

## Progressive Network Education Fund 2017-2018 Democracy Project

### *Legislative and Litigation Summary*

**Background:** When it was just two years old, the SC Progressive Network Education Fund received a grant from the Piper Fund in 1998 to correct the problem of South Carolina being the only state to lack a system of electronic filing and posting of campaign finance reports. At the time, tracking campaign financing meant going to the State Ethics Commission, pulling paper records, and making notes of those files. It was prohibitively difficult for reporters – much less concerned citizens – to track money lawmakers were getting, and from whom.

With the grant money, we rented two copy machines and paid a team of students and retirees to copy four years of filings for the state's General Assembly and constitutional officers. It took 600 hours. The files were sent to the National Institute on Money in State Politics, where they were entered to create South Carolina's first online database of campaign contributions.

With that information, we researched, wrote and introduced the Clean Elections Act in 2000 to create a system for publicly financed elections in South Carolina. While the bill never had legislative traction, a survey the University of SC did that year indicated 68% of the voters supported the concept.

In 2001, the Democratic governor appointed a commission to study campaign finance reform and make recommendations. John Crangle, SCPNEF's current government affairs director, served on that commission as the director of Common Cause SC. Gov. Henry McMaster, then chair of the state Republican Party, along with the chair of the Democratic Party were on the commission. The SCPNEF's Executive Director Brett Bursey wrote the Clean Elections bill and sat in on the meetings. While the Democratic majority recommended public financing, the party chairs dismissed the idea. McMaster did say, however, that the only office he could see being publicly financed was the state attorney general.

In 2014, attorney general candidate Alan Wilson (Congressman Joe Wilson's son), had to refund \$42,500 in excess contributions. Former AG and gubernatorial candidate McMaster had to refund \$51,850. (see "[SC Governor and AG candidates collected excess campaign cash](#)", The State, 4/5/14).

Today, McMaster is serving as governor, assuming the top job after former Gov. Nikki Haley was appointed US ambassador to the United Nations. Wilson is the current AG. Both are expected to run for re-election in 2018. Both used Quinn and Associates to run their campaigns, important because the public relations and political consulting firm is at the center of a corruption investigation that threatens to bring down some of the state's most powerful players.

The major scandal offers an opportunity for a more serious discussion about campaign finance reform, and a renewed campaign to enact progressive legislation. (For more on the scandal, see "[Which lawmakers hired Richard Quinn](#)", Post and Courier, 3/19/17) To date, Speaker of the House Bobby Harrell, the House Majority Leader Jim Merrill, 33-year Senate veteran John Courson, and Rep. Rick Quinn have been indicted. The speaker was found guilty; the other cases are pending. Quinn's father, Richard Quinn, has owned and operated the state's most powerful political consulting firm since he ran Strom Thurmond's Senate campaigns. More indictments and expected by the special prosecutor, David Pascoe, the only Democratic solicitor of the 16 in the state. Pascoe was appointed by the Republican state Attorney General Alan Wilson, who has since failed in his efforts to fire Pascoe. *"Pascoe is sending the message that if I can take down John Courson, the least likely – the Boy Scout – I can take down anybody," said John Crangle, longtime Columbia watchdog and now government relations director for the South Carolina Progressive Network. From all appearances, Pascoe is going wide and deep with his investigation, drilling down into events and allegations that stretch back more than a decade.* (see "[Targets of Influence](#)" Post and Courier 3/19/17)

The SCPNEF's policy analysis is shaped into legislation and sponsored by our members in the SC Progressive Legislative Caucus, a nonprofit and nonpartisan organization now comprised of 7 legislators. The Caucus' chair is Rep. Gilda Cobb-Hunter, a founding member of the SCPNEF, a longtime SC Democratic National Committee representative, and sponsor of our bills. Caucus member Sen. Mike Fanning is a SCPN member who credits his 2016 victory to the help of our c-4 members who worked his campaign. Fanning is the Senate sponsor of these bills.

