

Ethics Commission Comments – HGO - 03.29.2017
By Deputy Secretary of State Chris Winters

- **Thank you for the opportunity to testify and share with you my daily experience over the last two years as Deputy Secretary of State. In my role I often take calls and receive emails from concerned citizens or from state or municipal elected or appointed officials about open meetings, public records, and conflicts of interest.**
- **Much of what I hear is one-sided and is also representative of some of the worst behaviors across the state.**
- **I also want to emphasize what Secretary Condos just stated about our public officials – it is not as though corruption runs rampant through these Green Mountains. We are fortunate to have the dedicated employees and volunteers who serve their state and their towns. We work with them every day at the SoS and are impressed and thankful for their service.**
- **As you know all too well, these folks make a great personal sacrifice and give up their time to serve their communities and state. These are people who generally want to do the right thing.**
- **And what do the people want from their elected and appointed officials? They want to know they are getting a fair shake. That the decisions made are based on the merits, not based on who you know, or some other personal or financial bias.**
- **When our public servants do not pay attention to these conflict issues, it damages the reputation and integrity of the entire system.**
- **In our small, closely knit communities the potential for conflict can be even greater than in a big city or state. We all know each other and are connected in so many ways. What makes Vermont so special also presents a challenge when it comes to ethics and conflicts of interest.**
- **Corruption does exist in Vermont, and even well-meaning public officials can cross ethical lines when they aren't sure where the line is.**
- **The emphasis of an ethics commissions should be on setting clear standards and using education first, with a mechanism for independent enforcement only when necessary.**
- **We also believe that the ethics commission should not only have jurisdiction over state officials in the executive branch, but also have the authority to address the many**

issues we hear about on the local level regarding elected and appointed officials, including public record and open meeting violations.

- The SoS takes calls nearly every single day from concerned citizens who think they are not getting a fair shake from their state and local governments.
- Here are a few examples of the calls we get about local governments, loosely based on actual calls we receive:
 - The board chair who owns a construction company and seems to always be the lowest bidder on town projects
 - The paving project of the road where a board member lives and owns undeveloped lots
 - The cemetery commissioner who sold the used lawn mower to her brother-in-law
- In these examples, there may not even be actual bias or wrongdoing, but the appearance is there, undermining public trust.
- When we receive these calls, all we can do is refer these frustrated individuals back to their local boards.
- We can recommend they use the power of their vote at the next election, or tell them they can petition for a vote on a conflict of interest ordinance in their town. This is not what they want to hear to address their immediate concerns.
- The examples of local issues can also easily be applied statewide and to this body.
- We understand the separation of powers issue embodied in the Constitution. For the reasons outlined above, we hope you will consider enacting rules in the House and Senate similar to the standards set forth for the rest of government in this bill.
- We would also ask that you consider using the independent ethics commission to serve the Legislature by providing educational resources and contracting for enforcement services, leaving the final decision on any particular issue to this body.
- A need for a clear set of standards, increased education, and as a last resort, an enforcement mechanism are reasons why it is time for an ethics commission.
- The bill as passed the Senate is a great start to the conversation and we thank them for their work. It contains many of the components necessary for creating a clear set of rules for us to live by and be held accountable to.

- **Thank you for your work on this issue.**