



Sam McGinty  
Democracy Advocate  
Vermont Public Interest Research Group  
[smcginty@vpirg.org](mailto:smcginty@vpirg.org)

March 12, 2024

To the Members of the House Committee on Government Operations and Military Affairs:

Thank you for inviting me today to speak on the ethics proposals the Committee has been grappling with this year. On behalf of VPIRG and our 40,000 members and supporters, I offer the following comments in support of both draft bills.

VPIRG has been deeply involved in matters of civic participation, government transparency, accountability, campaign finance, and ethics for decades. We appreciate the Committee's attention to these issues and your time focused on ethics this session.

### **State Code of Ethics**

As you may know, VPIRG was quite engaged in the process of establishing an ethics commission and a State Code of Ethics here in Vermont.

We believe a strong code of ethics is critically important in a functioning and thriving democracy. Ethics laws help ensure that the public is treated fairly and equitably. They can also provide guidance so that public officials are better able to avoid conflicts of interest or the appearance of a conflict.

We have, however, in more recent times raised concerns about the effectiveness of state actions taken on ethics. Fundamentally, we do not believe that the creation of a Code of Ethics or even the ethics commission is sufficient for any kind of "mission accomplished" celebration. For instance, as the ethics commission stands today, it lacks sufficient resources, investigative authority, and enforcement powers. Absent these key

features, it is our fear that the Ethics Commission may give Vermonters a false sense of security.

It is also VPIRG's position that the so-called Advisory Opinion process administered by the ethics commission be made open to the public once again. It is a flaw in the system when only a person facing an ethical quandary is allowed to seek guidance in the form of an Advisory Opinion from the Commission. It is taxpayers who cover the cost of the Ethics Commission. Members of the public should therefore not be excluded from even the possibility of raising a question that could be addressed in a general, and public way through an Advisory Opinion. I recognize that this may not be a change you are interested in taking up at this late date. That will not prevent us from offering overall support for the legislation.

With that said, the bill before the Committee makes meaningful steps towards addressing the concerns around resources, authority and enforcement. These improvements will make for a stronger ethics system that will better serve public officials and Vermonters.

### **Uniform Municipal Code of Ethics**

Regarding adopting a uniform Municipal Code of Ethics, we too have received complaints about municipal ethics conflicts from our members.

We support establishing this code and appreciate the balance the Committee has struck to adopt the realities of municipal government regarding employment restrictions and other concerns.

We believe passing a code of ethics would help extend the benefits of established ethics rules, improve the function of local government, and better serve Vermonters.

There has been some debate regarding whether to have a uniform code, and we support the belief that a uniform code would better serve Vermonters. We also support the idea that the Ethics Commission should take on the bulk of the responsibility for educating, tracking, and making recommendations on a case-by-case basis. Leaving too much of this to local officials could cause a substantial increase in workload that municipal governments may not be equipped to handle.

With the support of an independent entity such as the Ethics Commission, and coordination with the Secretary of States Office, local towns, Vermont League of Cities and Towns, and other interested stakeholders would provide a strong starting point for improving ethics at the local level.

It's not an overstatement to say we are living in a time in which the very fabric of our democracy is fraying across the country. Public confidence in institutions continues to decline, and there are threats to voter access, rampant disinformation, and much more. While Vermont is in a much better position with regard to these issues compared to other states, we are not immune. Strong ethics is a part of the equation for strengthening democracy and improving trust in our institutions. We appreciate the time the Committee has spent on ethics this session.