

Rep. Bedingfield Amendment

Process for Independent Investigations of Ethics Complaints

- The amendment strikes Sections 1 to 5 of the Judiciary Committee Amendment and creates an investigation process that is fair, transparent, treats all public officials equally, and is overseen by appointees who are not public officials.
- This amendment would treat all public officials – legislators and approximately 20,000 other public officials - equally by making them fall under the same investigative process.
- The amendment keeps the House and Senate ethics committees and Commission on Judicial Conduct but removes two of their current responsibilities – (1) to receive complaints and (2) investigate complaints. Those two responsibilities are given to a reconstituted State Ethics Commission.
- The new State Ethics Commission is made up of 12 appointees who are not sitting public officials or judges.
 - 4 appointed by the Governor (2 from each political party);
 - 4 appointed by the General Assembly (2 from each body; 2 from each political party); and
 - 4 appointed by the Supreme Court.
- If a complaint is filed against a legislator or judge, it must be referred to the State Ethics Commission, which will conduct the initial review and then conduct an investigation if warranted.
- After it conducts the investigation, the State Ethics Commission will determine if there is probable cause to find a violation and then send a report to the appropriate legislative ethics committee or the Commission on Judicial Conduct. That report becomes a public record 30 days after probable cause is found by the State Ethics Commission.
- For legislators: The House and Senate committees will receive the report, and then from that point on, the committees continue to follow the process spelled out in current law –
 - The committee will decide for themselves whether to find probable cause, and if it doesn't, then it can dismiss;
 - If it does find probable cause, it could issue an advisory opinion and seek compliance or hold a hearing and still dismiss; or
 - If it finds a violation, then it could issue sanctions or determine that a technical violation occurred.
- For judges: The Commission on Judicial Conduct and the Supreme Court will receive the report from the State Ethics Commission, and they will continue to follow the process spelled out in their rules (Rule 502 of SC Appellate Ct Rules).