

From: Patel, Swati <SwatiPatel@gov.sc.gov>

To: tpope@elrodpope.com <tpope@elrodpope.com>

CC: Veldran, Katherine <KatherineVeldran@gov.sc.gov>

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Subject: Ethics Reform

Attachments: Working Group Amendment - investigations 2014.docx

Detailed Chart of H.3945 Working Group Amendment.docx

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Tommy,

As a follow up to our conversation on Friday, I am attaching an amendment known as the "Working Group Amendment" in the Senate that, as you know, the Governor publicly supported in a state-wide Ethics Reform tour last Fall, as well as a summary. The version I have attached was slightly modified this year to ensure bi-partisan membership and to allow for more time to make investigative reports public.

This amendment went through months of exhaustive work in the Senate in committee and on the floor, and unfortunately it failed to pass even though many - Republicans and Democrats - supported it. This amendment deals with the constitutional separation of powers issues that we agreed were valid but keeps the process independent and transparent. Outside groups like League of Women Voters, AARP and Coastal Conversation League supported this amendment and toured with the Governor this past fall.

The amendment creates an 8 member bi-partisan State Ethics Commission with 4 Governor appointees and 4 legislative appointees. It requires that ethics complaints (except those that solely involve technical violations like late filings), including against legislators, be reviewed and investigated by the new State Ethics Commission and if probable cause is found then the investigative findings are delivered to the appropriate House or Senate Ethics Committee to agree or disagree with the findings; if the Legislative Committee agrees with the findings then a public hearing is held and it may issue civil sanctions. The investigative findings are made public 30 days after the Commission completes it. The Commission can refer a matter to the Attorney General at any time or seek assistance.

Also, the legislative staff does not present the findings at the hearing, rather Commission attorneys would in order to avoid conflicts arising from legislative ethics attorneys advising members and also presenting cases against members.

I am available anytime if you have any questions. The primary sponsors of this proposal were Senators Campsen, Hutto and L. Martin.

Swati S. Patel  
Chief Legal Counsel  
Office of the Governor.South Carolina  
1205 Pendleton Street  
Columbia, SC 29201  
DD 803.734.5095