

The Ethics, Government Accountability, and Campaign Reform Act of 1991

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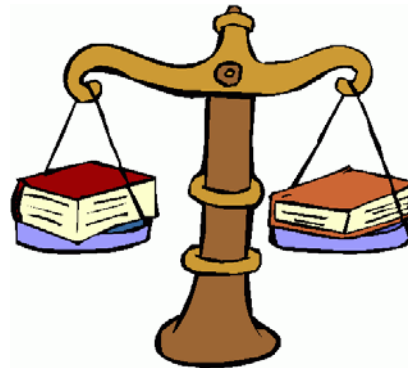
The act as it relates to:

- ▶ Lobbyist/Lobbyist's Principal
- ▶ Rules of Conduct
- ▶ Financial Disclosure
- ▶ Campaign Practices



Jurisdiction:

- ▶ Lobbyist/Lobbyist's Principals
- ▶ Public Officials/Candidates
- ▶ Public Members
- ▶ Public Employees



Lobbying, Lobbyist, and Lobbyist's Principal Definitions

A. Exceptions to Lobbyist Definition:

- ▶ §2-17-10(12),(13) and (14)

B. Interactions with lobbyists/lobbyist's principals:

- ▶ §2-17-80

- ▶ Lobbyists may not give anything of value to members of the General Assembly, constitutional officers, public officials, and employees of state agencies.

- ▶ §2-17-90

- ▶ May host functions, but group invitations/spending limits apply (Must also be disclosed on SEI)

- ▶ §2-17-100

- ▶ Exception to group invitation/dollar limit



Rules of Conduct

- ▶ Section 8-13-100. various definitions
 1. (a) 'Anything of value' or 'thing of value' means
 - (b) 'Anything of value' or 'thing of value' does not mean
 2. 'Business'
 3. 'Business with which he is associated'
 11. 'Economic Interest'
 15. 'Family member'
 16. 'Gift'
 18. 'Immediate family'
 19. 'Individual'
 20. 'Individual with whom he is associated with'



Rules of Conduct

▶ Section 8-13-700, et al. rules of conduct

- 1) May not use official office/position for financial gain - knowingly. §8-13-700(A).
- 2) Recusal provisions for conflicts. §8-13-700(B).
- 3) May not receive or give anything of value with intent to influence (Anti-Bribery Statute). §8-13-705.
- 4) May not accept an honorarium for speaking engagements in one's official capacity. May accept payment for actual expenses. §8-13-715.
- 5) May not accept additional money for assistance given while performing one's duty. §8-13-720.
- 6) May not use confidential information gained through employment for personal gain. §8-13-725.
- 7) Representation prohibitions. §8-13-740.



Rules of Conduct

▶ **Section 8-13-700, et al. rules of conduct (continued)**

- 8) May not cause the employment, promotion, or transfer of a family member to a position in which one supervises. Prohibits discipline of one's family member. §8-13-750.
- 9) Post employment restrictions. §8-13-755. (Government lawyers see Rule 407 of Appellate Court Rules, Rule 1.11 Successive Government & Private Employment).
- 10) Breach of ethical standards for an employee participating in procurement to resign and accept employment with a person contracting with the governmental body. §8-13-760.
- 11) May not use government personnel/materials in an election campaign. §8-13-765.
- 12) A public official/employee may not have an economic interest in a contract with the State or a political subdivision if the public official/employee is authorized to perform an official function relating to the contract. §8-13-775.



Financial Disclosure

- ▶ **Section 8-13-1120. contents of statement of economic interest.**
 - ▶ Statement of Economic Interest (SEI) is to be filed on or before March 30th, by noon, of each year of service.
 - ▶ Effective January 1, 2017: All filers must disclose (1) the source (company/business) and (2) the type (salary, wages, etc.), but **not** the amount of any private income received in the previous year by the filer or a member of the filers immediate family under the Income and Benefits section of the 2017 SEI.
- ▶ **Section 8-13-1180. soliciting of contributions by elective official.**
 - ▶ An elective official or candidate is prohibited from knowingly soliciting contributions from employees in the elective official's area of official responsibility.



Campaign Practices and Statutes of Limitations

Section 8-13-1346. use of public funds, property, or time.

- ▶ A person may not use/authorize public funds to influence the outcome of an election. A governmental entity may not use public funds, property, or time in an attempt to influence the outcome of a ballot measure.



Section 8-13-320(9)(d). duties and powers of State Ethics Commission.

- ▶ Action can not be taken on a complaint filed more than 4 years after the violation is alleged to have occurred.




Penalties

Section 8-13-320(10)(l)

- ▶ The written decision as provided for in sub item (k) may set forth an order:
 - ▶ (i) requiring the public official, public member, or public employee to pay a civil penalty of not more than two thousand dollars for each violation;
 - ▶ (ii) requiring the forfeiture of gifts, receipts, or profits, or the value thereof, obtained in violation of the chapter, voiding non-legislative state action obtained in violation of the chapter; or
 - ▶ (iii) requiring a combination of sub items (i) and (ii) above, as necessary and appropriate.

Section 8-13-705(G)

- ▶ Provides for imprisonment of not more than 10 years and fined not more than \$10,000 and that they are permanently disqualified as a public official or forfeits public employment.
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Penalties (continued)

Section 8-13-1510:

- ▶ Provides in part for increasing late filing penalties, up to \$5000 per form and that a person could be prosecuted in magistrate's court for a first offense failure to file a form.

Section 8-13-1520

- ▶ Provides that a violation of the Rules of Conduct is a misdemeanor and on conviction one may be fined not more than \$5,000 or be imprisoned not more than 1 year or both. A person guilty of violating the campaign reporting provisions is guilty of a misdemeanor, and must be fined a minimum of \$5000 and a maximum 500% of the amounts that should have been reported, and may be sentenced to up to one year in prison.

Section 8-13-780

- ▶ Provides that the Commission may issue a public reprimand.



State Ethics Commission

- ▶ Electronic Filing and Public Reporting.
- ▶ The Ethics Reform Act.
- ▶ All Advisory Opinions.

- ▶ Website: <http://ethics.sc.gov>

