

# ETHICS

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A JOURNEY IN VERMONT



*CFV is a nonprofit, nonpartisan advocacy organization comprised of over 20,000 Vermonters and dedicated to the vision of a more prosperous Vermont and growing middle class. We seek to accomplish these goals by reconnecting Vermonters to their government and advocating for more transparent and accountable policymaking.*

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**FOR VERMONT**  
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# A BRIEF HISTORY

CFV has been part of ethics reform since the beginning. Our 2015 position paper entitled “Achieving Accountability” highlighted failing grades for ethics from the State Integrity Investigation and the Sunlight Foundation due to lack of ethics rules, oversight, or enforcement. That was just the start...

2013: [Achieving Accountability](#) paper released.

2016: Coalition formed with ACLU, VPIRG, LWV, others

2022: [Act 102](#) created Statewide Code of Ethics

2015: Petition drive gathers 500 signatures in 2 weeks

2017: [Act 79](#) passed, creating Ethics Commission

2024: [Act 171](#) expanded oversight, added municipalities

# PHASE I: PUBLIC ENGAGEMENT & COALITION BUILDING

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In 2015 we launched a petition that collected 500 signatures in two weeks. Including many from lawmakers themselves. We spent the next year building a coalition with the Vermont branch of the ACLU, VPIRG, the League of Women Voters, and the Secretary of State to support the passage of legislation to create a framework for ethics in Vermont.



# PHASE II: PUBLIC ENGAGEMENT & COALITION BUILDING

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In 2017 The coalition worked with Senators Pollina and White to introduce [S.8](#) (Act 79), which passed by the Senate and House and was signed into law by Governor Scott on June 14, 2017; creating the Ethics Commission and laying the groundwork for statewide ethics reform.

This work was [recognized](#) by the Center for Public Integrity as an important step forward in moving out of our dead-last ethics ranking.





# PHASE III: EXPANDING SCOPE

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After the Ethics Commission got their feet under them. We supported their effort to introduce [S.171](#) (Act 102), which continued our work from 2017 in creating a common set of expectations surrounding the conduct of public officials. At the time, we were [one of only five](#) states with no statutory code of ethics. The bill was signed into law on May 3, 2022.

In 2024 we again, [supported the expansion](#) of the Ethics Commission responsibilities in [Act 171](#). This bill expanded on the concept of a uniform set of basic expectations for the conduct of public officials regardless of the level or branch of government. It also allowed for more oversight of how the ethics code is applied across the state to ensure consistency and understanding from various enforcement bodies.

# TODAY:

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Coalition for Integrity still ranks Vermont in the bottom ten for anti-corruption measures, citing that the oversight authority (Ethics Commission) has “limited or no power.”

Vermont’s roll out of a statewide ethics framework can be described as a “go-slow” strategy to incrementally move towards the ethics protections and oversight that most other states enjoy. We have supported this strategy with the understanding that progress should be manageable and build confidence with all stakeholders as the framework progresses.

The Ethics Commission is now quite mature, albeit under-resourced, and has enough experience and knowledge to handle more responsibility and a broader scope of practice.

# OUR GOALS:

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- Build confidence in the ethics framework and in our government institutions in general.
- Maintaining the independence of the Ethics Commission.
- Increasing the investigation and oversight authority of the Commission.
- Ensure the Commission has the resources they need to be effective.

# GOAL: BUILD CONFIDENCE.

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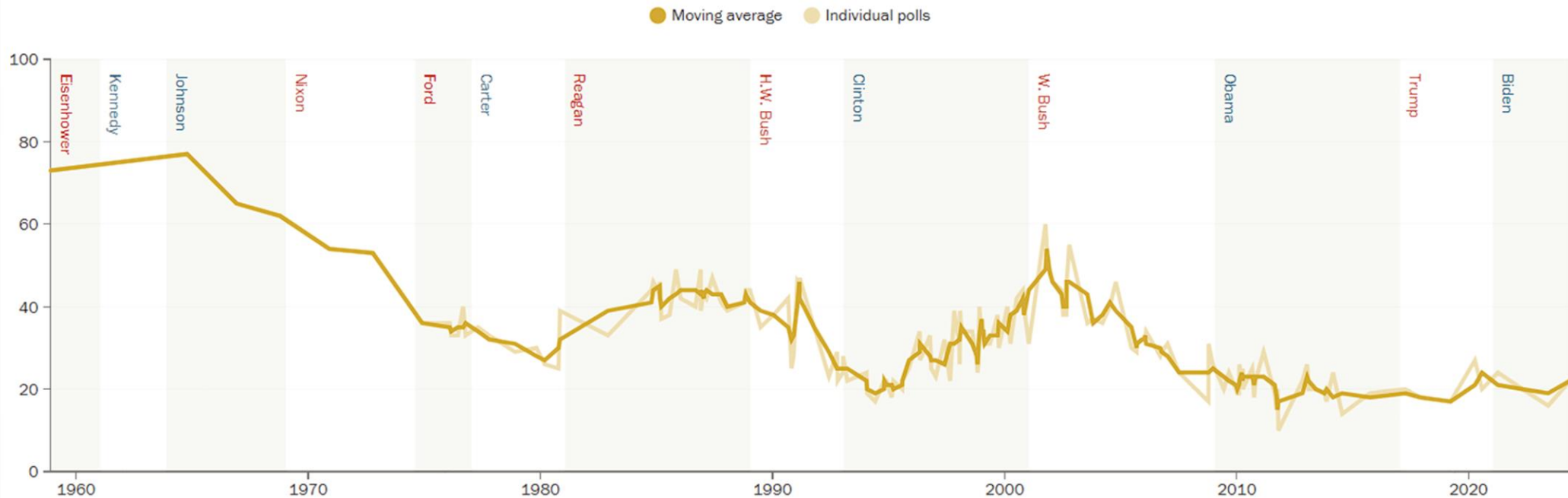
- We believe in effective state and local governments and their ability to accomplish great things for Vermonters.
- We believe that transparency and accountability are key ingredients in fostering effective governments.
- We believe that effective ethics laws with meaningful and independent enforcement mechanisms are a key way to increase confidence in state & local governments and ensure that public officials are focused on what Vermonters need from them.



