



TO: Members of the House Committee on Government Operations
FROM: Jay Diaz, Staff Attorney, ACLU-VT
DATE: March 29, 2017
SUBJECT: S. 8 – An act relating to establishing the State Ethics Commission and standards of governmental ethical conduct

On behalf of the ACLU-VT, I come before you to voice our support for strong elected official disclosure requirements, the closing of the revolving door for elected and executive officials, and an effective and independent ethics commission.

The ACLU-VT and its more than 7,000 members statewide applaud the Senate Committee on Government Operations and the House Committee on Government Operations for prioritizing new ethics laws this session. The Senate-passed version of S. 8, is an important step in the right direction and we greatly appreciate the Senate's willingness to amend the legislation to allay many of our concerns. S. 8 will help improve the public's trust in Vermont's most important institutions. In order to strengthen the legislation even further, below we suggest a few minor changes to the legislation that will help ensure the public's faith in its elected government.

As many of you know, nationally, trust in government is at all-time lows.ⁱ Only 8% of Vermonters say that they completely trust the Vermont legislature to serve their interests.ⁱⁱ We currently have a president who has had questions about conflicts of interest swirling around him for over a year. Our state and local governments have had high profile situations where legitimate ethics questioned have been raised. These questions about elected officials' business dealings, financial holdings, income, and debts are valid questions to ask. The answers allow the public to make informed voting decisions and have faith that secret conflicts do not result in the corruption of our lawmaking process.

To adequately evaluate government actions, the public must know whether elected officials and executive officers have potential conflicts of interest. Recently, the ACLU filed Freedom of Information Act requests regarding the new President's potential conflicts of interests. This was a necessary step because the President has thus far refused to disclose information necessary to determine whether such conflicts exist.

To allay any similar concerns of Vermont's elected officials and executive officers, we urge you to move forward with S. 8.

We understand that some have questioned the need for legislated ethical and disclosure requirements, lamented that such disclosures will prevent many from running for elected office, or will be too costly. To that we must ask: **Can you put a price tag on the public's trust?**

In a representative democracy, we must say no. The ACLU-VT values our citizen legislature, but, as you all know, running for office comes with many burdens. Regardless, there can be no more important cost than that which ensures the public's faith in its government.

To be clear, ACLU-VT much prefers an S. 8 with more restrictive revolving door rules, broader disclosure requirements, and a stronger, better funded, and more independent ethics commission. But, we also agree that the current legislation could be a cornerstone upon which our state can build. Therefore, at this time, the ACLU-VT requests the following minor amendments be considered as the legislation is further reviewed:

New Section: Add findings and purpose of the bill to ensure intent is understood adequately.

Sec. 7 (32 V.S.A. § 1223):

Proposed (b)(2)(B) should include a time limit for the Commissioner of Human Resources to provide his or her decision as to the final disposition of a complaint referred to them from the Ethics Commission.

(b)(3)(B) should include a time limit for the State's Attorney or Attorney General to provide his or her decision as to whether to bring an enforcement action resulting from the complaint referred to them from the Ethics Commission.

Sec. 7 (32 V.S.A. § 1226):

Complaint Report should include the length of time it took for the Commissioner of Human Resources, Attorney General, or State's Attorney to make a decision upon the enforcement or disposition to each complaint referred from the Ethics Commission.

In closing, thank you to the committee for your work on this issue. The ACLU-VT looks forward to continuing to work with you on S. 8 and the creation of the most effective, and valuable ethics legislation for Vermont.

ⁱ <http://www.people-press.org/2015/11/23/1-trust-in-government-1958-2015/>

ⁱⁱ <http://digital.vpr.net/post/vpr-poll-overall-results-full-data#stream/0>