

**EXHIBIT 1**

**Chief Administrative Judge's Order  
of 06-03-2020**

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 SETTING HEARING  
ON PRELIMINARY  
INJUNCTION AND  
DISCOVERY ORDER**

)  
) THE SOUTH CAROLINA REPUBLICAN  
) PARTY and VAUGHN PARFITT,  
)

)  
) Defendants.  
)  
)

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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. For the reasons that follow, Plaintiffs’ motion for a discovery order is **GRANTED** and a hearing on the petition and motion for a preliminary injunction is set before the Honorable Jean H. Toal for **Friday, June 5, 2020 at 10:00 am at the Richland County Courthouse, Courtroom 2A, located at 1701 Main Street, Columbia, South Carolina.**

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 per election cycle in support to a given campaign, see S.C. Code Ann. § 8-13-1314, 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 similarly allege that Mr. Parfitt violated S.C. Code Ann. § 8-13-1314 by accepting the contributions.

In support of the allegations, Plaintiffs’ petition and complaint include exemplars of the mailers, each of which declare that they are “PAID FOR BY SCGOP AND AUTHORIZED BY VAUGHN D. PARFITT FOR SC HOUSE.”

Rule 65 of the civil rules provides that no temporary injunction shall be issued without notice to the adverse party. Rule 65(a), SCRCP. “A preliminary injunction should issue only if necessary to preserve the status quo ante, and only upon a showing by the moving party that without such relief it will suffer irreparable harm, that it has a likelihood of success on the merits, and that there is no adequate remedy at law.” Poynter Invs., Inc. v. Century Builders of Piedmont, Inc., 387 S.C. 583, 586–87, 694 S.E.2d 15, 17 (2010).

Having considered the verified petition and complaint and reviewed the applicable law, the Court finds an expedited hearing on Plaintiffs’ motion for a temporary injunction is warranted as there appears to be evidence of ongoing violations of the Ethics Act in the form of in-kind contributions, specifically, mailers advocating for the election of a candidate for the Republican nomination for State House District 8, that appear to exceed the contribution limits imposed by South Carolina Code § 8-13-1314. The Court finds further that the primary election set for Tuesday, June 9, 2020 is quickly approaching and failure to maintain the status quo by temporarily enjoining the South Carolina Republican Party from engaging in further electioneering in State House District 8 would constitute an irreparable injury because there is no remedy at law (or in equity) once the South Carolina Republican Party’s message is disseminated

to the voters. Accordingly, the Court finds it appropriate and necessary to convene a hearing on this matter to consider Plaintiffs' request for a temporary injunction.

Accordingly, along with the Summons and Complaint, Plaintiff shall serve a copy of this Order and hearing notice on the South Carolina Republican Party and Vaughn Parfitt in accordance with Rule 4.

Further, as to Plaintiffs' motion to expedite discovery, the Court GRANTS Plaintiffs' request and ORDERS the Defendants to bring the documents requested by Plaintiff's motion to expedite discovery to the temporary injunction hearing. See Rule 26(d), SCRCPP (authorizing the court to enter orders concerning the sequence and timing of discovery).

**AND IT IS SO ORDERED.**

\_\_\_\_\_  
The Honorable Alison Renee Lee  
Circuit Court Judge, Fifth Judicial Circuit

Date: \_\_\_\_\_.

Time: \_\_\_\_\_.

Columbia, South Carolina.

*Electronic signature to follow*



Richland Common Pleas

**Case Caption:** Jonathon Hill , plaintiff, et al vs South Carolina Republican Party ,  
defendant, et al  
**Case Number:** 2020CP4002636  
**Type:** Order/Other

IT IS SO ORDERED!

s/ Alison Renee Lee, Chief Administrative Judge  
for 2020

**EXHIBIT 2**

**Circuit Court Order  
of 06-05-2020**

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
  
JONATHON HILL and JONATHON HILL )  
FOR SC HOUSE DISTRICT 8, )  
  
Plaintiffs, )  
  
vs. )  
  
THE SOUTH CAROLINA REPUBLICAN )  
PARTY and VAUGHN PARFITT, )  
  
Defendants. )  

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IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

Case No. 2020-CP-40-02636

**ORDER**

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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JLS  
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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**EXHIBIT 3**

**Order Denying Motion to Reconsider  
06-08-20**

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,  
)

) Defendants.  
)  
)

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

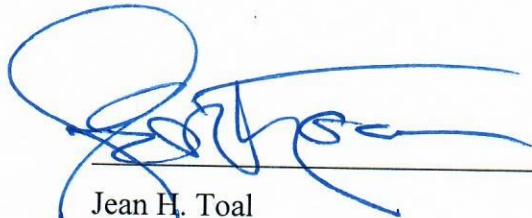
applied to advocacy committees such as SC Citizens for Life.

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

## **EXHIBIT 4**

### **Complaint**

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-\_\_\_\_\_

Plaintiffs, )

**SUMMONS**

vs. )

THE SOUTH CAROLINA REPUBLICAN )  
PARTY and VAUGHN PARFITT, )

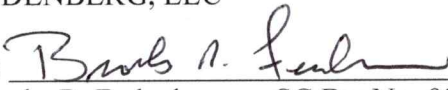
Defendants. )

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

LAW OFFICE OF BROOKS R.  
FUDENBERG, LLC

June 06, 2020  
Charleston, South Carolina

by:   
Brooks R. Fudenberg SC Bar No. 007201  
Law Office of Brooks R. Fudenberg, LLC  
171 Church Street, Suite 160  
Charleston, SC 29401  
Phone: 843-416-2558  
eFax: 910-401-1242  
Brooks.R.Fudenberg@Fudenberglaw.com  
Attorney for the Plaintiff

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-\_\_\_\_\_ )

Plaintiffs, )

vs. )

THE SOUTH CAROLINA REPUBLICAN )  
PARTY and VAUGHN PARFITT, )

**PETITION AND MOTION FOR )  
PRELIMINARY INJUNCTION, )  
COMPLAINT FOR )  
DECLARATORY AND )  
INJUNCTIVE RELIEF, )  
AND MOTION TO )  
EXPEDITE DISCOVERY )**

Defendants. )

Plaintiffs Jonathon Hill and Jonathon Hill For SC House District 8 hereby file this petition and motion for a preliminary injunction, complaint for declaratory and injunctive relief, and motion for expedited discovery and an expedited schedule. Plaintiffs would respectfully show unto the Court as follows:

**PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff Jonathon Hill 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.
2. He seeks the Republican Party nomination for that position.
3. He is a “candidate” within the meaning of South Carolina Code § 8-13-1300(4).
4. Plaintiff Jonathon Hill For SC House District 8 is the officially-recognized campaign committee supporting his re-nomination and reelection.
5. Jonathon Hill for SC House District 8 is a “committee” within the meaning of South Carolina Code § 8-13-1300(6).

