

July 17, 2026

Re: Request for Advisory Opinion

South Carolina State Ethics Commission
201 Executive Center Drive, Suite 150
Columbia, SC 29210

Dear Ethics Commission:

We have reviewed Director Dyson's June 8, 2026, presentation to Beaufort County Council, as well as SEC AO2018-004 regarding the distinction between referendum information and advocacy. We find the principles outlined to be thoughtful, balanced, and consistent with the public's expectation that taxpayer-funded communications remain impartial.

We are concerned, however, that during the upcoming 2026 Beaufort County Sales Tax referendum, these principles may not be followed in practice. Based on Beaufort County's prior actions, we fear that taxpayer funds will once again be used to finance a sophisticated campaign of disguised advocacy rather than viewpoint neutral objective public education discussed in AO2018-004.

Addressing this issue only after campaign materials have been distributed would provide little practical remedy. Therefore, we respectfully request that the South Carolina State Ethics Commission issue an Advisory Opinion requiring Beaufort County to submit referendum-related educational materials for review before public release to ensure compliance with the standards distinguishing education from advocacy. At a minimum, such materials should present all significant risks and issues in a balanced manner to provide voters with full and fair disclosure.

Our concerns are based on specific facts.

Using an estimated¹ \$200,000 of public funds, Beaufort County has retained a professional public relations firm, NPS, to develop referendum "educational" materials. NPS performed a similar role during the County's 2018 sales tax referendum.

As shown in Figure 1, NPS's 2018 proposal presented its services in terms that clearly emphasized advocacy—for example, helping to achieve a "Vote YES" outcome. Figure 2 indicates that Beaufort County initially sought a marketing proposal but later changed the terminology from "marketing" to "education". While the terminology changed, the nature of the campaign remained the same. We consider this to be professionally disguised advocacy.

Figures 3 through 5 illustrate what followed: an extensive, taxpayer-funded communications campaign that, in our view, presented only one side of the referendum. Although the 2018 referendum ultimately passed, many voters later expressed disappointment that key anticipated objectives were not achieved. We believe this

¹ This is an estimate based on the following: A \$140,000 contract for Marketing Consulting Services by NP Strategy (also known as NPS +) was approved by Beaufort County Council on April 23, 2018 and signed by Josh Gruber, Interim County Administrator on April 27, 2018. This produced 2018 referendum materials, examples of which are documented in Figures 3 through 5. Recently, Beaufort County awarded a new contract to NPS for their 2026 referendum campaign. We have filed an FOIA request to determine the costs and details of the current contract.

illustrates the importance of ensuring that voters receive balanced information, including potential limitations, uncertainties, and risks—not simply the anticipated benefits as NPS and the County articulate.

Recently, a majority of the Beaufort County Council voted in favor of placing another sales tax referendum (2026) before voters, and has expressed strong council support for its passage.

When an enthusiastic governing body works with an experienced public relations firm funded by taxpayers, and there is a documented history of one-sided referendum communications, we believe there is a significant risk that educational materials could once again cross the line into disguised advocacy.

To help prevent this outcome, we respectfully request that the Ethics Commission issue an Advisory Opinion requiring Beaufort County to provide balanced coverage of both the potential benefits and the potential risks of the proposed referendum in all taxpayer-funded “educational” materials. We also request that a mechanism to oversee and enforce this fair balance be set up. This is consistent with the view in AO2018-004 that: *“public resources entrusted to the government belong equally to the proponents and opponents of any given proposal”*.

Just as pharmaceutical advertising includes disclosures regarding risks and limitations, referendum educational materials should include meaningful disclosure of significant issues and risks that voters should consider. An example of the type of information, adding appropriate balance, is shown in Attachment A-1.

Thank you for your consideration of this request and for your continued efforts to uphold the ethical standards governing the use of public resources in South Carolina.

