

From: Patel, Swati <SwatiPatel@gov.sc.gov>
To: Veldran, Katherine <KatherineVeldran@gov.sc.gov>
Date: 5/21/2014 2:07:17 PM
Subject: Bedingfield Amendment - talking points

Basis for this Amendment

- This amendment is based on the original McMaster-Medlock Commission report which reconstituted the current State Ethics Commission and brings legislators and executive branch officials under a Commission made up of 4 appointees from the Governor and 4 appointees from the General Assembly.

Separation of Powers

- This amendment does NOT raise a separation of powers problem.
- The purpose of the Separation of Powers clause is to ensure proper checks and balances between the branches. Having citizens appointed by legislators and judges hear ethics cases against executive branch officials, does not interfere with checks and balances by the Branches of Government.
 - If there is a separation of powers concern *here*, **then there should be a major concern when legislators elect judges and then judges hear cases against executive branch officials.**
 - The McMaster-Medlock Commission was made of former U.S. Attorneys, Attorneys General and a constitutional law professor – none of whom raised concerns with separation of powers.

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