

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

H.1

An act relating to accepting and referring complaints by the State Ethics Commission

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 3 V.S.A. § 1223 is amended to read:

§ 1223. PROCEDURE FOR ACCEPTING AND REFERRING

COMPLAINTS

(a) Accepting complaints.

(1) On behalf of the Commission, the Executive Director shall accept complaints from any source regarding governmental ethics in any of the three branches of State government or of the State's campaign finance law set forth in 17 V.S.A. chapter 61.

(2) Complaints shall be in writing and shall include the identity of the complainant.

(b) Preliminary review by Executive Director. The Executive Director shall conduct a preliminary review of complaints made to the Commission in order to take action as set forth in this subsection and section 1223a of this title, which shall include referring complaints to all relevant entities, including the Commission itself.

* * *

(4) Legislative and Judicial Branches; attorneys.

1 (A) If the complaint is in regard to conduct committed by a State
2 Senator, the Executive Director shall refer the complaint to the Senate Ethics
3 Panel and shall request a report back from the Panel regarding the final
4 disposition of the complaint.

5 (B) If the complaint is in regard to conduct committed by a State
6 Representative, the Executive Director shall refer the complaint to the House
7 Ethics Panel and shall request a report back from the Panel regarding the final
8 disposition of the complaint.

9 (C) If the complaint is in regard to conduct committed by a judicial
10 officer, the Executive Director shall refer the complaint to the Judicial Conduct
11 Board and shall request a report back from the Board regarding the final
12 disposition of the complaint.

13 (D) If the complaint is in regard to an attorney employed by the State,
14 the Executive Director shall refer the complaint to the Professional
15 Responsibility Board and shall request a report back from the Board regarding
16 the final disposition of the complaint.

17 (E) If any of the complaints described in subdivisions (A)–(D) of this
18 subdivision (4) also allege that a crime has been committed, the Executive
19 Director shall also refer the complaint to the Attorney General and the State’s
20 Attorney of jurisdiction.

1 (5) Municipal Code of Ethics. If the complaint alleges a violation of the
2 Municipal Code of Ethics, the Executive Director shall refer the complaint to
3 the designated ethics liaison of the appropriate municipality.

4 * * *

5 (c) Consultation on unethical conduct.

6 (1) If the Executive Director refers a complaint under subsection (b) of
7 this section, the Executive Director shall signify any likely unethical conduct
8 described in the complaint. ~~Any entity receiving a referred complaint, except~~
9 ~~those in subdivision (b)(5) of this section, shall consult with the Commission~~
10 ~~regarding the application of the State Code of Ethics to facts presented in the~~
11 ~~complaint.~~

12 (A) For complaints referred under subdivision (b)(4) of this section,
13 the Executive Director shall specify the application of the State Code of Ethics
14 to facts presented in the complaint and include a recommended action.

15 (B) For all other complaints referred under subsection (b) of this
16 section, except those in subdivisions (b)(4) and (5) of this section, an entity
17 receiving a complaint shall consult with the Commission regarding the
18 application of the State Code of Ethics to facts presented in the complaint. The
19 consultation shall be in writing and occur within 60 days after ~~an~~ the entity
20 receives a the referred complaint and prior to the entity making a determination

1 on the complaint, meaning either closing a complaint without further
2 investigation or issuing findings following an investigation.

3 (2) Any advice the Commission provides during the consultation
4 process shall be confidential and nonbinding on the entity.

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect September 1, 2025 and shall supersede those
7 provisions of 2024 Acts and Resolves No. 171, Sec. 9 that amended 3 V.S.A.
8 § 1223 and that conflict with the language in this act.