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[Veto of H. 4542, R. 329]

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State of South Carolina Office of the Governor

MARK SANFORD
GOVERNOR

POST OFFICE BOX 12267
COLUMBIA 29211

June 11, 2010

The Honorable Robert W. Harrell, Jr.
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 4542, R. 329, which seeks to clarify rules regarding when ethics investigations of all public officials, except legislators, may become public record and to clarify the authority of the legislative ethics committees regarding determinations of technical violations.

We're vetoing this bill on the grounds that what is good for the goose is good for the gander. We shouldn't have two ethics processes, one for legislators and another for everyone else in the state. Allowing this bill to become law would perpetuate this inequitable dual system.

Section 1 of this bill requires ethics investigations, inquiries, hearings and accompanying documents of all public officials, *except legislators*, to become public record after a finding of probable cause or dismissal rather than at the final disposition of the investigation. Section 8-13-540(1)(b) which relates only to ethics rules for legislative ethics committees states that "[a]ll ethics committee investigations and records relating to the preliminary investigation are confidential." This law was not amended, and continues to allow the entire record of the investigation of a legislator subject to an ethics complaint to remain confidential. But for the unfair exclusion of members of the General Assembly, I would *fully support* this effort to clarify ethics confidentiality rules. However, there is absolutely no reasonable justification for allowing ethics investigations of legislators to remain confidential, while every other public official subject to an ethics investigation must rightly follow more open and transparent ethics rules.

Section 2 of this bill clarifies and expands the authority of legislative ethics committees to determine whether errors on campaign reports are technical violations. I continue to believe that allowing legislators to police themselves, whether it is for technical errors or serious violations, presents obvious conflicts of interest. In 2008, I vetoed S. 1085 which sought to expand the enforcement powers of legislative ethics committees because I believe that the current system of legislative law enforcement is fundamentally flawed when it puts legislators in the awkward

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position of having to enforce ethics laws against fellow legislators and their own staff. I said then and I continue to believe now that even with the most objective and principled of ethics committee members, it is difficult to avoid the appearance of a biased and predisposed enforcement system in the eyes of the public, which I believe diminishes the integrity of the ethics process.

I would again urge the General Assembly to apply the same rules it has applied to the Executive Branch to itself and create a more fair, transparent and objective process for opening ethics investigations and enforcing ethics laws of its own members.

For these reasons, I am vetoing and returning without my approval H. 4542, R. 329.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark Sanford', written in a cursive style.

Mark Sanford

MS/ssp