

JUDICIAL ELECTIONS

Haley vs. nepotism: '09 vote at issue

Then-Rep. Haley helped legislator's spouse become judge

By **JAMIE SELF**
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Gov. Nikki Haley – who lambasted the Legislature for electing a lawmaker's spouse as a judge Wednesday – cast a vote as a state representative in 2009 that helped another legislator's spouse become a judge.

Then-Rep. Nikki Haley, a Lexington Republican, cast a vote that helped Kaye Hearn, whose husband was a S.C. House member at the time,

win a seat on the S.C. Supreme Court.

In 2009, Haley voted with an overwhelming majority of lawmakers to defeat an attempt to remove Hearn from the Supreme Court race and start over, seeking new candidates. As a result of that vote, Hearn, unopposed after her two challengers withdrew, automatically won the Supreme Court seat.

Asked about her 2009 vote at a Thursday news conference,

SEE **HALEY** PAGE **B8**

asked whether she protested Hearn's
fiduciary, Haley said, "Really? ... I'm of-
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Wednesday to elect Bill Funderburk, wife
Democratic state Rep. Laurie Funder-
burk of Camden, to the state's Administra-
tive Law Court.

Funderburk beat 16-year court in

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FROM PAGE B1

Haley responded, "Did I vote for Kaye Hearn? Did I vote for Kaye Hearn? I did not vote for Kaye Hearn because I remember that election very well."

Asked whether she protested Hearn's candidacy, Haley said, "Really? ... I'm offended that you're asking this."

Critics say Haley's stance on the Hearn race calls into question her complaints of nepotism against lawmakers who voted Wednesday to elect Bill Funderburk, wife of Democratic state Rep. Laurie Funderburk of Camden, to the state's Administrative Law Court.

Bill Funderburk beat 16-year court incumbent Carolyn Matthews, 87-50.

The race between Funderburk and Matthews rubbed many lawmakers the wrong way, in part because of Bill Funderburk's marital ties to a sitting legislator. But, lawmakers also noted, it is not illegal for the spouse of a lawmaker to run for judge in South Carolina.

After the vote, Haley posted lawmakers' votes on Facebook.

"Unfortunately, conflicts of interest are alive and well at the Statehouse," Haley wrote. "The legislature elected the spouse of a legislator today to be a judge. This is blatantly unfair to other candidates willing to serve. Those who voted for Funderburk supported the conflict of interest. Thank you to those who took a stand and

voted for Matthews."

Thursday, Haley explained her online critique of the Funderburk and Matthews race. "There is something wrong when a spouse of a legislator can come in and run for judge, and everybody else is too scared to vote for (the challenger)."

"There is a conflict of interest when a (legislator's) spouse runs for a judicial seat, knowing that the legislator has the ability to work the floor when an incumbent can't or when another candidate can't."

However, some lawmakers said Haley's concerns about nepotism are hypocritical, citing her 2009 Supreme Court vote.

State Rep. Mike Pitts, the Laurens Republican who worked to win legislators' votes for Funderburk, said Haley has not cried nepotism when the spouses of GOP lawmakers have sought appointments.

"If she wants to use the bully pulpit, that's one thing," Pitts said Tuesday. "But to use it in this race - and not others - would come into question."

The two-term governor has faced questions about nepotism and cronyism - when she replaced a popular University of South Carolina trustee with a campaign donor, when her daughter landed a job at the State House gift shop and, more recently, when a close friend and campaign donor was nominated to run the state's environmental agency by that agency's board, which did not consider other candidates.

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