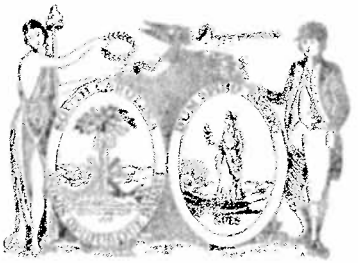
State of South Carolina
Executive Department

FILED

OCT 18 2012

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO. 2012-09

WHEREAS, having the highest levels of integrity and openness in government is the hallmark of a democratic government and the foundation for gaining the public's trust; and

WHEREAS, the General Assembly is poised to develop ethics reform legislation in the 2013 Legislative Session—an endeavor not attempted in over two decades—that will affect all state and local government for decades to come; and

WHEREAS, many groups, from public interest and citizens groups to public officials directly affected by ethics reform, including our Administration, the Attorney General and legislative committees, are studying and making recommendations to strengthen ethics and open records laws; and

WHEREAS, a comprehensive review and update of current ethics and open records laws by an independent, objective and bipartisan group of experienced individuals is a necessary component of the current ethics reform debate to achieve the public's trust in the development of ethics reform legislation.

NOW, THERFORE, I hereby establish the South Carolina Commission on Ethics Reform consisting of eleven members, eight members appointed by the Governor, and one member each to be appointed by the Attorney General, the Chairman of the Senate Ethics Committee and the Chairman of the House Ethics Committee. The Governor shall designate two co-chairmen. The commission members will have current or past experience with ethics and/or open records laws. The commission shall have the following duties and responsibilities:

1. **Mission**: To comprehensively review, update and strengthen state ethics and open records laws.

2. **Duties and Responsibilities**:

    a. The commission shall make recommendations to amend current ethics laws to include, *but not be limited to*:
        i. Enforcement of ethics laws by state and legislative bodies

ii. Income disclosure for public officials
iii. Conflict of interest rules for public officials
iv. Other rules of conduct of public officials
v. Lobbying rules and restrictions
vi. Campaign practices, to include how campaign funds can be spent
vii. Rules regarding state and private plane usage by public officials

b. The commission shall make recommendations to amend current open records laws to include, *but not be limited to*:
   i. Response times for open records requests
   ii. Costs charged for open records requests
   iii. Enforcement and appellate review of open records requests
   iv. Exemptions from public disclosure
   v. Scope of public body and public records definitions

c. The commission shall request and evaluate written recommendations from the public, to include citizens; public interest groups; state and local government agencies, officials, and employees; the State Ethics Commission; and the legislative ethics committees.

d. The commission shall conduct a minimum of two public hearings and may conduct more as necessary.

e. In making final recommendations, the commission must evaluate and consider all public testimony and written submissions.

f. The commission will designate staff and legal support. The State Ethics Commission staff is requested to provide technical support and attend all meetings.

3. **Recommendations:** Final written recommendations must be submitted to the Governor and members of the General Assembly no later than January 28, 2013. The commission shall present its recommendations to the appropriate committees of each body of the General Assembly.

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 18th DAY OF OCTOBER 2012.

NIKKI R. HALEY
Governor

ATTEST:

MARK HAMMOND
SECRETARY OF STATE