

SEC AO2007-004

December 13, 2006

SUBJECT: LOBBYING RESTRICTIONS

SUMMARY: A member of the House of Representatives who has been re-elected since the December 31, 1991 deadline provided for in Section 2-17-15 must wait one year after such service ends to become a lobbyist.

QUESTION: Whether the lobbying restrictions of Section 2-17-15 would apply to a retiring member of the South Carolina House of Representatives when he was originally elected prior to December 31, 1991 and has been re-elected each time since the enactment of the lobbying statute?

DISCUSSION: The State Ethics 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 2-17-5 et seq. and Section 8-13-100 et seq., as amended, 1976 Code of Laws of South Carolina). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation. Failure to disclose relevant information may void the opinion.

Section 2-17-15 provides:

(A) The Governor, the Lieutenant Governor, any other statewide constitutional officer, a member of the General Assembly, and a member of the immediate family of any of these public officials may not serve as a lobbyist during the time the official holds office and for one year after such public service ends.

(B) The provisions of this section apply to the governor, the Lieutenant Governor, or any other statewide constitutional officer who is elected after December 31, 1993, or any member of the General Assembly who is elected after December 31, 1991.

The Senate Ethics Committee reviewed this specific question for its members in an opinion issued on December 23, 1992. The Committee concluded

“that a member who either chose not to seek re-election or a member who was unsuccessful in his re-election attempt may be employed or retained as a lobbyist at any time after November 10, 1992, until such time as he may be re-elected to the Senate or elected to an office referenced in this statute.”

The analysis would be the same for a sitting House member who either chose not to seek re-election or was defeated. The sitting House member could have been employed or retained as a lobbyist at any time after December 31, 1991, until such time as he may have been re-elected to the House or elected to an office referenced in Section 2-17-15. In this case the Representative has been re-elected to the South Carolina House multiple times since the enactment of the Ethics Reform Act.

**CONCLUSION:** A member of the House of Representatives who has been re-elected since the December 31, 1991 deadline provided for in Section 2-17-15 must wait one year after such service ends to become a lobbyist.

<b>KEY WORDS:</b> lobbyists; election
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<b>ANNOTATIONS:</b> Section 2-17-15
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