

**THE ETHICS, GOVERNMENT ACCOUNTABILITY,
AND CAMPAIGN REFORM ACT OF 1991**

**S.C. Educational Broadband Service Commission
Ethics Training
September 22, 2008**

I THE ACT AS IT RELATES TO

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

II JURISDICTION

- Lobbyist/Lobbyist's Principals
- Public Officials/Candidates
- Public Members
- Public Employees
- Campaign Committees

III LOBBYISTS/LOBBYISTS' PRINCIPALS

A. Lobbying, Lobbyist and Lobbyist's principal definitions. §2-17-10(12), (13) and (14)

•Exceptions to Lobbyist definition:

- personal opinion
- public meeting
- public employee or member
- professional services
- press
- church
- running for an office elected by the General Assembly

-plant manager exception

B. Interactions with lobbyists/lobbyist's principals

- Lobbyists may not give anything of value to members of the General Assembly, constitutional officers and public officials and employees of state agencies. §2-17-80.
- Lobbyist's Principals may host functions (group invitation/spending limit rules apply)(MUST BE DISCLOSED ON SEI). §2-17-90.
- EXCEPTION TO GROUP INVITATION/DOLLAR LIMIT:** Speaking at a Lobbyist's Principal's event (EXPENSES AND REIMBURSEMENT OF EXPENSES MUST BE DISCLOSED ON SEI). §2-17-100.

IV RULES OF CONDUCT

- May not use official office/position for financial gain - **knowingly**. §8-13-700(A).
- Recusal provisions for conflicts. §8-13-700(B).
- May not receive or give anything of value with intent to influence (Anti-Bribery Statute). §8-13-705.
- May not accept an honorarium for speaking engagements in one's official capacity. May accept payment for actual expenses. §8-13-715.
- May not accept additional money for assistance given while performing one's duty. §8-13-720.
- May not use confidential information gained through employment for personal gain. §8-13-725.
- May not serve as a member of governmental regulatory agency that regulates a business with which that person is associated. §8-13-730.
- No one who serves and is an employee at the same time on the governing body of a state, county, municipal, or political subdivision may make a decision affecting his economic interests. §8-13-735.
- Representation prohibitions. §8-13-740.
- No member of the General Assembly may represent clients before an

agency under specific conditions. §8-13-745.

- 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.

- Post employment restrictions. §8-13-755. (Government lawyers see Rule 407 of Appellate Court Rules, Rule 1.11 Successive Government & Private Employment).

- 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.

- May not use government personnel/materials in an election campaign. §8-13-765.**

- 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.

- A public official and family members can be awarded a grant/scholarship if given on objective and competitive basis and has not contacted any person involved in the selection of the recipient. §8-13-795.

V FINANCIAL DISCLOSURE

A. Statement of Economic Interests to be filed on or before April 15th of each year of service.

B. Conflict between Sections 8-13-710(B) and 8-13-1120(A)(9) on the reporting of gifts.

C. An elective official or candidate is prohibited from knowingly soliciting campaign contributions from employees in the elective official's area of official responsibility. §8-13-1180.

VI CAMPAIGN PRACTICES

- A person may not use/authorize public funds to influence the outcome of an election. A municipality may not use public funds, property, or time in an attempt to influence the outcome of a ballot measure. §8-13-1346.**

- All printed matter must contain name and address of ballot measure committee.

§8-13-1354.

VII. PENALTIES

- Imprisonment of not more than 10 years and fined not more than \$10,000. Permanently disqualified as public official or forfeits public employment. §8-13-705.

- 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. §8-13-1520.

- A violation of the Lobbyist/Lobbyist's Principal Article is a misdemeanor and on conviction one may be fined not more than \$2,500 or be imprisoned not more than 1 year or both. Additionally one may not act as a lobbyist or lobbyist's principal for 3 years from date of conviction. §2-17-130.

- Late filing penalty of up to \$100 per day for failure to file reports. §8-13-1510.

- Public reprimand issued by the Commission. §8-13-780.

- Up to a \$2,000 fine per violation. §8-13-320(10)(l).

VIII. STATUTE OF LIMITATIONS

- Action can not be taken on a complaint filed more than 4 years after the violation is alleged to have occurred. §8-13-320(9)(d).

IX. STATE ETHICS COMMISSION website is <http://ethics.sc.gov>.

- All Advisory Opinions.

- All Forms.

- Complaints Resolved