6. Defendant South Carolina Republican Party is a “political party” within the meaning of South Carolina Code § 8-13-1300(26). Its principal office is located within Richland County, at 1913 Marion Street, Columbia, South Carolina, 29201.

7. Defendant Vaughn Parfitt is the only opponent of Mr. Hill in the race for the Republican nomination to the District 8 seat.

8. Defendant Parfitt is a “candidate” within the meaning of South Carolina Code § 8-13-1300(4).

9. Plaintiffs allege violations of Title 8, Chapter 13 of the South Carolina Code, the “Ethics, Government Accountability, and Campaign Reform” act (“Act”), including violations of S.C. Code Ann. § 8-13-1314, which prohibits any person from providing more than one thousand dollars per election cycle to any candidate for the state House of Representatives, and prohibits any candidate or person acting in concert with a candidate from accepting such contributions. Plaintiffs allege that Defendant South Carolina Republican Party violates the Act by contributing more than one thousand dollars this election cycle to the candidacy of Vaughn Parfitt, specifically by paying for the production and mailing of many thousands of mailers supporting the candidacy of Mr. Parfitt, and that candidate Parfitt, and persons acting in active concert with him, violate the Act by accepting such contributions.

10. The Republican Party primary election is scheduled for June 9, 2020, which is less than fifty days from the date of this document.

11. The Court has jurisdiction over the subject matter of this dispute pursuant to Article V, Section 11 of the South Carolina Constitution, the Uniform Declaratory Judgment Act, S.C. Code Ann. § 15-53-10 et seq., and the South Carolina Ethics, Government Accountability,

and Campaign Reform Act, S.C. Code Ann. § 8-13-100 et seq., see esp. §§ 8-13-320(10)(b)(1) and 18-13-530(5).

12. S.C. Code Ann. § 8-13-320(10)(b)(1) provides, in particularly relevant part (emphasis added),

No complaint may be accepted by the [State Ethics] commission concerning a candidate for elective office during the fifty-day period before an election in which he is a candidate. During this fifty-day period, any person may petition the court of common pleas alleging the violations complained of and praying for appropriate relief by way of mandamus or injunction, or both. Within ten days, a rule to show cause hearing must be held, and the court must either dismiss the petition or direct that a mandamus order or an injunction, or both, be issued. A violation of this chapter by a candidate during this fifty-day period must be considered to be an irreparable injury for which no adequate remedy at law exists.

13. S.C. Code Ann. § 18-13-530 similarly provides, in particularly relevant part (emphasis added),

a complaint may not be accepted by the ethics committee [of either house] concerning a member of or candidate for the appropriate house during the fifty-day period before an election in which the member or candidate is a candidate. During this fifty-day period, any person may petition the court of common pleas alleging the violations complained of and praying for appropriate relief by way of mandamus or injunction, or both. Within ten days, a rule to show cause hearing must be held, and the court must either dismiss the petition or direct that a mandamus order or an injunction, or both, be issued. A violation of this chapter by a candidate during this fifty-day period must be considered to be an irreparable injury for which no adequate remedy at law exists.

14. S.C. Code Ann. § 8-13-100, Paragraph 12, provides, in particularly relevant part, “‘Election’ means: (a) a general, special, primary, or runoff election; . . .”

15. Therefore, because it is within the fifty-day period prior to the primary election, and because primary elections are “elections” pursuant to S.C. Code Ann. § 8-13-100 for purposes of conferring jurisdiction on the Court of Common Pleas, this Court has jurisdiction over this matter.

16. For identical reasons, neither the State Ethics Commission nor any legislative-branch ethics committee has any jurisdiction over this matter.

17. Venue is proper in Richland County pursuant to South Carolina Code § 15-7-30(C), because the most substantial part of the acts and omissions giving rise to the allegations in this matter occurred in Richland County, South Carolina, because the complained-of mailers were all mailed under a non-profit postal permit registered in Richland County, see Exhibits 1(A-C), and because Defendant Republican Party maintains its principal office in Richland County.

### FACTUAL BACKGROUND

18. The Republican Party primary election is scheduled for June 9, 2020.

19. Vaughn Parfitt is the only opponent of Mr. Hill in the race for the Republican nomination to the District 8 seat.

20. On three separate occasions during this election cycle, Defendant South Carolina Republican Party has sent mailers supporting the candidacy of Vaughn Parfitt to mailing lists of persons that Defendant South Carolina Republican Party has identified as likely voters in the District 8 Republican primary. Each was sent at non-profit mailing rates using the South Carolina Republican Party's non-profit mailing permit. Samples of each mailer are attached as Exhibits 1(A)-(C).

21. On information and belief, these mailings occurred on or around April 29th (1A), May 4th (1B), and May 26th (1C), respectively.

22. On information and belief, the cost of preparing, printing, and mailing the three Parfitt mailers was more than five thousand dollars.

23. Each of these three mailers states that it is "PAID FOR BY SCGOP AND AUTHORIZED BY VAUGHN D. PARFITT FOR SC HOUSE" (capitalization in original).

24. Candidate Vaughn Parfitt's Pre-Election Campaign Disclosure, available at <https://apps.sc.gov/PublicReporting/IndividualCandidate/PrintView.aspx>, shows no payments to the South Carolina Republican Party that would offset the costs of these mailers.

#### APPLICABLE LAW

25. S.C. Code Ann. § 8-13-1314 prohibits any "person" from providing more than one thousand dollars per election cycle to any candidate for the state House of Representatives. Entitled, "Campaign contribution limits and restrictions," Section 8-13-1314 provides, in particularly relevant part,

**(A)** Within an election cycle, a candidate or anyone acting on his behalf shall not solicit or accept, and a person shall not give or offer to give to a candidate or person acting on the candidate's behalf:

**(1)** a contribution which exceeds:

**(a)** three thousand five hundred dollars in the case of a candidate for statewide office; or

**(b)** three thousand five hundred dollars in the aggregate for statewide candidates elected jointly pursuant to Section 8, Article IV of the South Carolina Constitution, 1895; or

**(c)** one thousand dollars in the case of a candidate for any other office[.]

26. The restrictions of S.C. Code Ann. § 8-13-1314 apply to Defendant South Carolina Republican Party, as South Carolina Republican Party is a "person" within the meaning of the statute. See SC Code Ann. § 8-13-1300 (entitled, "Definitions"), paragraph (25) (emphasis added), "'Person' means an individual, . . . a company, committee, an association, a corporation, club, labor organization, or any other organization or group of persons acting in concert."

