

SUBJECT: CHARITABLE CONTRIBUTIONS TO LEGISLATIVE BLACK CAUCUS

SUMMARY:

The SC Legislative Black Caucus would be limited to accepting charitable contributions of no more than \$3500 to its campaign committee account. No restriction would apply if such contributions are accepted through another community education account and are not utilized to contribute to the campaign account or to support candidates.

QUESTION:

The Director of the SC Legislative Black Caucus questions whether there is a limit on the amount of charitable contributions which the Caucus may receive from lobbyists, lobbyist principals, and non-lobbyist principals to support non-partisan, non-political, community education programs.

DISCUSSION:

This opinion is rendered in response to a letter dated January 14, 1992 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 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.

The Secretary of State's Office has responded to three other questions posed by the Legislative Black Caucus, leaving the question presented here.

The Commission notes that committee is defined in Section 8-13-1300(6) as:

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"Committee" means an association, a club, an organization, or a group of persons which, to influence the outcome of an elective office or a ballot measure, receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. It also means an individual who, to influence the outcome of an elective office or a ballot measure, makes contributions aggregating at least fifty thousand dollars during an election cycle to, or at the request of, a candidate or a committee, or a combination of them. Committee" includes a party committee, a legislative caucus committee, noncandidate committee, or a committee that is not a campaign committee for a candidate but that is organized for the purpose of influencing an election.

The State Ethics Commission notes that Section 8-13-1304 requires a committee which receives or

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expends more than \$500 to influence the outcome of an elective office or a ballot measure to file a Statement of Organization. Further, Section 8-13-1308 requires disclosure of campaign finances by any such committee.

The State Ethics Commission calls attention to the provisions of Section 8-13-1322(A) which provides:

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.

Thus, any contributions received by the committee are limited to the \$3500 per person per year if channeled through the campaign account as provided in Section 8-13-1304. If such contributions are channeled through a separate account utilized strictly for the community education program with no funds being contributed to the campaign account or utilized to support any candidates, the restriction as provided in Section 8-13-1322(A) would not apply.