



State of South Carolina

Office of the Governor

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May 28, 2008

The Honorable André Bauer
President of the Senate
State House, First Floor, East Wing
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am vetoing and returning without my approval S. 1085, R-285, which requires the House and Senate legislative ethics committees to handle ethics complaints and administer sanctions involving their respective legislative staff.

This bill extends the current process of legislators enforcing ethics laws against fellow legislators to legislative staff. I believe this bill, as well as the current system of legislative law enforcement, is fundamentally flawed because it puts legislators in the very awkward position of having to police themselves and their staff on potential violations of ethics laws. The founding fathers were deliberate about the separation of powers because, at minimum, they knew it was difficult to be hard on someone who could hold the keys to your advancement and, at maximum, they recognized the potential for abuse. This process could easily create potential conflicts of interest because ethics committee members, who are investigating alleged misconduct of legislators and staff, are also working with other members and their staff on a daily basis during the session. Even with the most objective and principled of ethics committee members, it is difficult to avoid an appearance of a biased and predisposed enforcement system in the eyes of the general public, which I believe diminishes the integrity of the ethics process.

The State Ethics Commission handles ethics complaints and administers sanctions against all public officials and employees, except legislators. With the passage of S. 1085, this world grows to include their staff. This Commission is an independent body and its members are protected from being removed at the discretion of any governor. The General Assembly's purpose for creating a layer of independence and protection around the State Ethics Commission was to prevent improper influence or interference by any public official, including the governor, in an ethics matter and to avoid an appearance of impropriety.

The Honorable André Bauer

Page Two

May 27, 2008

I believe the General Assembly should apply the same principles it has applied to the Executive Branch to itself and create a more objective process for enforcing ethics laws against legislators and their staff.

For these reasons, I am vetoing and returning without my approval S. 1085, R-285.

Sincerely,



Mark Sanford