**We are working on four bills - three address campaign finance and corruption. One focuses on the lack of democratic representation that has 77% of SC voters with only one name on their general election ballot for their house and/or senate district. This gerrymandering breeds corruption through lack of competition. We currently have one piece of litigation in progress. All the legislation and litigation is designed and intended to leverage our nonpartisan education and agitation for sound public policies and a restoration of representative democracy.**

## **Legislation:**

**1. Special Election Restitution Act (S-533):** requires politicians removed from office because of a criminal conviction to pay for the special election to replace them. The bill was written by SCPN's new Director of Government Relations John Crangle and introduced 3/19/17 by the newly elected Sen. Mike Fanning. Our team has taken the lead on this effort, which is receiving surprising support among lawmakers (and strong support, not surprisingly, from the public.)

**2. A 10% transparency fee on all campaign contributions to fund a unit in the state Ethics Commission to audit and publicly post donations and expenditures.** Legislators have been very receptive to the idea that they would no longer have to keep their own books and that the across-the-board fee would keep candidates at the same comparative level of funding. The fee would also fund publicly financed candidates for the attorney general. The more than \$20 million raised by candidates in the last election cycle would provide more than \$2 million in funding.

**3. Public financing state attorney general candidates.** SCPN first introduced legislation for public financing in 2000, sponsored by the late lawmakers Sen. Clementa Pinckney and Rep. Joe Neal. The next year, Gov. Jim Hodges established a Blue Ribbon Commission on Campaign Financing. A majority of the commission voted for public financing for all offices, but McMaster said he could only support public financing for the state attorney general. Now that campaign finance scandals are erupting in the State House, we intend to remind the governor that the state's top cop shouldn't take money from parties he may have to prosecute.

**4. Independent Redistricting Commission Bill.** This is the state's only truly independent proposal to end political gerrymandering. Unlike other proposals on redistricting, ours requires a six-member commission - three appointed by the majority party and three by and the minority party - to pick a seventh member to serve as the commission's chair. Because the chair would be someone agreed upon by both parties, it would remove the weight of partisanship. Other bills calling for a redistricting commission send power back to the legislature, or governor, if the commission can't make a decision.

Support in the legislature for the Restitution Act and the transparency fee has been positive. Public financing of the AG's office will be a harder sell, but is not impossible - especially given the current political climate. Passing an independent redistricting bill is unrealistic, but we intend to gain ground organizing around both wins and losses. Few SC citizens realize that 77% of our 170 legislators are elected in the primary with the support of less than 9% of registered voters. The 125 legislators who won their seats with no general election opposition raised \$8.2 million. Not surprisingly, the legislators indicted for corruption are among those with lots of money and no competition.

SCPN has launched a [Democracy Project](#), a statewide grassroots civics education and engagement campaign. You can find a toolkit for activists at [scpronet.com](#). Our PowerPoint presentations can be retooled with data relevant to specific audiences, depending on their district or area of interest.

It is clear that reforming our democracy in South Carolina is a long-term proposition. It will require base building, leadership development, and a heavy dose of educating and agitating. In the words of Modjeska Simkins, "Ladies and gentlemen, this is no sitting down time." Let us take advantage of the opportunities this moment in history affords.

**5. Litigation: Crangle v. McMaster.** SCPN Government Relations Director John Crangle has filed a lawsuit in May, seeking to determine the governor's authority to appoint temporary replacements for legislators indicted for criminal offenses. The State Supreme Court has been asked to accept original jurisdiction of the case and is expected to rule by the end of July. Mr. Crangle's state senator was indicted on corruption charges in March. The SCPN executive director's state house representative was indicted in May and the former House majority leader from Charleston was indicted on 30 counts of ethic violations last December. These three seats remain vacant, as the governor is awaiting eventual conviction, or acquittal, on the charges. The lawsuit argues that Mr. Crangle, et. al. are deprived of representation and constituent services for the many months their representative is suspended.