Respectfully,

Concerned Citizens of Beaufort County, North and South

Diederik Advocaat
Mare Deckard

Steven Baer
Stephen Woodall

Richard Bisi

Filed by:

Steven M. Baer, Beaufort County Council 2007-2013

(As a Beaufort County taxpayer aggrieved that my tax funds will be used for biased advertising, in violation of section 8-131346(C), I understand that pursuant to South Carolina Ethics Commission rules I may request an Advisory Opinion.)

10 Heather Lane
Hilton Head Island, SC 29926
Email: baer@ieee.org
Cell: (732) 740-5447



Figure 1 - Sample NPS Marketing materials from NPS 2018 sales pitch to Beaufort County under RFP 030818 – “Marketing Consulting Services” – Obtained Via FOIA. This is clearly Advocacy.

Old Words

TIME SENSITIVE ITEMS POTENTIALLY COMING FORTH FROM APRIL 23, 2018 COMMITTEE MEETING FOR COUNCIL CONSIDERATION

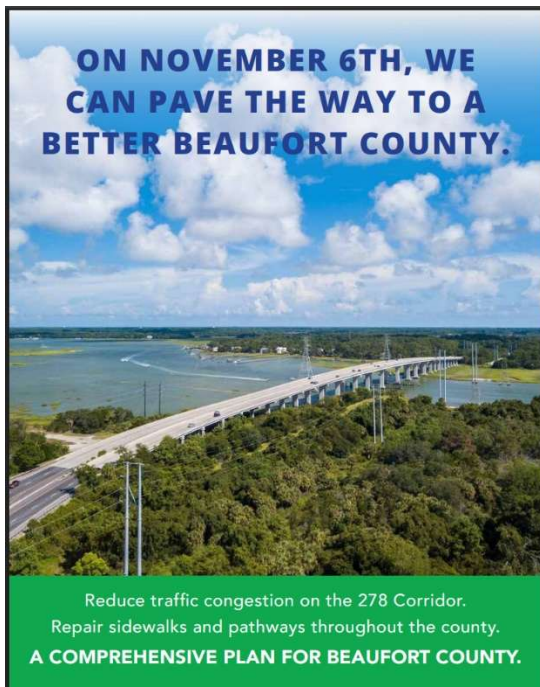
CONTRACT AWARD / MARKETING CONSULTING SERVICES

Discussion and recommendation to approve this contract award occurred at the April 23, 2018 meeting of the Public Facilities Committee.

Public Facilities Committee Chairman Stu Rodman stated this item received approval at the earlier meeting of the Public Facilities Committee. The Committee, at that time, also changed the title to “Referendum Education Consulting Services.”

New Words

Figure 2 - Extract from Beaufort County Council 2018 Minutes showing a change of the words: “Marketing Consulting Services” to “Referendum Education Consulting Services”. This was just a name change. There was no change in the scope of work. Beaufort county was clearly interested in buying Advocacy labeled as education. We fear this will happen again in the 2026 referendum.



Figures 3, 4 - Part of the 2018 “Information Campaign” (developed by NPS) sent out by Beaufort County, using taxpayer funds. Different mailers were prepared for each area of the County.

There is a very clear effort here to associate a YES vote on the 2018 referendum with reduced congestion and greater safety. No effort was made to include risks and issues, or equal access by the public. These mailers are clearly one-sided Advocacy labeled as Education.

Many of the goals promised in these 2018 advertisements were not achieved due to risks left out of the advertising. In 2026, we know these risks even more clearly, yet we fear that the County will leave them out once again.

**SAFER ROADS.
SHORTER COMMUTES.
NEW SIDEWALKS & PATHWAYS.
SOUND NICE?**



**BEAUFORT COUNTY IS GROWING,
BUT THAT DOESN'T MEAN OUR INFRASTRUCTURE HAS TO FALL BEHIND.**

Passage of the November Transportation Referendum could bring safer roads, shorter commutes and repaired sidewalks and pathways to Beaufort County.

