

Background on the South Carolina Commission on Ethics Reform

On October, 18, 2012, Governor Nikki R. Haley issued Executive Order 2012-09 creating the South Carolina Commission on Ethics Reform to review and update state ethics and open records laws under a deadline of January 28, 2013. The Governor immediately appointed a bipartisan panel of individuals of unimpeachable personal and professional credentials – including former attorneys general, prosecutors, ethics commissioners, and former legislators as well as members of the press and legislative appointees.

On October 29, 2012, the Commission held an organizational meeting electing the Co-Chairmen to serve as Liaisons to the General Assembly and dividing the members into three subcommittees: (1) Ethics, Conflicts of Interest, and Campaign Disclosures; (2) Ethics Enforcement; and (3) Open Records and the Freedom of Information Act. Staff counsel was offered to the Commission pro bono by Nelson Mullins Riley & Scarborough LLP in addition to a professor from the Charleston School of Law who served as the Commission's constitutional legal expert.

In November and December, the Commission held three public hearings and heard testimony from a variety of public and private individuals and organizations. In January, two additional working meetings were held to consolidate public comments and adopt final recommendations.

On January 28, 2013, the Commission will unveil to the Governor, the General Assembly, and the public a proposal of final recommendations. Here are highlights of the Commission's 23 recommendations:

1. **Create Independent Oversight of Ethics Laws:** South Carolina has been one of only six states whose state ethics commission has limited jurisdiction. The Ethics Reform Commission proposes to (1) Expand enforcement powers of and restructure the membership of the State Ethics Commission to treat all public officials the same – bringing us in line with 33 other states; and (2) Improve coordination of investigations with a new Public Integrity Unit.
2. **Strengthen Conflicts of Interest Laws:** South Carolina has been the only state to require disclosure of just one source of income, and that is only government income. The Ethics Reform Commission proposes to (1) Require disclosure of all public and private sources of income to promote transparency and prevent conflicts of interest – bringing us more in line with 47 other states; and (2) Prevent personal gain from using undue influence in the appointment and elections of board members; (3) Regulate lobbying at the local level in front of school boards, municipalities, and counties.
3. **Clarify Election Laws and Strengthen Campaign Finance Laws:** Last year, South Carolinians saw over 300 candidates thrown off the ballot due to confusion in election laws. The Ethics Reform Commission proposes to (1) Clarify the process of candidate filings; (2) Limit how campaign funds can be used; and (3) Abolish leadership PACs.
4. **Increase Transparency:** South Carolina is one of three states with a statutory time limit of more than ten days for an initial response to a Freedom of Information Act request and one of fifteen states with a legislative exemption. The Ethics Reform Commission proposes to (1) Shorten the initial response from fifteen business days to seven calendar days to avoid unnecessary delay by government bodies – bringing us in line with 34 other states; (2) Remove the legislative exemption to provide Freedom of Information to all three branches of government; and (3) Reduce the burden on citizens by making costs lower and more uniform and by using the Administrative Law Court to create an easier mechanism for citizens to address complaints.