Issues outside of the Commission's jurisdiction

The Commission does not enforce the state's FOIA laws.
The Commission does not settle disputes between members of councils or boards.
The Commission does not investigate allegations of sexual harassment, sexism, or racism.

The Commission does not have jurisdiction over federal candidates or federal officeholders.



SOUTH CAROLINA

State Ethics Commission

MEDIA TOOLKIT

What does the Commission do?

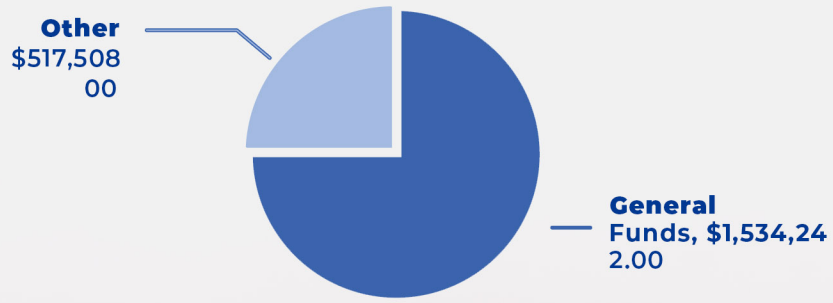
The primary purpose of the State Ethics Commission is enforcement of the Ethics Reform Act. The Ethics Reform Act establishes rules of conduct for public officials, public members, and public employees; campaign practices for candidates for public office and for for public officials; as well as personal financial disclosure statements, known as Statements of Economic Interests, for public officials and certain public members and public employees. The Commission also enforces Title 2, Chapter 7 of the South Carolina Code of Laws which establishes filing and conduct requirements for lobbyists and lobbyists principals.

Additionally, the Commission enforces the Judicial Canons as they relate to Workers' Compensation Commissioners, the Department of Employment and Workforce's Appellate Panel, Public Service Commissioners, and Lottery Commissioners.

How is the Commission Funded?

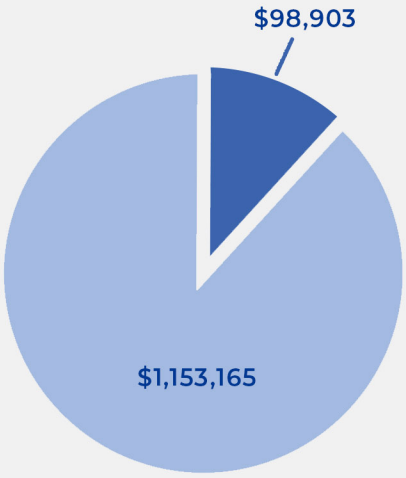
The agency receives appropriated funds from the General Assembly.
The agency also generates funds from registrations, fines, and penalties that are carried forward each year.

Funding for FY 19-20





Carry Forward FY 19-20



What Filings are Required?

Statements of Economic Interests – personal financial disclosures filed by public officials and certain public members and public employees.

Campaign Disclosures – financial disclosures reflecting campaign activity, such as contributions and expenditures.

Lobbyist and Lobbyist's Principal Registrations – Disclosing entities that are lobbyist principals and their lobbyists.

Lobbyist and Lobbyist's Principal Disclosures – financial disclosure reflecting lobbying activity and payments received for lobbying.

How are complaints filed and resolved?

Complaints can be filed by an individual or by the Commission and are only publicly available upon a finding of probable cause by commissioners. Once a complaint is received, Commission staff determines whether the complaint contains facts sufficient to open an investigation. A complaint containing facts sufficient is one in which alleges facts that would violate the Ethics Act.

Once a complaint is opened, it is assigned to a Commission investigator. The Commission's investigators are Class 1 certified law enforcement officers who investigate cases and make charging recommendations to commissioners.

For probable cause to be found, six commissioners must agree that it is more likely than not that the respondent violated the Ethics Act. If six commissioners agree, the matter becomes public and the complaint, any response by the Respondent, and the hearing notice become publicly available documents. If probable cause is not found, the matter remains confidential.

After a finding of probable cause, the matter can be resolved via consent order (an agreement between the Commission and the Respondent) or via a contested hearing.

Contested hearings are held before three randomly selected commissioners who act as the judges of fact and law. During the hearing, either party can present evidence and call and question witnesses. Within sixty days of the hearing, the decision of the hearing panel is issued via written order.



What type of conduct violates the Ethics Act?

Public officials, public members, and public employees are prohibited from using their position to provide an economic interest to themselves, their family members, a business with which they are associated, or an individual with whom they are associated.

"Family member," "individual with whom associated," and "business with which associated" are all defined in Section 8-13-100 of the Act.
The Ethics Act is also violated when a required filer fails to timely file any filing required under the Ethics Act.

Other conduct within the Commission's jurisdiction includes: use of public resources to influence the outcome of an election, illegal campaign contributions and expenditures, improper representation before a governmental entity, and post-employment restrictions as applied to public employees.

FAQs

1 Can the Commission remove a public official from office?

No, the Commission does not have the authority to remove a public official from office. In South Carolina, public officials may only be removed by the Governor.

2 How do I know if a person has been found to have violated the Ethics Act or if they are currently under investigation?

Investigations are confidential unless and until probable cause is found. At that time, you can find the case on our Cases Pending a Hearing Docket which is available on our website. Every individual who has had an ethics complaint resolved can be found on our Resolved Complaints list. If you would like a copy of publicly available documents, email us at mediaquestions@ethics.sc.gov.

3 Who oversees members of the General Assembly?

The Senate Ethics Committee oversees members of the Senate and the House Ethics Committee oversees members of the House of Representatives. The Commission investigates complaints filed against members of the General Assembly and makes charging recommendations to the appropriate committee.

4 When are Statements of Economic Interests due?

SEIs are due upon an individual assuming a position that makes them a required filer. They are subsequently due by March 30th of every year they remain in a position that requires filings.

A list of positions requiring filing can be found at Section 8-13-1110 of the Act.

5 When are campaign disclosures due?

Initial campaign disclosures are due within ten days of a candidate raising/spending $500.00 in aggregate. They are then due quarterly if the candidate has a balance in his or her checking account. There is a five-day grace period for all filings

First Quarter Disclosure: April 10
Second Quarter Disclosure: July 10
Third Quarter Disclosure: October 10
Fourth Quarter Disclosure: January 10
Pre-Election Campaign Disclosure: Due 15-20 days before an election.

6 What happens if a required filer does not file?

If a filer fails to file on time, they receive a penalty letter notifying them of their late filing and assessing an initial penalty of $100.00. If the late filer receives certified notice from the Commission that the report has not been filed, late-filing penalties begin accruing at $10/day for the first ten days. If a filer still has not filed after ten days, penalties begin to accrue at $100.00/day until the maximum penalty of $5,000.00 has been reached. If the filer still fails to file, the Commission files a complaint.