27. S.C. Code Ann. § 8-13-1314 similarly prohibits "a candidate or anyone acting on his behalf" from accepting such a contribution.

28. The term “contribution” as defined by the statute includes an “in-kind contribution or expenditure, a deposit of money, or anything of value made to a candidate or committee to influence an election[.]” S.C. Code Ann. § 8-13-1300(7).

29. An “expenditure” under the Act is any “purchase, payment, loan, forgiveness of a loan, an advance, in-kind contribution or expenditure, a deposit, transfer of funds, gift of money, or anything of value for any purpose.” S.C. Code Ann. § 8-13-1300(12).

30. The term “candidate” as defined by S.C. Code Ann § 8-13-1300(4) includes “a person who seeks appointment, nomination for election, or election to a statewide or local office.”

31. Plaintiff Jonathon Hill and Defendant Vaughn Parfitt are each a “candidate” within the meaning of Section 8-13-1300.

32. S.C. Code Ann. § 8-13-1316 allows a party to contribute, through its party committees or legislative caucus committees, no more than \$5,000 to a candidate during an election cycle, and allows a candidate to accept or receive up to that amount per election cycle through a party committee or legislative caucus committee. On information and belief, the contributions at issue here were not through any such committee. However, if the funds were contributed by a party committee, the expenditures would still be above the \$5,000 maximum, and Defendants would still be in violation of the Ethics Act.

33. A violation of Chapter 8 by a candidate during the fifty days prior to the election is an irreparable injury for which no adequate remedy at law exists. S.C. Code §§ 8-13-320(10)(b)(1) and 8-13-530(5) each state, in identical wording, “A violation of this chapter by a candidate during this fifty-day period must be considered to be an irreparable injury for which no adequate remedy at law exists.”

34. The United States Postal Service Regulations require that political entities that hold non-profit mailing licenses must produce and pay for the mailers out of their own funds. They may not be reimbursed for the costs of a mailer. Nor may others provide to the political party funds that are earmarked for a mailer on behalf of a specific candidate. United States Postal Service, Domestic Mail Manual (“DMM”) § 703.1.6.1 (stating, “An organization authorized to mail at the Nonprofit USPS Marketing Mail prices may mail only its own matter at those prices. An authorized organization may not delegate or lend the use of its authorization to mail at the Nonprofit USPS Marketing Mail prices to any other person or organization.”); DMM § 703.1.6.10 (entitled, “Political Mailings”) (emphasis added),

A qualifying political committee under 1.3 may mail election-related materials, such as candidate endorsements, at the Nonprofit USPS Marketing Mail prices if the materials are exclusively of the qualifying political committee. Political mailings may not be made at the Nonprofit USPS Marketing Mail prices when a political candidate or anyone else not authorized to mail at the Nonprofit USPS Marketing Mail prices assists the qualifying political committee with the preparation or mailing of such materials, or pays any of the costs of preparation or mailing, or provides any consideration to the qualifying political committee in return for the mailing being made.

See also DMM § 703.1.3 and 1.3.1(b) (including “A state committee of a political party” as qualifying to be a “political committee” under 1.3.)

**PETITION AND MOTION FOR A PRELIMINARY INJUNCTION  
(Rule 65(a), SCRCP)**

35. Each of the foregoing paragraphs is incorporated herein.

36. Rule 65 of the civil rules provides that no temporary injunction shall be issued without notice to the adverse party. Rule 65(a), SCRCP. “A preliminary injunction should issue only if necessary to preserve the status quo ante, and only upon a showing by the moving party that without such relief it will suffer irreparable harm, that it has a likelihood of success on the

merits, and that there is no adequate remedy at law.” Poynter Invs., Inc. v. Century Builders of Piedmont, Inc., 387 S.C. 583, 586–87, 694 S.E.2d 15, 17 (2010).

37. Defendant Vaughn Parfitt is a “candidate” within the meaning of South Carolina Code Ann. § 8-13-1300(4).

38. Defendant South Carolina Republican Party has violated South Carolina Code Ann. Section 8-13-1314 by providing expenditures or other things of value in excess of one thousand dollars during this election cycle to Vaughn Parfitt in his campaign.

39. Defendant South Carolina Republican Party has done so repeatedly.

40. Defendant South Carolina Republican Party has done so repeatedly within the 50 days prior to an election, specifically, the forthcoming Republican primary of June 9th, 2020.

41. Defendant Vaughn Parfitt has violated South Carolina Code Ann. Section 8-13-1314 by accepting expenditures or other things of value in excess of one thousand dollars to Vaughn Parfitt in his campaign.

42. He has done so repeatedly.

43. He has done so repeatedly within the 50 days prior to the June 9th election.

44. In the alternative, those operating in concert with Mr. Parfitt have accepted, on his behalf, such expenditures or things of value, repeatedly, within 50 days of an election.

45. In the alternative, if the funds were contributed to the Parfitt campaign by a party committee, the expenditures were still over the \$5,000 maximum, see § 8-13-1316.

46. Absent a preliminary injunction, declaratory relief, and a permanent injunction from the Court, Representative Hill and the constituents he seeks to continue to serve will suffer an irreparable injury for which there is no adequate remedy at law. Allowing Defendants to continue their unfair and illegal acts will inhibit the conduct of a fair, lawful electoral process.

47. A preliminary injunction should issue here because Defendant South Carolina Republican Party is illegally helping one candidate against another by communicating with voters in anticipation of the June 9 primary, and Defendant Vaughn's campaign is illegally accepting the assistance. As such, Plaintiff Hill has already been irreparably harmed, but that harm will continue and be exacerbated by each additional illegal communication sent by the South Carolina Republican Party. Once disseminated to the electorate, there is no relief at law.

48. Accordingly, a preliminary injunction should issue mandating that Defendant South Carolina Republican Party and its officers, agents, servants, and employees cease and desist in mailing documents or otherwise supporting the candidacy of Vaughn Parfitt until after the conclusion of the June 9 primary, and mandating that Vaughn Parfitt, and all those acting in active concert with him, including his campaign's officers, agents, servants, and employees cease and desist accepting any such assistance. S.C. Code §§ 8-13-320(10)(b)(1) and 8-13-530(5) (each stating, in especially pertinent part, "A violation of this chapter by a candidate during this fifty-day period must be considered to be an irreparable injury for which no adequate remedy at law exists.").

