state witness to testify before a legislative subcommittee?</p> <ul style="list-style-type: none"> • S.C. Code Ann. § 8-13-765 prohibits use of government resources for political purposes. • "Committee does not believe it is an appropriate use of taxpayer dollars and resources to transport advocates for or against legislation . . . to Columbia, or any location, to advocate their positions." • Considers the opinion a prospective rule that "all Members . . . that use the state plane to transport advocates or witnesses for the purpose of appearing before the subcommittees of the House" are likely violating the Ethics Act and will have to repay all funds expended.

	<p>(2) Is it appropriate for a person to receive compensation for testimony before a legislative subcommittee without complying with procedures to register as a lobbyist?</p> <ul style="list-style-type: none"> • Declines to offer an opinion because the State Ethics Commission is the only body that can determine if a person is a “lobbyist” and required to register under the Ethics Act.
98-2	<p>Regarding late penalty assessments for Ethics delinquent reports, notice is given to the candidate when certified mail is sent, not when the candidate receives it.</p> <ul style="list-style-type: none"> • The \$10.00 per day penalty, under S.C. Code Ann. § 8-13-1510(2) begins on the post marked date of the notification letter.
96-2	<p>Members can send newsletters to constituents under S.C. Code Ann. § 8-13-1346(B). They may be prepared on state paper and on state time.</p> <ul style="list-style-type: none"> • House Member shall not use government material in an election cycle. • Members should print a disclaimer on “campaign-related newsletters” appearing to be printed on state paper. • If the Member uses a the House letterhead on a “campaign related newsletter” they should have a disclaimer indicating: <ol style="list-style-type: none"> 1. The paper is not “state paper;” and, 2. The Member paid for the newsletter with personal or campaign funds.
94-7	<p>Proper way for two Members to have joint Fundraiser with equal split of money.</p> <ul style="list-style-type: none"> • Joint fundraisers are not prohibited by the Ethics Act, but there is no formal process for conducting such an event within the provisions. <ol style="list-style-type: none"> 1. Proceeds may not be placed into one person’s account for that person to write a check to the other for their share because candidates cannot contribute to other candidates under the Ethics Act. 2. Nor can the candidates establish a joint account. • Agents can collect money on the candidate’s behalf and hold money for a short period of time so the best way to combat the issues above would to have an agent collect the monies raised in an escrow account and then have it distributed to the candidates. <ol style="list-style-type: none"> 1. Contributions must be forwarded to the candidate within 5 days of receipt 2. To be processed the candidates must have the name and address of the contributor. 3. If no name or address is provided within ten days the contribution must be remitted to the Children’s Trust fund. • Anonymous contributions can be made in the form of a ticket purchase if: <ol style="list-style-type: none"> 1. The ticket does not exceed \$25 2. Proceeds from the ticket are used to defray some of the cost of the event.

	<ul style="list-style-type: none"> • Outside of the escrow account, candidates could also only accept cash for the tickets and divide the proceeds at the end of the event. The recording requirements for contributor information above still applies.
94-8	<p>Ticketed fundraiser where tickets are \$10 and used to defray costs.</p> <ul style="list-style-type: none"> • Since some monies raised will go into a campaign account, expenses of the dinner are campaign related and should be paid from campaign account • All proceeds from sales should go into the campaign account and references as receipts on Campaign Disclosure Form. • Because the ticket price is used to defray the cost of dinner, names and addresses do not need to be maintained because of the ticket exception. • Any contributions outside of the ticket price must comply with the recording requirements of the Ethics Act.
94-9	<p>Presenting award at Miss SC during election year is permissible.</p> <ul style="list-style-type: none"> • If the airtime is used for a campaign message or if the pageant sponsors/entities are gifting the air time for the campaign, it is an in-kin contribution and something of value that would need to be reported. • If the appearance is only for the pageant then nothing needs to be done.
93-3	<p>Purchase of tickets to College and University athletic events</p> <ul style="list-style-type: none"> • The sale of tickets for face value does not allow any economic benefit to be gained by the public official in a prohibited manor. The price printed on the ticket by the university is the obvious value of the ticket. • The Member must use their own personal funds to pay the purchase price of the ticket. • The fact the college or university may be a lobbyist principal does not make this legitimate transaction a violation of state law for either party.
93-4	<p>A former house Member who remains in debt after service in the House may not establish an "appreciation fund" to satisfy the outstanding debt.</p> <ul style="list-style-type: none"> • The former Member should raise funds and collect contributions to pay off the campaign debt and utilize the existing campaign account.
93-7	<p>Issue of South Carolina Association of Municipal Power Systems (SCAMPS) holding dinners for only those Members representing electric cities in SC.</p> <ul style="list-style-type: none"> • SCAMPS may not sponsor a dinner and invite only those Members from the 21 electric cities in S.C. • The invitation must extend to the entire general assembly, either house thereof, a committee, subcommittee, joint committee, legislative caucus or county legislative delegation.
93-17	<p>Question presented of precise timing regarding when Ethics Act's filing requirements go into effect?</p> <ul style="list-style-type: none"> • A person running for a position elected by the General Assembly must file a report with the Chairman of the House Ethics Committee when \$100 has been spent by him or on his behalf.

