

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

JONATHON HILL and JONATHON HILL )  
FOR SC HOUSE DISTRICT 8, )

Case No. 2020-CP-40-02636

Plaintiffs, )

vs. )

ORDER

THE SOUTH CAROLINA REPUBLICAN )  
PARTY and VAUGHN PARFITT, )

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Defendants. )

Jun 09 2020

SC Court of Appeals

This matter came before the Court on Friday, June 5, 2020 for a hearing on a Motion for Preliminary Injunction, Complaint for Declaratory and Injunctive Relief, and Motion to Expedite Discovery. Present at the hearing were Jonathon Hill ("Plaintiff"), represented by Brooks R. Fudenberg, Esquire. The South Carolina Republican Party and Vaughn Parfitt ("Defendants") was represented by Robert E. Tyson Jr., Esquire and Vordman Carlisle Traywick, III, Esquire.

**BACKGROUND**

Plaintiff is a resident of Anderson County, South Carolina, a Member of the South Carolina House of Representatives, and a candidate for reelection as the District 8 Representative to the House. (Pl. Compl. ¶ 1). Plaintiff, Jonathon Hill for SC House District 8, is the officially-recognized campaign committee supporting his re-nomination and reelection. (Pl. Compl. ¶ 4). Defendant, South Carolina Republican Party, has its principal office within Richland County, at 1913 Marion Street, Columbia, South Carolina, 29201. (Pl. Compl. ¶ 6). Defendant, Vaughn Parfitt, is the only opponent of Plaintiff in the race for the Republican nomination to the District 8 seat. (Pl. Compl. ¶ 7).

This matter is before the Court on a verified petition and motion for preliminary injunction, complaint for declaratory and injunctive relief, and motion to expedite discovery, filed by Plaintiffs Jonathon Hill and Jonathon Hill for SC House District 8 against the South Carolina Republican Party and Vaughn Parfitt. Plaintiff Hill is a candidate for the State House of Representatives. Plaintiff Jonathon Hill for SC House District 8 is the official campaign committee advancing his candidacy. Defendant Parfitt is his opponent in the South Carolina Republican primary to be held

on June 9th.

Plaintiffs' petition and complaint alleges the South Carolina Republican Party is violating the South Carolina Ethics Act by paying for mailers in support of Parfitt. Specifically, Plaintiff alleges that the South Carolina Republican Party is limited to expending not more than \$1,000 or \$5,000 per election cycle in support to a given campaign, see S.C. Code Ann. §§ 8-13-1314, 8-13-1316, whereas the South Carolina Republican Party has expended more than \$5,000 in support of Mr. Parfitt's campaign.

A "contribution" under state law includes "in-kind contribution[s] or expenditure[s], . . . or anything of value made to a candidate or committee to influence an election[.]" S.C. Code Ann. § 8-13-1300(7). Plaintiffs allege that Mr. Parfitt violated S.C. Code Ann. § 8-13-1314 by accepting the contributions.

### ANALYSIS

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Section 8-13-1314(a)(1) of the South Carolina Ethics Act does not control this issue. Definitional sections of the Ethics Act, specifically Sections 8-13-1300(25),(26) contain the definition of "persons" and the definition of "political party." It is clear that the legislature intended to regulate persons and political parties separately. Thus, the restrictions of §8-13-1314 on personal contributions do not apply to the South Carolina Republican Party.

Plaintiff contends that Defendants violated SC Ethics Act §8-13-1316(a)(2) which forbids a candidate from accepting a contribution from a political party through its party's committee in excess of \$5,000.00 and forbids a political party through its committee from making a contribution to a candidate which exceeds \$5,000.00. It is stipulated by all parties that the value of the contributions accepted by candidate Parfitt and given by South Carolina Republican Party exceed \$5,000.00.

The constitutionality of the SC Ethic's Act, regulation of "committee" as defined in Section 8-13-1300(6) was challenged in *S.C. Citizens for Life v. Krawcheck*, 759 F.Supp.2d 708 (D.S.C. 2010). In this case and subsequent cases, the federal district court concluded that the definition of "committee" is overbroad and facially unconstitutional. U.S. District Judge Terry Wooten addressed the issue of whether or not the definition of "committee" could be given a narrowing construction by the Court which would make it constitutional. Judge Wooten held:

[L]imiting the application of S.C. Code Ann § 8-13-1300(6) only to groups that have the major purpose of influencing the outcome of an election would be tantamount to rewriting

the state statute. This is particularly true in this instance, where the "committee" definition invalidated herein is a component of a comprehensive legislative scheme that involves detailed regulations governing all entities that are encompassed by the statutory definition. The revision of the statutory scheme is a task best-suited to the state legislature, and the Court concludes that application of a limiting construction is not appropriate in this case.

If the definition of "committee" is struck from the SC Ethics Act, then the regulations and restrictions of Section 8-13-1316 on the accepting or giving of candidate contributions of more than \$5,000.00 are invalidated. I therefore deny the petition for a preliminary injunction on the grounds that the SC Ethics Act contains no valid provisions which restrict the giving or receiving of the political contribution at issue in this matter. Therefore, Plaintiffs cannot succeed on the merits of this litigation.

**IT IS SO ORDERED!**



Jean H. Toal  
Chief Justice (Retired) serving as an Acting  
Circuit Court Judge

June 5, 2020  
Columbia, South Carolina

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