**FOR A FIRST CAUSE OF ACTION  
(Declaratory Relief)**

49. Each of the foregoing paragraphs is incorporated herein.

50. Pursuant to South Carolina Code Ann. § 15-53-20, the Court should declare that South Carolina Republican Party has violated the Ethics Act and continues to violate the Ethics Act by making in-kind contributions to Vaughn Parfitt in excess of the limitation imposed by South Carolina Code Ann. § 8-13-1314 and that Vaughn Parfitt and persons acting in concert with him have violated and continue to violate the law by accepting those contributions.

51. Further, the Court should determine and declare the precise dollar amount the South Carolina Republican Party has illegally contributed to Mr. Parfitt's campaign in excess of the legal contribution limit and the precise number of voter contacts resulting from those expenditures.

**FOR A SECOND CAUSE OF ACTION  
(Injunctive Relief)**

52. Each of the foregoing paragraphs is incorporated herein.

53. Pursuant to South Carolina Code § 15-53-120, the Court should enter a temporary and, after a plenary merits hearing, permanent injunction enjoining the South Carolina Republican Party from any further violation of South Carolina Code Ann. § 8-13-1314, and any such further relief necessary to conform Defendant's conduct to the law and effectuate the orders and judgment of this Court.

**MOTION FOR EXPEDITED DISCOVERY**

54. Pursuant to Rules 16, 26, and 57 of the civil rules, Plaintiffs move for a discovery order requiring the South Carolina Republican Party to produce documents at the temporary injunction hearing.

55. Specifically, the Court should require the South Carolina Republican Party to produce the following documents, electronically stored information, and tangible things:

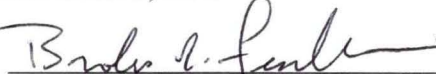
- a. All invoices for all expenditures made this election cycle relating to State House District 8.
- b. All receipts, checks, and other documents indicating payments made this election cycle relating to State House District 8.

**PRAYER**

WHEREFORE, Plaintiffs Jonathon Hill and Jonathon Hill For SC House District request that the Court grant their petition and motion for expedited discovery and order and declare that:

- i. A hearing on Plaintiffs' motion for a preliminary injunction be set as soon as possible;
- ii. The South Carolina Republican Party is temporarily enjoined from any further expenditures intended to assist any candidate to prevail in the primary election for State House District 8;
- iii. The South Carolina Republican Party must take immediate, affirmative action to suspend any expenditures in progress related to the primary elections in House District 8;
- iv. The South Carolina Republican Party must produce at the hearing on the preliminary injunction the records identified above;
- v. The South Carolina Republican Party has violated the Ethics Act in an amount and incidents the number of which will be determined by the Court during a final hearing;
- vi. The South Carolina Republican Party be enjoined as set forth above;
- vii. Plaintiff recover all fees, costs, damages, or penalties allowable by law; and
- viii. The Court order any further relief it deems just and proper.

LAW OFFICE OF BROOKS R.  
FUDENBERG, LLC

by: 

Brooks R. Fudenberg SC Bar No. 007201  
Law Office of Brooks R. Fudenberg, LLC  
171 Church Street, Suite 160  
Charleston, SC 29401  
Phone: 843-416-2558  
eFax: 910-401-1242  
Brooks.R.Fudenberg@Fudenberglaw.com  
Attorney for the Plaintiffs

# **EXHIBIT 5**

## **Mailer**

★★★★★  
**VAUGHN PARFITT**  
REPUBLICAN SC HOUSE



*Yes*

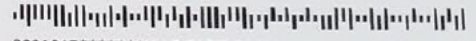
“Our community needs a hardworking, cooperative conservative ready to say to getting things **DONE** for Anderson County.”

★ NON-PROFIT ORG.  
★ U.S. POSTAGE  
★ PAID  
★ PERMIT 1234  
★ COLUMBIA SC

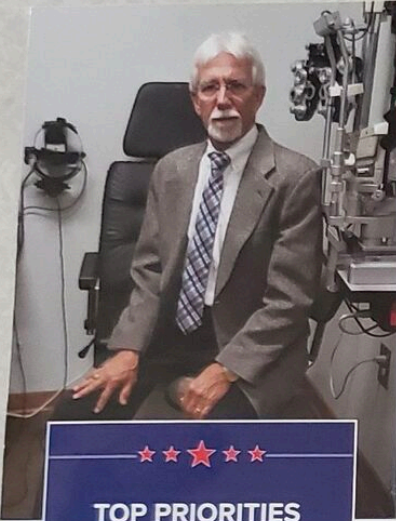
PAID FOR BY SCGOP AND AUTHORIZED BY  
VAUGHN D. PARFITT FOR SC HOUSE

1913 Marion Street, Columbia, SC 29201

**c: 864-940-3934**  
**e: [vdparfitt@gmail.com](mailto:vdparfitt@gmail.com)**  
**w: [ParfittforHouse.com](http://ParfittforHouse.com)**



0001017\*\*\*\*\*SCH 5-DIGIT 29625 T000002  
LINDA & JAMES FLOYD  
ANDERSON SC



*"I'm a political outsider ready to deliver for the hardworking people of our district."*

For too long, our State Representative has gone to Columbia and said "no" to everything. It's time we had someone who is willing to fight for us and say "yes" to getting things done for Anderson County.

The hardworking taxpayers of District 8 deserve a hardworking leader in Columbia who gets things done for them.

Vaughn Parfitt is a lifelong, conservative Republican who is dedicated to serving us with integrity, honor, transparency, and dignity.

Vaughn's priorities will be reforming and never raising taxes, fixing our roads, protecting lake assets, supporting farmers and improving our educational system for students and teachers.