# PUBLIC CONFIDENCE IN GOVERNMENT INSTITUTIONS IS AT ONE OF ITS LOWEST POINTS IN OUR HISTORY.

## Public trust in government near historic lows

% who say they trust the government to do what is right just about always/most of the time



Sources: Pew Research Center, National Election Studies, Gallup, ABC/Washington Post, CBS/New York Times, and CNN surveys.

PEW RESEARCH CENTER

# MAINTAINING THE INDEPENDENCE OF THE ETHICS COMMISSION.

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- The structure of the Commission may need to evolve as its responsibilities grow, but it was intentionally structured from the start to prevent any branch of government or political interest from gaining control of it.
- It is very important to maintain this level of independence to prevent the politicization of the Commission.
- This independence, by its nature, lends credibility to the Commission and any ethics processes it oversees. The prospect of legislators, judges, and others "policing themselves" does not instill public faith that ethics complaints are dealt with appropriately.

# INCREASING THE INVESTIGATION AND OVERSIGHT AUTHORITY OF THE COMMISSION.

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- By our count, 43 other states have given their ethics commissions full enforcement authority (far beyond what Vermont has done so far). We should continue progress towards this goal.
- Legislatures across the country have traded some level of control over ethics in order to increase public confidence in the processes itself, despite having similar separation of powers provisions in their constitutions.
- Why? Because independent oversight, which the public at large can trust, creates a safety blanket for public officials who are acting in good faith. In other words, the independent nature of the Ethics Commission lends itself to public credibility.

# H.I – A STEP BACKWARDS

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- Seeking advice and consultation from the Ethics Commission is the BARE MINIMUM in terms of ethics oversight.
- Reduces transparency and accountability around ethics complaints.
- Will lead to inequity in how the statewide code of ethics is applied.
- Vermonters expect a basic set of standards for the conduct of public officials, regardless of which branch they serve in.
- We should be increasing ethics oversight, not retreating from it.



# H.I – CONSTITUTIONAL ISSUES

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- Every legal, ethics, and constitutional expert who is not employed by the Legislature agrees that **the consultation requirement in Act 171 does not create a separation of powers issue.**
- Further, there is broad consensus that even full oversight and enforcement powers by the Ethics Commission, over activities that are not part of that branch's core functions, also do not run afoul of the separation of powers doctrine.
  - Note: enforcement powers would not include removal from office or censorship for any of the three branches. These actions are clearly under the purview of each branch. Most commissions enforcement powers are limited to issuing public findings and leveling fines.

# H.I – JUDICIAL ISSUES

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- There appears to be confusion around the interplay between the professional oversight of specific occupations and the statewide code of ethics.
- The code of ethics covers all elected and appointed persons in their capacity as a public official, regardless of their occupation.
  - Note: there are doctors, lawyers, investment managers, and others professionally regulated in all 3 branches of government. Some overlap in jurisdiction between professional conduct boards and the Ethics Commission is expected and manageable (e.g. state vs federal law).
- Part of the pushback from the Judicial branch, in our view, is because some of these professional conduct boards are essentially being asked to enforce the statewide code of ethics. That is not their core responsibility, their role is to evaluate if the rules of professional responsibility have been violated. This mismatch has caused confusion.

# H.I – JUDICIAL ISSUES (CONTINUED)

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- There are some legitimate concern about the oversight of judges specifically. Because their roles as public servants are so highly specialized and inseparable from their professional conduct some exemptions may be justified here in terms of who the oversight authority is. Lawyers, however, do not meet this high bar.
- It's important to recognize that not all persons in the judicial branch are judges and not all persons in the legislative branch are legislators. Where would concerns about the conduct of these persons be sent if not the Ethics Commission?
- If the goal is to alleviate confusion around overlapping jurisdictions, the cleanest thing to do is give the Ethics Commission full responsibility for oversight and enforcement of the statewide code of ethics; creating clear lines of jurisdiction.

# CONCLUSIONS

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The Ethics Commission and independent oversight in general should be a safety net for both lawmakers and the public. It's an independent voice that can build public confidence and also protect lawmakers from false and meritless accusations.

H.I, as passed by the House, takes us backward not forward.

According to [NCSL](#), nearly every other state has figured this out. So can we. We look forward to continuing our work with you to strengthen the ethics framework in Vermont.



**Ben Kinsley**  
Executive Director  
Campaign for Vermont



WE CAN

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HAVE A TRANSPARENT,  
ACCOUNTABLE, AND  
EFFECTIVE GOVERNMENT  
THAT WORKS FOR  
VERMONTERS



**REACH OUT**

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