



TO: Members of the House Committee on Government Operations
FROM: Chloé White, Policy Director, ACLU of Vermont
DATE: April 24, 2017
SUBJECT: S. 8 – An act relating to establishing the State Ethics Commission and standards of governmental ethical conduct (Draft No. 1.2)

The ACLU-VT would like to commend the committee on its careful and thorough consideration of S.8. The committee's dedication to ethics in government is commendable. There are, however, several changes that the committee has made to the original Senate-passed version that the ACLU-VT finds concerning.

First, at §1221(b)(1), the Senate version proposed that members of the Committee come from independent organizations. The committee has proposed that, instead, the governor appoint members of the Commission with the advice and consent of the Senate. We oppose this change, as we feel it weakens the independent nature of the Commission. Members of the Commission would potentially deal with complaints related to the governor's office. If these members were appointed by the governor, their independence would be called into question. We respectfully urge the committee to retain the Senate's provisions for the appointment of Commission members.

Next, at §1223(b)(1), the committee has proposed that complaints regarding violations of governmental conduct regulated by law, instead of investigating the complaint itself, the Ethics Commission would forward those complaints to the Attorney General and the relevant State's Attorney. This proposal renders the Commission nearly powerless, turning it into nothing more than a referral service. We respectfully urge the committee to reinstate the Commission's power to investigate potential violations of governmental conduct regulated by law.

Finally, at §2414, the committee has proposed eliminating the requirement that candidates for statewide office release their most recent tax return. We believe that retaining this provision is critical to ensuring Vermonters have all the information they need to make informed decisions at the ballot box regarding whether statewide candidates have conflicts of interest. Contrary to what some have expressed, requiring tax return disclosure would not discourage candidates from running. In an era of public distrust of candidates and politicians, it is of the utmost importance that Vermont candidates set a better example and live by stronger rules. We respectfully urge the committee to retain this provision.

In closing, the ACLU-VT thanks the committee for its work on this issue. The ACLU-VT looks forward to continuing to work with you..