★★★★★  
**TOP PRIORITIES**

- ★ Improve education
- ★ Repair and build roads
- ★ Look after our lake assets
- ★ Help businesses grow

**ABOUT VAUGHN**

- ★ Graduate of The Citadel in 1976
- ★ Doctor of Optometry
- ★ Successful small businessman
- ★ Married to Cindy and Father to Morgan
- ★ Member, St. Johns United Methodist Church
- ★ Former President, S.C. Optometric Association
- ★ Trustee, Southern Council of Optometrists
- ★ Recipient, Optometrist of The Year Award

**ParfittforHouse.com**



# **EXHIBIT 6**

**Mailer**

# SKIP *the* LINE

★★★★★  
**VAUGHN PARFITT**  
REPUBLICAN SC HOUSE

✉ vdparfitt@gmail.com

📞 864-940-3934

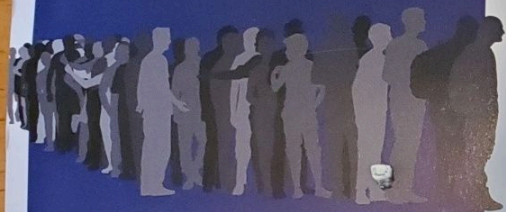
🌐 ParfittforHouse.com

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VAUGHN D. PARFITT FOR SC HOUSE  
1913 Marion Street, Columbia, SC 29201

001017\*\*\*\*\*SCH 5-DIGIT 29625 T000002  
LINDA & JAMES FLOYD  
ANDERSON SC

## Request Your Absentee Ballot Online!

★ NON-PROFIT ORG.  
★ U.S. POSTAGE  
★ PAID  
★ PERMIT 1234  
★ COLUMBIA SC



## ABSENTEE VOTING INFORMATION



Start the absentee by mail process  
by visiting:

[www.scvotes.org/absentee-voting](http://www.scvotes.org/absentee-voting)

or

to vote in person, visit:

ANDERSON COUNTY  
301 N. Main Street  
864-260-4035  
[acvote@andersoncountysc.org](mailto:acvote@andersoncountysc.org)



In this uncertain time, we need to hear your voice now more than ever – and that means voting is more important now more than ever. **South Carolina's Republican Primary is June 9th** but you can vote Absentee now by mail or in person.

### Here's how:



#### 1. VOTE IN PERSON

Visit the Anderson County Election Commission and cast your ballot. You may vote absentee in person 9:00 am - 5:00 pm, weekdays now until June 8th.



#### 2. VOTE BY MAIL

Contact the Anderson County Election Commission at (864) 260-4035 to request an application to receive a ballot  
OR  
you may go online at [www.scvotes.org/absentee-voting](http://www.scvotes.org/absentee-voting) to fill out an application online. Once you submit the application, you will be mailed a ballot.

**However you decide to cast your ballot, remember to vote for Vaughn Parfitt in the June 9<sup>th</sup> Republican Primary Election.**

# **EXHIBIT 7**

## **Mailer**



PAID FOR BY SCGOP AND AUTHORIZED BY  
VAUGHN D. PARFITT FOR SC HOUSE

1913 Marion Street, Columbia, SC 29201

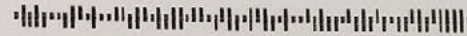
**c:** 864-940-3934

**e:** vdparfitt@gmail.com

**w:** ParfittforHouse.com

- ★ NON-PROFIT ORG.
- ★ U.S. POSTAGE
- ★ PAID
- ★ PERMIT 1234
- ★ COLUMBIA SC

**Passionate REFORMER.**  
**Principled CONSERVATIVE.**  
**Successful BUSINESSMAN.**



001048\*\*\*\*\*SCH 5-DIGIT 29625 T000002  
LULA CRUMPTON  
ANDERSON SC

[www.ParfittforHouse.com](http://www.ParfittforHouse.com)

# Two Different Candidates. Two Different Worldviews.



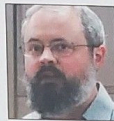
**VAUGHN  
PARFITT**

Vaughn Parfitt supports education reform by raising pay for teachers to attract and retain good teachers, reducing state testing, and making schools safer by funding School Resources Officers and access to mental health counselors for all schools.

Vaughn Parfitt knows that small businesses are the backbone of our state and nation. He wants to fight to cut taxes and regulations on small business to help them prosper.

Vaughn Parfitt believes our local farmers need a break - especially with flooding in recent years and the COVID-19 pandemic. When elected, Vaughn will do what it takes to help our farmers and get them the assistance they need.

Vaughn Parfitt is a conservative and supporter of President Donald Trump and our Governor Henry McMaster.



**JONATHON  
HILL**

**Jonathon Hill** was the only member of the House to vote "NO" 2 years in a row to raise teacher pay, reduce state testing, and fund School Resources Officers for S.C. schools.

(Source: H. 3900, H. 5201, H. 3759)

**Jonathon Hill** was the only member of the House to vote "NO" 2 years in a row to cut rates for small business for unemployment insurance. Hill has also received the lowest rating of all 170 legislators from the S.C. Chamber of Commerce for his anti-business votes.

(H. 4000, SC Chamber of Commerce 2019 Legislative Scorecard)

**Jonathon Hill** was one of only 2 members of the House to vote "NO" to sending farmers aid following the floods of 2015.

(H. 4717, 5/4/16)

**Jonathon Hill** has opposed President Trump and most recently, criticized Trump's Small Business Paycheck Protection Program that would help families affected by COVID-19. Hill compared our President to a tyrant and called our Gov. Henry McMaster "Governor McDisaster."

(Source: Facebook 2/21/16, Facebook 5/9/20)

## EDUCATION

## SMALL BUSINESS

## LOCAL FARMERS

## PRESIDENT TRUMP/ GOVERNOR MCMASTER

We deserve a representative who shares our values and fights for us.  
**VOTE VAUGHN PARFITT ON JUNE 9<sup>TH</sup> -**  
a cooperative conservative ready to say YES to Anderson County.

# **EXHIBIT 8**

## **Mailer**



FROM THE DESK OF HUGH WEATHERS  
SOUTH CAROLINA COMMISSIONER OF AGRICULTURE

PAID FOR BY SCGOP AND AUTHORIZED BY  
VAUGHN PARFITT FOR SC HOUSE 8

1913 Marion Street, Columbia, SC 29201

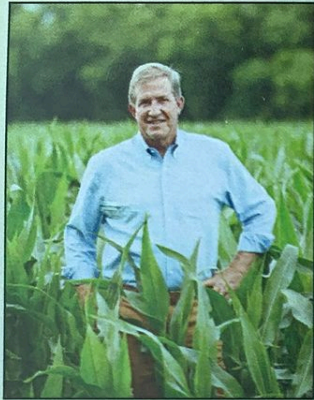


T1 P1\*\*\*\*\*AUTO\*\*5-DIGIT 29625

ELIZABETH WOLFE

██████████  
ANDERSON, SC ██████████

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PAID  
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COLUMBIA SC



As South Carolina's Commissioner of Agriculture, it's important to me to have Republicans in the legislature who understand the importance that farmers play in our state's economy. That's why I am asking you to elect **Vaughn Parfitt in the Republican Primary for State Representative on June 9.**

More than 212,000 South Carolinians have jobs in our state related to our agriculture industry. In fact, agriculture is a \$46 billion industry in our state.

