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Office of the Secretary of State**

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**Sarah Copeland Hanzas, Secretary of State  
S. Lauren Hibbert, Deputy Secretary**

**March 14, 2024**

**To: Hon. Michael McCarthy, Chair  
House Committee on Government Operations and Military Affairs**

**From: S. Lauren Hibbert, Deputy Secretary of State**

**Re: 24-0461 - An act relating to creating a uniform Municipal Code of Ethics**

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Thank you for the opportunity to file written testimony related to 24-0451- An act relating to creating a uniform Municipal Code of Ethics. The Secretary of State's Office supports the purposes of this bill. We know that clarity and uniformity of a municipal code of ethics will provide transparency for Vermonters.

**Sec. 1:** We support the repeal of 24 V.S.A. § 1984.

**Sec. 2:** We support the repeal of giving municipalities the ability to create a conflict-of-interest policy in favor of creating a state-wide policy.

**Sec 3:**

24 V.S.A. § 1991 (Definitions): We support the definitions as written in the bill. We would support the inclusion of school boards into this section of the law. However, we understand this is a policy decision at this moment of time. Our office does receive ethics questions related to school boards. Regarding the "municipal officer" definition, we suggest further defining "advisory body," as we anticipate that questions about the application will arise. For a point of reference, SGO's draft 5.4 of the OML bill defines this term.

24 V.S.A. § 1992 (Conflict of Interest): Our office supports the process outlined in this section related to conflicts of interest. The Committee might consider adding language confirming that an officer's written nonrecusal would not override any authority accorded other officials or bodies under other law to preclude that officer's participation in a matter.

24 V.S.A. § 1993 (Prohibited Conduct): Our office supports the provisions related to prohibited conduct.

24 V.S.A. § 1994 (Guidance and Advisory Opinions): We support the Ethics Commission's ability to provide guidance and opinions. We do note that a municipal office can only ask the Commission questions about their own personal conduct. It does not appear the Commission will be a resource on another's conduct whether that be in an informal manner or during the course of an investigation

conducted by the municipality. Additionally, it does not appear that a citizen can rely on the Commission for advice. Our office does receive questions from the public and from municipal officers on the conduct of another.

24 V.S.A. § 1995 (Ethics Training): We support the inclusion of ethics training and the method outlined in the bill for approving ethics training. We look forward to supporting the Ethics Commission concerning training related to the Open Meeting Law and the Public Records Act.

24 V.S.A. § 1996 (Enforcement and Remedies): We support this section; however, we foresee the possibility that municipalities will struggle to appropriately investigate complaints made about them. We recommend that training on an investigation of ethics complaints be included in 24 V.S.A. § 1995. Additionally, we are reading 24 V.S.A. § 1996(5) as requiring a record of complaints and dispositions that would be public. Assuming that is true we provide the following feedback. We recommend that the Committee determine if the complainant is public information. Additionally, it might be helpful to include a summary of the complaint in that section so the public could be made aware of the type of complaint being made.

24 V.S.A. § 1997 (Whistleblower Protection): We support the provisions of this section.

24 V.S.A. § 1998 (Supplemental Ethics Policies): We appreciate that this bill is creating a uniform and standard base ethics code. We also appreciate that municipalities can build on this foundation as is appropriate for their communities. We note that, as drafted, this bill repeals the town voters' ability to adopt conflict of interest ordinances. This bill gives any local decision-making power above and beyond State law to the local officials or bodies who may adopt policies. The enforceability of those policies is largely dependent on how the policy is drafted and policies are not as enforceable as an ordinance.

Sec 4: We support this section and reiterate our comments on 24 V.S.A. § 1995 and § 1996. We look forward to helping with training related to the Open Meeting Law and the Public Records Act. And, we recommend that training include content on investigation of complaints.

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