

1 S.240

2 Introduced by Senator Branagan

3 Referred to Committee on

4 Date:

5 Subject: Elections; candidate disclosures; Ethics Commission; Executive

6 officer and Ethics Commission disclosures; spouse and domestic

7 partner

8 Statement of purpose of bill as introduced: This bill proposes to eliminate the
9 requirement that candidates, Executive officers, and the Ethics Commission's
10 members and Executive Director disclose information regarding their spouses
11 or domestic partners in their disclosure forms.

12 An act relating to eliminating the information regarding spouses and
13 domestic partners from candidate and Ethics Commission disclosure forms

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 17 V.S.A. § 2414 is amended to read:

16 § 2414. CANDIDATES FOR STATE AND LEGISLATIVE OFFICE;

17 DISCLOSURE FORM

18 (a) Each candidate for State office, State Senator, or State Representative
19 shall file with the officer with whom consent of candidate forms are filed,
20 along with his or her consent, a disclosure form prepared by the State Ethics

1 Commission that contains the following information in regard to the previous
2 calendar year:

3 (1) Each source, but not amount, of personal income of the candidate
4 ~~and of his or her spouse or domestic partner, and of the candidate together with~~
5 ~~his or her spouse or domestic partner,~~ that totals more than \$5,000.00,
6 including any of the sources meeting that total described as follows:

7 (A) employment, including the employer or business name and
8 address and, if self-employed, a description of the nature of the self-
9 employment without needing to disclose any individual clients; and

10 (B) investments, described generally as “investment income.”

11 (2) Any board, commission, or other entity that is regulated by law or
12 that receives funding from the State on which the candidate served and the
13 candidate’s position on that entity.

14 (3) Any company of which the candidate ~~or his or her spouse or~~
15 ~~domestic partner, or the candidate together with his or her spouse or domestic~~
16 ~~partner,~~ owned more than 10 percent.

17 (4) Any lease or contract with the State held or entered into by:

18 (A) the candidate ~~or his or her spouse or domestic partner;~~ or

19 (B) a company of which the candidate ~~or his or her spouse or~~
20 ~~domestic partner, or the candidate together with his or her spouse or domestic~~
21 ~~partner,~~ owned more than 10 percent.

1 (b) ~~In addition, if a candidate's spouse or domestic partner is a lobbyist, the~~
2 ~~candidate shall disclose that fact and provide the name of his or her spouse or~~
3 ~~domestic partner and, if applicable, the name of his or her lobbying firm.~~

4 [Repealed.]

5 (c) In addition, each candidate for State office shall attach to the disclosure
6 form described in subsection (a) of this section a copy of his or her most recent
7 U.S. Individual Income Tax Return Form 1040; provided, however, that the
8 candidate may redact from that form the following information:

9 (1) the candidate's Social Security number and that of his or her spouse,
10 if applicable;

11 (2) the ~~names~~ name of any dependent and the dependent's Social
12 Security number; and

13 (3) the signature of the candidate and that of his or her spouse, if
14 applicable.

15 (d)(1) A senatorial district clerk or representative district clerk who
16 receives a disclosure form under this section shall forward a copy of the
17 disclosure to the Secretary of State within three business days of receiving it.

18 (2)(A) The Secretary of State shall post a copy of any disclosure forms
19 and tax returns he or she receives under this section on his or her official State
20 website.

1 (B) Prior to posting, the Secretary shall redact from a tax return the
2 information permitted to be redacted under subsection (c) of this section, if the
3 candidate fails to do so.