If approved, the referendum would provide:

\$30 MILLION for Lady's Island Corridor Traffic Improvements including roadway traffic improvements between the Woods Memorial Bridge and the Chowan Creek Bridge.

\$10 MILLION for installation and repair of sidewalks and pathways at 24 locations within Beaufort County to provide safe walking routes to schools and improved access to residential communities.



KNOW THE FACTS:

- **SAFETY FIRST:** In 2016, Beaufort County had nearly 3,400 traffic accidents resulting in \$120 million in economic loss, 30 deaths and 1,500 injuries. If approved, the referendum will allow for needed safety improvements to Beaufort County roads that will decrease accidents, save money and save lives.
- **TOURISTS WILL PAY THEIR FAIR SHARE:** Half of the revenue generated by this referendum will be paid by tourists and commuters who live outside Beaufort County, but use our roads and bridges.
- **SHORTER COMMUTES:** The Lady's Island Corridor Traffic Improvements will shorten commutes and relieve traffic congestion.
- **4-YEAR LIMIT:** If approved, the revenue created by the referendum will automatically expire in 4 years and can only be renewed by a vote of the people.



SAFER ROADS. SHORTER COMMUTES. NEW SIDEWALKS.

ELECTION DAY IS NOVEMBER 6



www.facebook.com/beaufortcountysc
[@beaufortcountysc](https://www.instagram.com/beaufortcountysc)
[@bfcountysc](https://www.twitter.com/bfcountysc)

Paid for by Beaufort County

100 Beaufort Rd.
Beaufort, SC 29902

Figure 5 - Mailer paid for by Beaufort County, targeted to Lady's Island. Different mailers were prepared for each area of the County. There is questionable data in this mailer, such as the fact that half the revenue generated will be paid by tourists. In the past, the Chamber of Commerce has quoted a lower number. On 6/21/2026, the County Administrator and County Council were asked to verify this number. There has been no response yet. Also, there is an implication (in this Lady's Island targeted mailer) that voting for the referendum will result in safer roads, shorter commutes and new sidewalks. No effort was made to show the risks of this implication.

FULL DISCLOSURE

- **This is NOT a penny tax. It is a 16.7% increase in the sales tax rate from 6% to 7%**
- **The total cost of this sales tax is \$3900 per person.**
 - Past testimony by a Chamber of Commerce expert is that 40% will be paid by visitors
 - Beaufort County has not responded to a request to verify this number
 - If 60% is paid by taxpayers, the cost is \$2340 per person
- **Beaufort County has done no detailed planning on any of these projects. Without adequate planning, project costs, timing, appearance, and desirability may change.**
- **In the past, Beaufort County has assumed that referendum approval is voter project approval. Coupled with insufficient current details, the County may deliver future changed and undesirable concepts, without further approval.**
 - The Project list is very large (66 projects) and loosely defined
 - Details may be change after the referendum vote
 - Projects, and order of completion, could be changed by County Council after the vote
 - Projects could drop off the list if previous projects use up all available funds. This has happened in the past.
- **Premature funding will accumulate excess interest.**
 - The interest paid on the \$450 million bond will be roughly \$63 million
 - If increased to a \$780 million bond, the interest paid will be \$111 million
 - Interest payments flow to bond holders and do not pay for construction costs
- **Beaufort County Lacks a Strong Project Management Record.**
 - Only X% of 2018 referendum projects are complete
 - Some 2018 projects will take 12-14 years to complete
 - Some 2018 Projects had major scope creep, eventually pricing them out of reach
- **County Council Could Cut-off Citizen Input.**
 - The Citizens Oversight Team could be stacked and overruled
 - In 2020 and 2024, County Council cut-off citizen input on a 2018 referendum project
- **There are other ways for accomplishing these same project goals.**
 - Take smaller project bites, a few years at a time, with the most urgent projects first
 - Complete sufficient design to see what we are getting and its cost, before approval
 - Fund only when needed to avoid excess interest payments
 - Hire outside project management
 - Repeat with the next batch of projects