**That's why I was shocked and disappointed when your current State Representative, Jonathon Hill, voted against the Farmers Disaster Relief Bill in 2015. In fact, Mr. Hill was one of only 2 members of the House of Representatives...Republican or Democrat...to oppose this bill.**

You may remember the Great Flood of 2015. It was the largest agriculture disaster South Carolina farmers have ever faced. This bill provided a helping hand to our farmers when they needed it most. Thankfully, the General Assembly killed Mr. Hill's opposition to our efforts and we were able to get our farmers the help they needed.

**On Tuesday, June 9, you have an opportunity to send a new Republican State Representative to Columbia to represent you. I'm delighted to join the leadership of the South Carolina Republican Party, the Republican leaders in the House of Representatives and the more than forty other Republican members of the Legislature in supporting Vaughn Parfitt for State Representative.**

Sincerely,

Hugh Weathers

SC Commissioner of Agriculture (Republican)

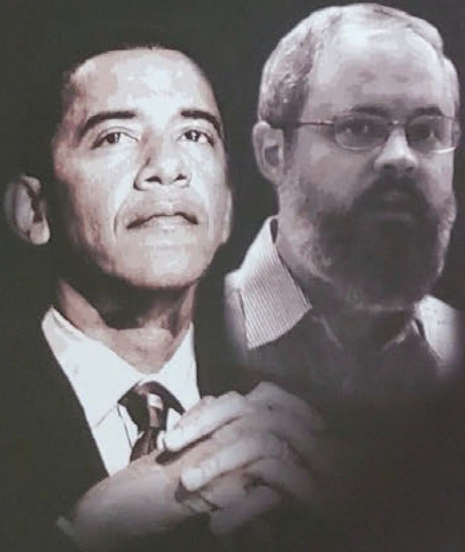
# **EXHIBIT 9**

## **Mailer**

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VAUGHN D. PARFITT FOR SC HOUSE

1913 Marion Street, Columbia, SC 29201

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PERMIT 1234  
COLUMBIA SC



# What do Jonathan Hill and Barack Obama have in common?



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LULA CRUMPTON

ANDERSON, SC



That's right. President Obama nominated Allison Lee to a seat on the U.S. District Court, and Jonathon Hill joined 55 Democrats in the State Legislature and voted to elect Allison Lee to the S.C. Court of Appeals.

(source: S.C. Legislative Journal, Joint Election Vote Number 1, Feb. 6, 2019.)

## But Who is Allison Lee?

# The State

**"Allison Lee was roundly criticized in 2013 when she reduced bond for two accused violent criminals, one of whom, Lorenzo Young, later was charged with killing Kelly Hunnewell while the mother of four worked in a bakery off Beldine Boulevard."**

The concerns about Lee's time as a circuit judge center on two cases in particular. In January 2013, Lee lowered the bond of Columbia-area burglary suspect Lorenzo Young, who was subsequently released. Young was then charged in the killing last July of a 33-year-old Columbia woman, Kelly Hunnewell.

In addition, McClatchy's *The State* newspaper revealed that, just a month after lowering the bond for Young, Lee did the same for 18-year-old Dequan Vereen, who was facing charges of attempted murder and armed robbery. After being released from jail, Vereen was later charged with the slaying last September of a Richland County man.

7/17/2014

Fortunately, Republican U.S. Senator Tim Scott stepped in and blocked her confirmation by the U.S. Senate when Obama nominated her...and fortunately, Republican legislators rejected Lee when she ran in 2019 for the Court of Appeals.

"Sen. Scott continues to have significant concerns about Judge Lee and her time as a South Carolina circuit court judge... Sen. Scott will not support her nomination to the U.S. District Court for the District of South Carolina."

*The State*, 7/17/2014

**Senators' support crucial for SC judge nominated to federal bench**

*The State*, 7/28/2014

Call Jonathon Hill at 864-245-3885. Ask him why he chose to support liberal Allison Lee.

# **EXHIBIT 10**

## **Mailer**

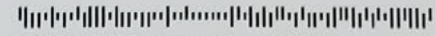


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1913 Marion Street, Columbia, SC 29201

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★ COLUMBIA SC



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LULA CRUMPTON

ANDERSON, SC

V O T E

1

Y E S

2

FOR ANDERSON

3

VOTE VAUGHN PARFITT

4

JUNE 9<sup>th</sup> IN THE

5

REPUBLICAN PRIMARY ELECTION

6



You don't need 20/20 vision to see that  
Optometrist Vaughn Parfitt is the clear  
choice for us in the State House.

**Vote Vaughn Parfitt on June 9<sup>th</sup>.**

2020  
THE CHOICE IS CLEAR

V O T E

NO

TO JONATHON HILL

BECAUSE

HE SAYS NO  
TO ANDERSON

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## Republican In Name Only, Jonathon Hill says NO to:

### SENIORS

- Voted NO to renew the Homestead Exemption for Seniors<sup>1</sup>

### VETERANS:

- Voted NO to 3 new nursing homes for veterans in our state<sup>1</sup>

### TAXPAYERS

- Voted NO to renew the sales tax exemption on groceries<sup>1</sup>
- Voted NO to funding road repairs for our crumbling roads right here in Anderson<sup>1</sup>
- Voted NO to refunding \$128 million to taxpayers in an income tax credit<sup>1</sup>
- Voted NO to homeowners tax relief<sup>1</sup>

### TEACHERS & STUDENTS

- Voted NO to a pay raise for teachers<sup>1</sup>
- Voted NO to fewer testing mandates on students<sup>2</sup>
- Voted NO to funding for School Resource Officers<sup>1</sup>
- Voted NO to over \$300 million for tuition assistance, technical schools, and increased aid to classrooms<sup>1</sup>

### FARMERS, LAW ENFORCEMENT, & FIRE FIGHTERS

- Voted NO to a pay raise for law enforcement and firefighters<sup>1</sup>
- Voted NO to the Farmers Disaster Relief Bill following the floods of 2015<sup>4</sup>
- Voted NO to education and treatment programs to combat the opioid crisis<sup>1</sup>
- Voted NO to V-Safe funds for equipment for 4 local fire stations in Anderson<sup>3</sup>

### SMALL BUSINESSES

- Voted NO to a tax break for small businesses for unemployment insurance<sup>1</sup>
- Received the lowest score of all 170 legislators from the S.C. Chamber of Commerce for his consistent vote AGAINST small businesses.<sup>5</sup>



Scan the code on your mobile device to see the official House Journals documenting Hill's "NO" votes.

