



TO: Members of the Senate Committee on Government Operations
FROM: Jay Diaz, Staff Attorney, ACLU-VT
DATE: January 20, 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 to you on this auspicious day to voice our support for strong elected official disclosure requirements, the closing of the revolving door for elected and executive officials, and an effective ethics commission.

The ACLU-VT and its more than 3000 members statewide applaud this committee for prioritizing new ethics laws this session. The current version of S. 8, is an important step in the right direction. It will help improve the public's trust in Vermont's most important institutions. In order to strengthen the legislation even further, below we suggest potential changes 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 And, today a president was inaugurated who has had questions about conflicts of interest swirling around him for over a year. The 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 legislative process.

To adequately evaluate government actions, the public must know whether elected officials and executive officers have potential conflicts of interest. Today, the ACLU filed Freedom of Information Act requests regarding the new President's potential conflicts of interest. 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 costs. Regardless, there can be no more important cost than that which ensures public faith in government.

Of course, ACLU-VT much prefers an S. 8 with more restrictive revolving door rules, broader disclosure requirements, and a stronger ethics commission. Therefore, the ACLU-VT suggests the following minor amendments as the legislation moves forward:

Sec. 2 (3 V.S.A. § 267) – Executive Officers; Postemployment Restrictions

(a)(1) Executive officials, for one year after leaving office, shall not, for pecuniary gain, be **a lobbyist in this state.**

Sec. 3 (17 V.S.A. § 2414) – Candidates for State and Legislative Office; Disclosure Form

Generally, clarifying disclosure language to ensure that all sources of income must be disclosed, not only those described in the bill.

Sec. 7 (32 V.S.A. § 1223)

(b)(1)(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.

Advisory Opinions summary report should be required to include the Ethics Commission's conclusion as to an ethics issue, so as to create a body of precedent.

Sec. 7/9 – Department of Human Resources; State Code of Ethics Creation

The Department of Human Resources should be required to create its State Code of Ethics in consultation with the State 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 it.

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>