

SUBJECT: APPLICABILITY OF CONTRIBUTION LIMITS FROM FEDERAL COMMITTEES LOBBYIST CONTRIBUTIONS TO POLITICAL PARTIES

SUMMARY:

A Federal candidate committee or national political committee is not prohibited from contributing more than \$3500 to a political party. Contributions to a political party committee are limited to \$3500. Further, lobbyists are not prohibited from contributing to a political party, provided there is no directed contribution.

QUESTION:

Counsel for the S.C. Democratic and Republican Parties have joined to request an opinion on two questions. They state:

(1) Is Section 8-13-1322(A), which provides that "A person may not contribute to a committee and a committee may not accept from a person contributions aggregating more than three thousand five hundred dollars in a calendar year.", applicable to a contribution from a federal candidate committee regulated by federal law or from a national political committee regulated by federal law to a political party that is subject to Act 248?

(2) Does the Act prohibit a lobbyist from making a contribution to a political party when the contribution is not solicited by or in behalf of a state legislator, statewide constitutional officer or official of a state agency that promulgates regulations.

DISCUSSION:

This opinion is rendered in response to a letter dated November 5, 1991 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the State Ethics Act (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.

As to the first question, Section 8-13-1322(A) provides:

(A) A person may not contribute to a committee and a committee may not accept from a person contributions aggregating more than three thousand five hundred dollars in a calendar year.

Further, person is defined in Section 8-13-1300(25) as:

"Person" means an individual, a proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, an estate, a company, committee, an association, a corporation, club, labor organization, or any other organization or group of persons acting in concert,

It appears that the definition of person is very broad in encompassing any type of organization or group of persons. Thus, a federal candidate committee or national political committee would be encompassed within this definition. The Commission notes that Section 8-13-1300(23), the definition of noncandidate committee, specifically exempts political action committees that contribute solely to Federal candidates. Since there is no such exemption either in the definition of person or in the prohibition section of Section 8-13-1322, the restriction on campaign contributions would also apply to the federal candidate committee and national political committee contributing to a political party committee. No such restriction applies to contributions to the political party itself.

With regard to the second question, in Advisory Opinion AO92-007, the State Ethics Commission advised that a lobbyist was prohibited by Section 8-13-1314(A) from contributing to a candidate for an office which the lobbyist engages in lobbying. The Commission advised that a lobbyist would not be prohibited from contributing to a party or political action committee when the contribution is not directed to a particular candidate.