

SUBJECT: USE OF PUBLIC PROPERTY IN ELECTION CAMPAIGNS

SUMMARY:

Public facilities may be utilized for political meetings or campaign-related activities if they are rented or made available on similar terms to all candidates or committees.

QUESTION:

The Treasurer of the Aiken County Democratic Party questions whether political parties may use county council chambers for political party meetings.

DISCUSSION:

This opinion is rendered in response to a letter dated February 24, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Section 8-13-765 provides in part as follows:

(A) No person may use government personnel, equipment, materials, or an office building in an election campaign. The provisions of this subsection do not apply to a public official's use of an official residence.

(B) A government, however, may rent or provide public facilities for political meetings and other campaign-related purposes if they are available on similar terms to all candidates and committees, as defined in Section 8-13-1300(6).

Thus, a government agency may allow the use of government facilities for political party activities provided such facilities are made available on similar terms to all candidates or committees.