

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.

THE SOUTH CAROLINA REPUBLICAN
PARTY and VAUGHN PARFITT,

Defendants.

ORDER

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Jun 09 2020

SC Court of Appeals

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JAH

Plaintiffs, Jonathon Hill and Jonathan Hill For SC House District 8, filed a Motion to Reconsider, pursuant to Rule 59, SCRCP. I conducted a hearing on Plaintiffs Petition and Motion for a Preliminary Injunction and Complaint for Declaratory and Injunctive Relief on Friday, June 5, 2020. At the conclusion of the hearing, I read into the record and filed a written order denying Plaintiffs Petition for a Preliminary Injunction.

Plaintiffs contend that the Defendants are violating §§ 8-15-1314 and 8-13-16 of the SC Ethics Act by the giving by the SC Republican Party and the receiving by Vaughn Parfitt, Plaintiff Hill's opponent in the June 9, 2020 Republican Primary for S.C. House District 8, of contributions in excess of the \$100 and \$5,000 limits imposed by these two sections. I denied relief on the grounds that the ruling of U.S. District Court Judge Terry Wooten in *S.C. Citizens for Life v. Krawcheck*, 759 F.Supp.2d 708 (D.S.C. 2010), invalidated these limitations as they pertained to Defendants.

Plaintiffs draw my attention to the Order of Judge L. Casey Manning in *Richard A. Harpootlian v. South Carolina Senate Republican Caucus*, Case No. 2018-CP-40-05370 (Oct. 19, 2018). Plaintiffs contend that Judge Manning construed these sections of the SC Ethics Act to require the Defendant before him to adhere to the \$5,000 limit. Judge Manning issued a cease and desist order enjoining the Defendant from placing any further advertisements for Mr. Harpootlian's opponent in the General Election for State Senate District 20.

Judge Manning's Order deals with the same statutes at issue in this case. Judge Manning construed the federal court's order as invalidating the Ethics Act contributions limits only as they

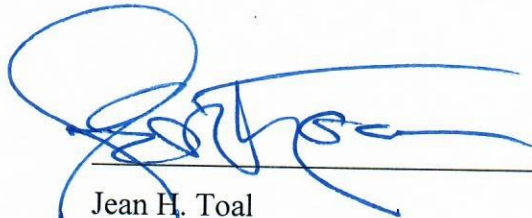
applied to advocacy committees such as SC Citizens for Life.

I respectfully disagree with Judge Manning's interpretation of *S.C. Citizens for Live v. Krawcheck, supra*. As I indicated in my order, Judge Wooten was asked to narrowly construe the statute and find its constitutional limits unconstitutional only as to advocacy committees like the plaintiff in his case. Judge Wooten specifically declined to so rule, as do I. This is an issue of novel impression for the South Carolina Supreme Court. It is there that this matter should be resolved.

The Motion to Reconsider is denied.

IT IS SO ORDERED!

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

June 8, 2020
Columbia, South Carolina