

State of South Carolina

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SEC AO2026-003

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SUBJECT: Employee's Right to Refuse Solicitation for Political Contributions; Prohibition
Against Discrimination by Employers Based on Political Contributions

APPLICABLE LAW:

Section 8-13-1332(2) provides:

It is unlawful for a person to solicit an employee for a contribution and fail to inform the employee of the political purposes of the committee or ballot measure committee and of the employee's right to refuse to contribute without any advantage or promise of an advantage conditioned upon making the contribution or reprisal or threat of reprisal related to the failure to make the contribution.

Section 8-13-1344(C) provides:

An employer may not provide an advantage or disadvantage to an employee concerning the employee's employment or conditions of employment based on the employee's contribution, promise to contribute, or failure to contribute to a candidate, committee, or political party.

DISCUSSION:

The State Ethics Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Ethics Act). 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.

The Commission issues this advisory opinion to reaffirm the statutory protections afforded to employees under Section 8-13-1332(2) and Section 8-13-1344(C) and to emphasize the Commission's

commitment to enforcing these provisions.

Section 8-13-1332(2) establishes an affirmative disclosure obligation when a person solicits political contributions from its employees. In accordance with this provision, a person engaging in such solicitation must communicate (1) the purpose of the committee or ballot measure committee for which the political contribution is sought and (2) the employee's right to decline such contribution without employment-related inducement or retaliation. The Commission emphasizes that these disclosures are not merely procedural formalities. Rather, they ensure that employees understand their freedom to make independent decisions regarding political contributions, particularly in the context of an employment relationship, where an imbalance of power is likely to exist.

Section 8-13-1344(C) prohibits an employer from providing an advantage or disadvantage to an employee based on the employee's contribution or failure to contribute. The Commission notes that this prohibition applies to employment-related advantages *and* disadvantages, which include, but are not limited to, promotion, demotion, adjustments in compensation, changes in benefits, assignments, or rank, and promises of favorable treatment or threats of unfavorable treatment.

The Commission finds that these provisions, combined, reflect the fundamental principle that political contributions must be voluntary, and that an employee's decision to contribute to political causes must remain free from employment-related coercion, intimidation, reward, or retaliation. To that end, Section 8-13-1332(2) and Section 8-13-1344(C) establish protections intended to prevent the misuse of the employer-employee relationship for political fundraising purposes.

The Commission recognizes that employers and employees may engage in lawful political activity, including political advocacy and fundraising. However, the Commission considers violations of Section 8-13-1332(2) and Section 8-13-1344(C) to be serious matters that undermine the integrity of the political process. Accordingly, the Commission intends to vigorously enforce these provisions when there is sufficient credible information suggesting that a violation may have occurred.