#### Sources:

1. H. 4000 3/3/2019 & H.5201 3/10/2020
2. H. 3759 3/6/2019
3. H. 5201, 2016-2017
4. H.4717 5/4/2016
5. SC Chamber of Commerce Legislative Scorecard 2019

**EXHIBIT 11**

**Invoice to Movant South Carolina Republican Party  
for Postage  
Dated 06-04-2020**

**Starboard Communications Agency**

1043 Barr Rd.  
Lexington, SC 29072  
+1 8033601489

**INVOICE**

**BILL TO**

Hope Walker  
SCGOP  
PO Box 12373  
Columbia, SC 29211

**INVOICE #** 1855  
**DATE** 06/04/2020  
**DUE DATE** 07/04/2020  
**TERMS** Net 30

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DESCRIPTION	QTY	AMOUNT
Parfitt Absentee Postage	3,530	388.30
Parfitt Contrast Postage	3,784	416.24
Parfitt Eye Chart Postage	3,784	416.24
Parfitt Intro Postage	3,530	388.30
Parfitt NRA Postage	1,266	139.26
Parfitt Obama-Hill Postage	3,784	416.24
Parfitt Life Postage	688	75.68
Parfitt Weathers Endorse Postage	3,784	416.24

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**BALANCE DUE** **\$2,656.50**

## **EXHIBIT 12**

**Excerpt from Transcript of Hearing**

State of South Carolina )  
County of Richland )

In the Court of Common Pleas  
Fifth Judicial Circuit  
2020-CP-40-02636

Jonathon Hill and Jonathon )  
Hill for SC House District 8, )

Plaintiffs, )

vs. )

The South Carolina Republican )  
Party and Vaughn Parfitt, )

Defendants. )

Transcript of Record

June 5, 2020  
Columbia, South Carolina

B E F O R E:           The Honorable Jean Hoefer Toal,  
                          Chief Justice (Retired),  
                          serving as Acting Circuit Court Judge

A P P E A R A N C E S:

Brooks R. Fudenberg, Esquire  
Thomas M. Fernandez, Esquire  
Attorneys for Plaintiffs

Robert E. Tyson, Jr., Esquire  
Vordman Carlisle Traywick, III, Esquire  
Attorneys for Defendants

Maryann S. Nevers, CVR-M-CM, RVR  
Circuit Court Reporter  
Certified Verbatim Reporter - Master  
Certificate of Merit  
Realtime Verbatim Reporter

I N D E X

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    Cross-Examination by Mr. Tyson . . . . . 26

Drew McKissick,

    Direct Examination by Mr. Fudenberg . . . . . 29

Vaughn Parfitt,

    Direct Examination by Mr. Fudenberg. . . . . 39

    Cross-Examination by Mr. Tyson . . . . . 52

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    Recross-Examination by Mr. Tyson . . . . . 65

Drew McKissick,

    Direct Examination by Mr. Fudenberg . . . . . 66

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E X H I B I T S

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVID.</u>
P-1	Mailing	4	7
P-2	Mailing	4	7
P-3	Mailing	4	7
P-4	Mailing	4	7
P-5	Mailing	4	7
P-6	Mailing	4	7
P-7	Pre-Election Report Mailing	4	7
P-8	Invoice-Stoneridge Group	4	7
P-9	E-mail-Sunshine Solutions	4	7
P-10	Order Setting Hearing and Discovery Order	49	50
P-11	Petition/Motion/Complaint	50	50
P-12	Mailing	60	63
P-13	Mailing	60	63
D-1	Invoice	4	7

1 the grounds that the South Carolina Ethics Act contains no  
2 valid provisions which restrict the giving or receiving of  
3 the political contribution at issue in this matter.

4 Therefore, plaintiffs cannot succeed on the merits of this  
5 litigation.

6 It is so ordered.

7 This order will be electronically be filed my law  
8 clerk upon the conclusion of these proceedings.

9 And I say to you, Mr. Fudenberg, and to your client,  
10 Representative Hill: Had the legislature done a job of  
11 dealing with this matter after the ruling in 2010 and stuck  
12 with the intention that they have, you would be completely  
13 right about saying that these contributions exceed what is  
14 permitted. Unfortunately for your situation, because of an  
15 attempt to -- a successful ruling that protected broader  
16 political speech by committees that are not political  
17 parties, such as the South Carolina Citizens for Life, your  
18 situation was swept up in that. And therefore, the  
19 regulation that you have cited cannot be enforced by me.

20 It is certainly something that the legislature needs  
21 to address. I served in that body myself for many years,  
22 and I know how difficult it is sometimes to get corrective  
23 legislation through. And that's too bad.

24 But I must be bound by my oath to uphold the  
25 Constitution. And I do so in this case and appreciate very

**EXHIBIT 13**

**Plaintiffs' Motion to Reconsider**



In South Carolina, it is well-established that if the words of a statute are clear and unambiguous, they must be given their necessary effect.

The cardinal rule of statutory construction is that the court ascertain and effectuate the intent of the legislature. *Greene v. S.C. Election Comm'n*, 314 S.C. 449, 452, 445 S.E.2d 451, 453 (1994). However, we must first attempt to construe a statute according to its plain language, and if the language of a statute is plain, unambiguous, and conveys a clear meaning, “the rules of statutory interpretation are not needed and the court has no right to impose another meaning.”

*Odom v. Town of McBee Election Comm'n*, 427 S.C. 305, 310, 831 S.E.2d 429, 432 (2019). *See also State v. Corey D.*, 339 S.C. 107, 120, 529 S.E.2d 20, 27 (2000) (citing *Keyserling v. Beasley*, 322 S.C. 83, 86, 470 S.E.2d 100, 101 (1996)) (holding, “Although it may seem illogical [to follow the statutory language], it is beyond this Court's power to effect a change in the statutes enacted by the Legislature.”). *See also Benat v. State Farm Mut. Ins. Co.*, 286 S.C. 132, 134, 333 S.E.2d 57, 58 (Ct. App. 1985) (stating that “We have no legislative authority and cannot vary a statutory scheme and this is true no matter how logical the basis of the variance.”)

