

Senate Ethics Committee

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ADVISORY OPINION 92-9

To: Members, South Carolina Senate
From: Ethics Committee
Re: Acceptance of a Contribution from a Congressional Campaign Fund
Date: August 19, 1992

A question has arisen concerning whether a candidate may accept a campaign contribution from a congressional candidate's campaign account.

Section 8-13-1340(A) provides that "[a] candidate may not make a contribution to another candidate or make an independent expenditure on behalf of another candidate." This prohibition does not extend to a contribution made from the "candidate's own personal funds on behalf of the candidate's candidacy or to another candidate for a different office."

Section 8-13-1300(4) defines candidate as "a person who seeks appointment, nomination for election, or election to a state or local office, or authorizes or knowingly permits the collection or disbursement of money for the promotion of his candidacy or election. 'Candidate' does not include a person within the meaning of Section 431(b) of the Federal Election Campaign Act of 1976." Since a congressional candidate is not a "candidate" under the Campaign Practices provisions of Chapter 13 of Title 8, a federal candidate would not be subject to the contribution restrictions of Section 8-13-1340.¹

¹It is important to note that the Committee offers no opinion as to whether such a contribution is permissible under federal law, as it has no jurisdiction to offer such an opinion.

Section 2-17-80(A) states that "[a] lobbyist or a person acting on behalf of a lobbyist shall not offer, solicit, facilitate, or provide to or on behalf of any member of the General Assembly any of their employees any of the following: (1) lodging; (2) transportation; (3) entertainment; (4) food, meals, beverages, money, or any other thing of value; (5) contributions, as defined in Section 8-13-1300(7)²."

Thus, a candidate may not accept a campaign contribution from a congressional campaign fund or from any individual if that contribution has been "facilitated" by a registered lobbyist. The Committee is unaware of any such blanket prohibition with regard to lobbyists under the federal campaign finance laws. Accordingly, so long as the contribution has not been "facilitated" by a lobbyist, the Committee concludes that, under the applicable provisions of state law, a member may accept a campaign contribution³ from a federal campaign fund.

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²In relevant part Section 8-13-1300(7) defines 'contribution' to mean "a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in-kind contribution or expenditure, a deposit of money, or anything of value made to a candidate or committee to influence an election or ballot measure; or payment or compensation for the personal service of another person which is rendered for any purpose to a candidate or committee without charge . . ."

³Any contributions must be within the limits imposed by Section 8-13-1314 and must be reported and accounted for as provided in Chapter 13 of Title 8.