



State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

Post Office Box 12267
COLUMBIA 29211

April 2, 2008

The Honorable André Bauer
President of the Senate
State House, 1st Floor East Wing
Columbia, South Carolina 29202

Dear Mr. President and Members of the Senate:

I am vetoing and returning without my approval S. 990, R-206.

This bill mandates that any person who wants to testify before the Judicial Merit Selection Commission must submit a written statement of their proposed testimony to the Commission at least two weeks prior to the hearing date.

While I appreciate the desire to allow for more time to investigate claims before a witness testifies, we believe this legislation is problematic on two fronts.

First, it has the potential to deny citizens their ability to testify about problems they have with judicial candidates, and a citizen's right to speak out against their elected officials is the most fundamental right of any democracy. Arguably, a citizen's right to testify against judicial candidates is, in some ways, even more important because judges make decisions that have significant personal impacts on our lives. Whether it is a criminal sentencing, a divorce hearing, or a civil action, judges routinely make decisions that have a direct impact on citizens. Given the long term nature of a judge's tenure, it seems to me that erring on the side of more information, rather than less, is important in the screening process.

Second, we believe that there are less restrictive actions that can be taken by the Commission if they do not think they have enough information to go forward with testimony on the scheduled hearing date. For example, in the event that the Commission does not believe they have enough information to fully discuss an allegation raised by a witness, the Commission has the capacity to postpone the hearing for two weeks – or however long it takes – to further investigate the claim. This action can be taken by the Commission without jeopardizing future generations' ability to speak at judicial hearings.

For these reasons, I am vetoing and returning without my approval S. 990, R-206.

Sincerely,

A handwritten signature in black ink, appearing to be "MS", written over a horizontal line.

Mark Sanford