4 (e) ~~As used in this section:~~

5 (1) ~~“Domestic partner” means an individual with whom the candidate~~
6 ~~has an enduring domestic relationship of a spousal nature, as long as the~~
7 ~~candidate and the domestic partner:~~

8 ~~(A) have shared a residence for at least six consecutive months;~~

9 ~~(B) are at least 18 years of age;~~

10 ~~(C) are not married to or considered a domestic partner of another~~
11 ~~individual;~~

12 ~~(D) are not related by blood closer than would bar marriage under~~
13 ~~State law; and~~

14 ~~(E) have agreed between themselves to be responsible for each~~
15 ~~other’s welfare.~~

16 (2) ~~“Lobbyist” and “lobbying firm” shall have the same meanings as in~~
17 ~~2 V.S.A. § 261. [Repealed.]~~

1 Sec. 2. 3 V.S.A. § 1211 is amended to read:

2 § 1211. EXECUTIVE OFFICERS; BIENNIAL DISCLOSURE

3 (a) Biennially, each Executive officer shall file with the State Ethics
4 Commission a disclosure form that contains the following information in
5 regard to the previous calendar year:

6 (1) Each source, but not amount, of personal income of the officer ~~and~~
7 ~~of his or her spouse or domestic partner, and of the officer together with his or~~
8 ~~her spouse or domestic partner,~~ that totals more than \$5,000.00, including any
9 of the sources meeting that total described as follows:

10 (A) employment, including the employer or business name and
11 address and, if self-employed, a description of the nature of the self-
12 employment without needing to disclose any individual clients; and

13 (B) investments, described generally as “investment income.”

14 (2) Any board, commission, or other entity that is regulated by law or
15 that receives funding from the State on which the officer served and the
16 officer’s position on that entity.

17 (3) Any company of which the officer ~~or his or her spouse or domestic~~
18 ~~partner, or the officer together with his or her spouse or domestic partner,~~
19 owned more than 10 percent.

20 (4) Any lease or contract with the State held or entered into by:

21 (A) the officer ~~or his or her spouse or domestic partner,~~ or

1 (B) a company of which the officer ~~or his or her spouse or domestic~~
2 ~~partner, or the officer together with his or her spouse or domestic partner,~~
3 owned more than 10 percent.

4 (b) ~~In addition, if an Executive officer's spouse or domestic partner is a~~
5 ~~lobbyist, the officer shall disclose that fact and provide the name of his or her~~
6 ~~spouse or domestic partner and, if applicable, the name of his or her lobbying~~
7 ~~firm. [Repealed.]~~

8 (c)(1) An officer shall file his or her disclosure on or before January 15 of
9 the odd-numbered year or, if he or she is appointed after January 15, within
10 10 days after that appointment.

11 (2) An officer who filed this disclosure form as a candidate in
12 accordance with 17 V.S.A. § 2414 in the preceding year and whose disclosure
13 information has not changed since that filing may update that filing to indicate
14 that there has been no change.

15 (d) ~~As used in this section:~~

16 (1) ~~“Domestic partner” means an individual with whom the Executive~~
17 ~~officer has an enduring domestic relationship of a spousal nature, as long as the~~
18 ~~officer and the domestic partner:~~

19 ~~(A) have shared a residence for at least six consecutive months;~~

20 ~~(B) are at least 18 years of age;~~

1 ~~(C) are not married to or considered a domestic partner of another~~
2 ~~individual;~~

3 ~~(D) are not related by blood closer than would bar marriage under~~
4 ~~State law; and~~

5 ~~(E) have agreed between themselves to be responsible for each~~
6 ~~other's welfare.~~

7 ~~(2) "Lobbyist" and "lobbying firm" shall have the same meanings as in~~
8 ~~2 V.S.A. § 261. [Repealed.]~~

9 Sec. 3. TRANSITIONAL PROVISION; EXISTING DISCLOSURE FORMS

10 On the effective date of this act, if a disclosure form described in Sec. 1 or 2
11 of this act has already been prepared by the Executive Director of the Ethics
12 Commission in accordance with 3 V.S.A. § 1213 and that form contains the
13 references to a person's spouse or domestic partner required to be eliminated
14 by this act:

15 (1) the Executive Director shall revise the form to remove those
16 references as soon as reasonably possible;

17 (2) a person required to file such a form prior to the Executive
18 Director's revision of it under subdivision (1) of this section shall not be
19 required to complete the information regarding that person's spouse or
20 domestic partner; and

1 (3) a person who has already filed such a form with information
2 regarding his or her spouse or domestic partner in it may refile that form
3 without that information.

4 Sec. 4. EFFECTIVE DATE

5 This act shall take effect on passage.