

Senate Ethics Committee

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SENATE ETHICS COMMITTEE ADVISORY OPINION #92-1

To: Members, South Carolina Senate

From: Edward E. Saleeby, Chairman
Senate Ethics Committee

Re: Candidate Campaign Committees

Date: January 29, 1992

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

May a candidate maintain and administer his campaign receipts and expenditures in his name and concurrently form a separate committee or one with which he is affiliated to receive and expend funds on his behalf?

Article 13 of Chapter 13 of Title 8 does not contain an express prohibition against a candidate forming a campaign committee to operate on his behalf while maintaining a separate candidate record of receipts, expenditures and savings or checking accounts in his name. By the same token, no provision of this Article requires a candidate to make an election as to whether to file reports in his name or to organize a committee on his behalf.

If a candidate were allowed to file both in his name and as a

committee formed on his behalf, the campaign contribution limits set forth in Section 8-13-1314 would be rendered meaningless. It also is instructive to note that an underlying principle of the campaign reform provisions of Act 248 of 1991 is to allow simplicity in public inspection and review which is facilitated by the express provisions that ensure a complete, accurate filing of receipts and expenditures. To have a candidate filing in his own name and in the name of one or more candidate committees would result in multiple checking and savings accounts rather than one savings and checking account, as is contemplated by Section 8-13-1312. This section provides evidence of the intent to simplify the tracking of receipts and expenditures of candidates and committees by its prohibition against multiple checking and multiple savings accounts. Since contributions would have to be attributed in the fashion discussed above, a fundamental purpose of the new law would be frustrated if a candidate organized in his name and in the name of a committee operating on his behalf. The Committee also recognizes that a candidate's record keeping burden will be substantially reduced when only one set of contribution and expenditure records is maintained.

The Committee concludes that in order to maintain proper oversight of campaign contributions, Article 13, taken as a whole, and Section 13-8-1322, in particular, compels a candidate for the office of State Senator to either organize a committee on his behalf at the time of filing an initial certified campaign report or file in his own name as a individual at the time that report is due.