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SEC AO95-001

September 21, 1994

**SUBJECT: CONTRIBUTION LIMITATIONS OF PARTY COMMITTEES**

## SUMMARY:

Within an election cycle, a candidate for local office may accept no more than \$5,000 in combined contributions from a political party through its party committees or affiliated legislative caucus committees. Political parties, through their party committees or legislative caucus committees, may make individual contributions exceeding \$3,500 for statewide candidates or \$1,000 for local candidates so long as the aggregate contribution limits of Section 8-13-1316(A) are not exceeded.

## QUESTION:

The Executive Director of the South Carolina Republican Party requests an advisory opinion addressing the limitations on party committee contributions to local candidates.

## DISCUSSION:

This opinion is rendered in response to a letter dated July 6, 1994 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 2-17-5 et seq. and 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 that may apply to this situation.

For most campaign donations, Section 8-13-1314 specifies the maximum contribution limit depending upon the level of office being sought. Section 8-13-1314 provides in part as

follows:

- (A) Within an election cycle, no candidate or anyone acting on his behalf may solicit or accept:
- (1) a contribution which exceeds:
    - (a) three thousand five hundred dollars in the case of a candidate for statewide office; or
    - (b) one thousand dollars in the case of a candidate for any other office . . . .

For contributions from political parties, however, Section 8-13-1316 is applicable, and like Section 8-13-1314, this statute sets different contribution limits for statewide and local elections. In pertinent part, Section 8-13-1316 provides:

- (A) Within an election cycle, a candidate may not accept or receive contributions from a political party through its party committees or legislative caucus committees which total in the aggregate more than:
- (1) fifty thousand dollars in the case of a candidate for statewide office;
  - (2) five thousand dollars in the case of a candidate for any other office.

In interpreting a statute, the primary objective is to ascertain the intent of the legislature. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). Moreover, the legislative intent must prevail if it can be reasonably discovered in the language used, which must be construed in light of the intended purpose of the statute. Gambrell v. Travelers Insurance Co., 280 S.C. 64, 354 S.E. 2d 902 (1987). Therefore, an examination of the terms used in Section 8-13-1316 is integral to ascertaining the statute's intended purpose.

The term "election cycle" is defined in Section 8-13-1300(10) as:

the period of a term of office beginning on the day after the general election for the office, up to and including the following general election for the same office, including a primary, special primary, or special election; however, **the contribution limits under Sections 8-13-1314 and 8-13-1316 . . . are for each primary, runoff, or special election in which a candidate has opposition and for each general election.** (Emphasis added.) If the candidate remains unopposed during an election cycle, one contribution limit shall apply.

"Political party", according to Section 8-13-1300(26), "means an association, a committee, or an organization which nominates a candidate whose name appears on the election ballot as the candidate of that association, committee, or organization." "Party committee" is defined in Section 8-13-1300(24) as "a committee established by a political party."

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In addition, the term "legislative caucus committee" is defined in Section 8-13-1300(21) as:

- (a) a committee of either house of the General Assembly controlled by the caucus of a political party or a caucus based upon racial or ethnic affinity, or gender;
- (b) a party or group of either house of the General Assembly based upon racial or ethnic affinity, or gender. However, each house may establish only one committee for each racial-, ethnic-, or gender-based affinity.

Although the Ethics Reform Act does not define the term "aggregate", according to Black's Law Dictionary, 5th Edition, "aggregate" means the "entire number, sum, mass, or quantity of something; total amount; complete whole . . . composed of several; . . . a **combined whole**." (Emphasis added.) Accordingly, it is the opinion of the State Ethics Commission that pursuant to Section 8-13-1316(A)(2), a candidate for local office within an election cycle may accept no more than \$5,000 in combined contributions from a political party through its party committees or affiliated legislative caucus committees.

Based on the foregoing, a related issue has arisen concerning the applicability of Section 8-13-1314(A)(1). Specifically, the question is whether Section 8-13-1316(A) provides political parties with a limited exception from the contribution limits specified in Section 8-13-1314(A)(1). While arguably the literal language of these statutes is capable of being executed in a rational manner, the Commission believes that to do so would merely spawn a proliferation of party committees, resulting from the parties' obligation to comply with the individual contribution limits of Section 8-13-1314(A)(1) and their simultaneous desire to contribute up to the aggregate limits specified in Section 8-13-1316(A). Based upon conversations with individuals familiar with the history of the Ethics Reform Act, the Commission believes that the legislature intended to avoid this absurd result by allowing political parties, through their party committees or legislative caucus committees, to make individual contributions exceeding \$3,500 for statewide candidates or \$1,000 for local candidates, provided the aggregate contribution limits of Section 8-13-1316(A) are not exceeded.