	<ul style="list-style-type: none"> The starting point for totaling of the campaign expenditures is the time that the candidate "first announces his intent to seek office.
93-18	Member serving on BEST Policy Committee is permissible because the BEST (Building Economic Solutions Together) Committee has transformed, from a state board or commission under the Ethics Act, into an incorporated non-profit organization, and is not controlled under the Ethics Act.
93-21	Members attending ALEC conference mat have expenses off-set by the ALEC scholarship fund, as long as the entire Membership of the House, or recognized group of Members under the Ethics Act, is invited. <ul style="list-style-type: none"> Such reimbursements must not exceed \$25 per day and all attending Member's must be reimbursed equally.
93-24	Accepting a ticket to the National Black Caucus Foundation banquet from Congressman is permissible. <ul style="list-style-type: none"> This entity is not engaged in lobbying in South Carolina, and is not governed as such. Any such tickets or reimbursement must be reported on Member's SEI if there is reason to believe either was given based on Member's office.
93-31	Member writing a letter of recommendation for student trying to get into a University is permissible under the Ethics Act. <ul style="list-style-type: none"> It would not result in any economic benefit, and does not qualify as "representation" under the Ethics Act, unless Member appears on person's behalf.
92-6	Democratic Presidential Candidate accept invitation for lunch in Blatt Building is allowed. <ul style="list-style-type: none"> The Caucus is entitled to use of the Blatt Building for meetings and any guest of the Caucus is allowed to meet with the Caucus within the Blatt Building. The Ethics Act may not even apply because there is ample evidence to suggest it does not apply to federal election issues. Public facilities may not be used for campaign events unless they are available to other candidates on similar terms - not at the expense of the state.
92-7	Acceptance of jacket from Washington Redskins as being honored by community <ul style="list-style-type: none"> Allowed because there are no restrictions on gifts to Members not involved in lobbying. It must be reported if valued at over \$25 and it was given because of the elected office.
92-22	Clarification of AO 92-21 <ul style="list-style-type: none"> Clarifying that the written approval from the Speaker may be required in some circumstances and that is why the line was added to 92-21

<p>92-23</p>	<p>Endorsement letters for candidates to a position elected by General Assembly do not violate the Ethics Act, on their face. (Here, the endorsement was written prior to screening and was a letter to other Members.)</p> <ul style="list-style-type: none"> • Candidates seeking pledges from Members directly, or Members pledging their vote on their own, prior to screening, does violate the Ethics Act.
<p>92-26</p>	<p>Legislators serving on certain boards is not prohibited by the Ethics Act. (Here, the board was an internal body of the MUSC Board of Trustee's</p> <ul style="list-style-type: none"> • Legislators are prohibited from serving on states boards and commissions - which are those that are statutorily created or those that in which the majority of the Membership consists of legislators.
<p>92-36</p>	<p>Nothing in the Ethics Act prohibits Members from accepting honoraria, or things of value, when speaking before a private group, as long as the Member is not speaking in their official capacity.</p>