



Vermont State Ethics Commission

May 12, 2026

Dear Committee on Senate Government Operations:

Thank you for the opportunity to testify today on S. 298. As you may know, I am currently on a Leave of Absence as Executive Director of the Vermont State Ethics Commission. However, I felt it was important to reach out regarding the proposed changes to the current candidate financial disclosure process.

S. 298, in its current form, would - for the first time - ask the Ethics Commission to play a role in election law. This is unwise for several reasons. We are not staffed or trained in elections, nor do we have any jurisdiction over candidates. The SoS is the expert in candidates. We are tasked with providing ethics advice and training for existing state public servants.

In the context of our existing work, our two half-time employees are already overwhelmed. In relation to new candidate financial disclosure responsibilities, the most we would be able to do is post the form,¹ but nothing more, including answering candidate questions. I want to emphasize that point so it is understood what the Commission can and cannot do from a staffing perspective.

In addition to our staffing issues, I'd like to address a few additional points that I think need clarification.

In particular:

1. The 2024 statutory language change that saw the Ethics Commission go from being responsible for "preparing" to the candidate financial disclosure form to "creating and maintaining" the form was not intended to change any candidate financial disclosure responsibilities for either the Ethics Commission or the Office of the Secretary of State.

I have heard it suggested that the 2024 language change was intended to give the Commission more responsibilities over the candidate disclosure form. I am not sure where this idea came from, however, I would like to make it clear that the Ethics Commission itself asked for this new language with the understanding that "create" means to "draft" and "maintain" means to update the form when a change in statute requires a change to the form. There was no intent to change the financial disclosure responsibilities for either office, only to confirm that the Ethics

¹ Until this gets resolved, we have proposed that both the Secretary of State's Office and the Ethics Commission jointly post the form prepared by the Ethics Commission, and we can engage in discussions at a future date regarding which entity should take full responsibility for the form.

Commission's responsibilities were limited to drafting the base disclosure form, which is used by both candidates and Executive Officers.

The Commission asked for this change because we wanted it to be clear that we are not responsible for answering candidate questions. We are not comfortable with having a role in the elections process, as neither candidates nor elections fall under our jurisdiction. If I recall correctly, this Committee agreed that the Ethics Commission should not be involved in the elections process and for that reason agreed to change the statutory language.

2. There are multiple practical and policy reasons for why candidate financial disclosures have been distributed by the Secretary of State's Office to date, and why it should remain that way.

- a. The Ethics Commission doesn't have the staff to carry out its existing responsibilities, much less take on new ones. Being required to handle a part of the elections process takes us away from our core mission of providing ethics advice and training - a mission we already cannot completely fulfill due to lack of staffing. Candidates themselves will suffer if these new responsibilities are assigned to us, just as municipalities are bearing the consequences of our lack of staffing when it comes to municipal ethics.
- b. In researching how disclosure forms are handled in other New England states, the entity that has jurisdiction over campaign finance disclosures also handles candidate financial disclosures. In Vermont, this is the Secretary of State's Office. This makes sense, as candidates have a "one stop shop" for all financial disclosure issues.
- c. The Commission should not have role in the elections process, which is properly with the Secretary of State. Our lack of comfort in answering candidate questions, which in this context often directly relate to the qualifications to run for office, is what lead us to request the language change in 2024 (at that time, staffing was not the primary issue).
- d. We have not heard any complaints or concerns about the current method of distributing the candidate financial disclosure forms, which appears to have worked well for the past eight years. Why change it now? I have attached a sample of document demonstrating the method by which candidate financial disclosures have been distributed to candidates to date (i.e., as part of the candidate filing package). This is the ideal way to do distribute the form because the disclosure is distributed only to those who need to file. To distribute it any other way only creates more questions for filers (which means more questions that someone has to answer).

3. The concept of conflict of interest is being incorrectly applied to this situation.

The Ethics Commission is the state-designated body with expertise on conflicts of interest. We have heard it suggested that the Secretary of State's Office could have a conflict of interest in handling candidate disclosures because the Secretary of State is an elected official. However, this is not a recognizable definition of conflict of interest, certainly it is not a statutory one. Adopting this definition of conflict of interest, one where non-partisan state employees working for an

agency headed by an elected official are imputed with the perception of political bias in carrying out routine activities and calling it a conflict of interest has wider implications across government. For example, will someone tell the State Auditor's office it needs to cease its audits? Who will handle campaign finance issues moving forward? If the Secretary of State's Office can't handle candidate financial disclosures due to a "conflict of interest", the same reasoning applies to campaign finance issues. Will the Ethics Commission take over this work as well? These are but two examples.

Summary

In sum, for both practical and policy reasons, it doesn't make sense to change how candidate financial disclosures have been handled for the past eight years. It also goes against the agreement the legislature and the Commission had just two years ago as to what the Commission's role should be in relation to candidate disclosures.

Furthermore, if changes are made to the current process under the theory that the Secretary of State has a conflict of interest related to handling the forms, it will be a wholly new definition of conflict of interest, one in which the potential perception of political bias is attached to an agency head, called a conflict of interest, and then imputed to all non-partisan public servants serving underneath that person as they carry out routine government work.

The Ethics Commission recommends that, for now, both the Secretary of State's Office and the Ethics Commission jointly post the financial disclosure form created by the Ethics Commission and then discuss this issue further next year, when there is more time to analyze the issues to the extent that they deserve.

Best regards,

Christina Sivret
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