Here, Section 8-13-1300(25) states (emphasis added), “‘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.” Here, the plain language includes the Republican Party of South Carolina as an entity that is subject, like all the rest of us, to the restrictions placed on a “person.”

There are places in the statute where political parties are treated differently from “any person.” Where the Legislature meant to create exceptions for political parties, it said so. Otherwise, parties are bound by the background law that applies to all persons.

Similarly, while Section 8-13-1314(A) places a one-thousand dollar limit on donations to a candidate for a State House seat, Section 8-13-1316 provides that notwithstanding Section 8-

13-1314(A)(1), within a given election cycle, “a candidate may not accept or receive contributions from a political party through its party committees or legislative caucus committees, and a political party through its party committees or legislative caucus committees may not give” more than five thousand dollars to a candidate for the State House. 8-13-1316(A) (emphasis added).<sup>1</sup>

Clearly, the Legislature did not mean to allow political parties, except as acting through party committees or legislative caucus committees, to provide candidates with contributions in excess of the limits that apply to contributions from the rest of us. To read the statute otherwise is to render the repeated qualification, “through its party committees or legislative caucus committees,” as mere surplusage. “It is never to be supposed that a single word was inserted in the law of this state without the intention of thereby conveying some meaning.” *Davenport v. City of Rock Hill*, 315 S.C. 114, 117, 432 S.E.2d 451, 453 (1993) (citing *Ravenel v. Dekle*, 265 S.C. 364, 218 S.E.2d 521 (1975)). See also *Bowles v. Bradley*, 319 S.C. 377, 383-84, 461 S.E.2d 811, 815 (1995) (following *Davenport* and rejecting a reading of a statute that would render text “mere surplusage.”)

Similarly, *expressio uni est exclusio alterius*, the specification of one thing is the exclusion of another, e.g., *Riverwoods, LLC v. Cty. of Charleston*, 349 S.C. 378, 384, 563 S.E.2d

---

<sup>1</sup> 8-13-1316(A) provides in full,

Notwithstanding Section 8-13-1314(A)(1), within an election cycle, a candidate may not accept or receive contributions from a political party through its party committees or legislative caucus committees, and a political party through its party committees or legislative caucus committees may not give to a candidate contributions which total in the aggregate more than:

- (1) fifty thousand dollars in the case of a candidate for statewide office; or
- (2) five thousand dollars in the case of a candidate for any other office.

Thus, the Section contemplates five thousand dollars as the maximum contribution per election cycle to a candidate for the State House.

651, 655 (2002). *See also Kosciusko v. Parham*, 428 S.C. 481, 498, 836 S.E.2d 362, 371 (Ct. App. 2019) (following *Riverwoods*). Here, the legislature expressed one thing, “contributions from a political party through its party committees or legislative caucus committees” and thereby excluded another thing, contributions from a political party through other means.

Here, the record is clear that the contributions were not made through any committee of any kind. Instead, the testimony was that the contributions were authorized and made by one man. Drew McKissick testified that the decision was his alone, and no one else had any role. The statute does not state, “Notwithstanding the limitations of Section 8-13-1314, the chairperson of each party may provide unlimited contributions to candidates of his or her choice.”

There are many solid reasons the Legislature could have chosen to restrict the allowance for the larger contributions to those coming via a committee, a group of people who will pool their combined judgment, and to avoid putting that power in the hands of one man or woman (the chair of a political party). But whether that is a good reason, a bad reason, or something in between does not matter, for chairpersons of political parties acting alone do not come within the exception that Section 1316 provides to the otherwise-universal restriction of Section 1314.

Additionally, whether federal district courts found the unadorned term “committee” in the statute to be overly broad is not controlling, for the narrower term “party committee” that is employed in section 1316 is not overly broad. *See S.C. Citizens for Life v. Krawcheck*, 759 F. Supp. 2d 708 (D.S.C. 2010) (*Krawcheck I*) (finding the defined term “committee” in section 8-13-1300(6) to be overly broad); *S. Carolinians for Responsible Gov’t v. Krawcheck*, 854 F. Supp. 2d 336 (D.S.C. 2012) (*Krawcheck II*) (same); *see also* section 8-13-1300(24) (“‘Party committee’ means a committee established by a political party.”). Plaintiffs therefore

respectfully maintain that the Court erred in concluding that, “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,” and therefore that 8-13-1316’s restrictions are invalidated. *See* Order, page 3. Striking the broad term “committee” as overly broad does not necessitate striking the narrower term “party committee.”

Moreover, if every provision in the Ethics Act containing the word “committee,” including use of other terms such as “party committee” and “ethics committee,” is to be struck down, the result would be to invalidate virtually the entirety of Article 5 of the Ethics Act. Thus, the Senate and House Ethics Committees must be stripped of their power. *See* S.C. Code Ann. § 8-13-510 *et seq.*

Additionally, whether the term “committee” or “party committee” is unconstitutionally overbroad or of proper breadth, ambiguous or clear, is not relevant to the issue before the court, for there was no party committee, purported party committee, claimed party committee, nor any committee of any sort involved in the contributions here, and the Legislature did not intend to create an exception that allows party chairpersons to direct unlimited sums, or even greater sums than the rest of us, to candidates for office.

Similar logic applies to the limitations in Sections 8-13-1314 and 8-13-1316 regarding candidates’ acceptance of such contributions.

In considering an analogous issue, Judge Manning reached a conclusion directly opposite to the Court’s order in this case. *Harpootlian v. South Carolina Senate Republican Caucus*, 2018-CP-40-05370 (5th Circuit, 10/19/2018). There, “The Senate Republican Caucus read[] *Krawcheck I* and *Krawcheck II* for the proposition that its spending is no longer constrained by the Ethics Act because the federal courts have struck down the definition of ‘committee’ under § 8-13-

1300(6) as unconstitutionally broad.” *Id.*, ¶25. Judge Manning squarely rejected that argument. *Id.*, ¶¶ 39-41, 44.

In sum, even before one gets to the principles of statutory construction, one must determine whether the words have a clear meaning and if so, the Court must give effect to that meaning, which in this case mandates a ruling in Plaintiffs’ favor and in accord with the Legislature’s intent. If one must construe a statute, the cardinal rule is to give effect to the intent of the legislature, which in this case was to limit contributions; in determining the intent of the legislature, one is to presume that the Legislature had a reason for its language and did not add mere surplusage.

For all these reasons, Plaintiffs very respectfully ask the Court to reconsider its ruling, and issue injunctive and/or declaratory relief.

Respectfully Submitted,

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