

**SENATE ETHICS COMMITTEE
ADVISORY OPINION 2002-001**

January 28, 2002

SUBJECT: DISCLOSURE OR IDENTIFICATION OF PERSON, CANDIDATE, OR COMMITTEE PAYING FOR ELECTION-RELATED COMMUNICATIONS

SUMMARY: All materials distributed by or on behalf of a candidate through the U. S. Postal Service or any other distribution service, which is paid for directly or indirectly with campaign contributions, must have the name and address of the person, candidate, or committee prominently placed on the printed material.

COMPLAINT: The South Carolina Senate Ethics Committee has received a complaint alleging that during a recent campaign for the South Carolina Senate, §8-13-1354 was violated when a person, candidate, or committee (Respondent) distributed by mail a communication to voters without placing the name and address of the contributing party on the printed material.

DISCUSSION: **Section 8-13-1354 states:** “ A candidate, committee, or other person which makes an expenditure in the distribution, posting, or broadcasting of a communication to voters supporting or opposing a public official, a candidate, or a ballot measure must place his name and address on the printed matter or have his name spoken clearly on a broadcast so as to identify accurately the person and his address. Campaign buttons, balloons, yard signs, or similar items are exempt from this requirement.”

The Senate Ethics Committee met to assess the validity of the complaint. It was determined that a special mailing of printed material, utilizing a U. S. Postal Service Bulk Mail Permit, was distributed to a select group of recipients by the Respondent or someone on behalf of the Respondent. However, the Senate Ethics Committee found that the printed material (a local newspaper) was of a nonbiased nature, meaning that it did not promote one candidate over another, but served to identify the strengths and

weaknesses of both candidates. Thus, the Committee found that there was technically no violation of the law since the law specifically requires the material support or oppose a particular candidate.

In an effort to clarify this issue in the future, the Senate Ethics Committee will consider all materials distributed by a candidate or on behalf of a candidate's campaign to be done with the intent to support his/her candidacy, and thus there will be a requirement that the name and address of the candidate, committee, or other person paying for the distribution be prominently affixed to the published material.

CONCLUSION: Pursuant to §8-13-530 et seq. and Senate Rule 44(3), the South Carolina Senate Ethics Committee issues this Advisory Opinion. §8-13-1354 requires that any materials knowingly produced and/or distributed by "a candidate, committee, or other person" with funds drawn from a campaign account or expended on behalf of a candidate for the South Carolina State Senate must have the name and address of said entity affixed prominently on the published matter.