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Date: 2/10/2015 9:45:34 PM
Subject: Fwd: heads up

Begin forwarded message:

From: Ashley Landess <ashleyl@scpolicycouncil.org>
Date: February 10, 2015 at 7:44:32 PM EST
To: Katherine <katherineveldran@gov.sc.gov>
Subject: FW: heads up
Reply-To: Ashley Landess <ashleyl@scpolicycouncil.org>

I wanted to let you know about a few things happening in the General Assembly on the whole complicated mess called “ethics reform.” It’s developing even as I write this, so I’ll simply forward a memo I received from our Director of Research Jamie Murguia. You’ll hear more from us as soon as we have a firm idea of where things are headed...

From: Jamie Murguia
Sent: Tuesday, February 10, 2015 7:33 PM EST
To: Ashley Landess
Subject: heads up

Ashley,

The House is quickly starting to pass a number of weak ethics bills. A good number of these have some pretty troubling and dangerous provisions – and they passed another one today! The House passed H.3194 – the bill that would redefine “candidate” to include anyone who maintains an open bank account containing contributions – despite an effort by Rep. Jonathon Hill to make the bill less egregious.

As I think I mentioned to you before, the House has *already passed* a bill dealing with independent investigation. It’s not much of a solution. It creates a “super committee” to oversee violations of ethics laws by all three branches of government, and allows each branch four appointments to this new Ethics Commission. And as if that’s not bad enough, the House and Senate ethics committees would remain intact and still have a degree of investigative powers. *And* they’d retain the ability to punish their own members. (H. 3184)

Other bills that may come up this week include:

(1) Lawmakers still don't have to report all of their private income: There's currently a bill on the calendar that *appears* to address the issue of income disclosure but leaves substantial reporting loopholes for private income and actually *loosens* the reporting requirement on government income. (H.3186)

(2) Targeting non-political groups to force donor disclosure: Just as lawmakers tried to silence their critics last year by trying to force them to register as lobbyists, they're at it again this year. The House is considering a bill that would add "satellite communication" (we *think* that means anything on the internet) that may reference a "candidate" to the definition of an "electioneering communication." A definition that broad would have huge implications for non-political groups when it comes to whether or not they have to report certain information – such as their top donors. That could, potentially at least, allow politicians to intimidate those who support organizations the politicians don't like. (H. 3189)

IMPORTANT! If you took H.3189 and H.3194 together, non-political groups that send out materials via email mentioning elected officials within a certain number of days of an election *will now be "electioneering"* – and will thus have to disclose their top donors.

The Senate didn't take up its giant "ethics reform" bill. That's the bill, remember, that contains some of the same troublesome provisions as the House bills mentioned above. Sen. Larry Martin said there are a handful of senators (including himself, Luke Rankin, Brad Hutto, John Scott, and Shane Massey) who are meeting outside the Senate chambers to reach a "consensus" on the bill that could be presented to the body. "A bill we can all live with" is how Sen. Leatherman put it.

That means just *five* senators will be shaping the ethics debate in the Senate, and they'll be doing their work in secret. Larry Martin mentioned that if these few senators couldn't reach a consensus they would at least recommend a path forward for the Senate. ***This could be addressed as early as tomorrow when the Senate meets at 2 pm.***

Let me know if any of this is unclear. As usual, there is so much going on right now – and so much of it is going in the wrong direction!

Jamie Murguia

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