

POLICY CONSIDERATIONS FOR ETHICS REFORM

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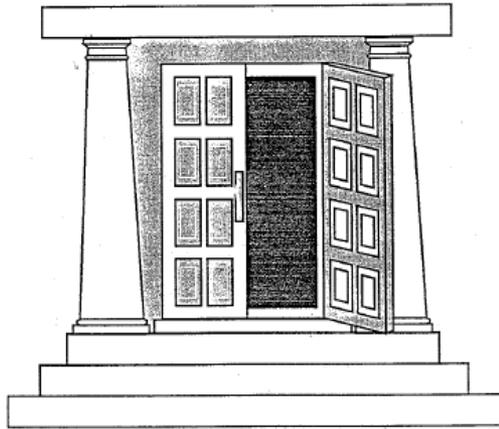
OUTLINE

1. Past Ethics Commissions and Subcommittees
2. Gifts and Loans
3. Oversight and Enforcement
4. Conflicts of Interest
5. Disclosure Requirements
6. Post-Public Service Restrictions
7. Redistricting Reform

PAST COMMISSIONS AND SUBCOMMITTEES

THE WILDER COMMISSION ON GOVERNMENT ACCOUNTABILITY AND ETHICS (1992)

PUBLIC SERVICE, PUBLIC TRUST



Governor's Commission
on Campaign Finance Reform,
Government Accountability, and Ethics

December 1992

- *Public Service, Public Trust* contains 37 recommendations related to campaign finance, lobbying, ethics, and government accountability.
- Then, a 1994 Joint Subcommittee examined the recommendations and endorsed, modified, or rejected them.

OTHER COMMISSIONS AND SUBCOMMITTEES

- 2003 Joint Subcommittee on the State and Local Government Conflict of Interest Act.
- 2006 Joint Subcommittee on Disclosure Filings.
- 2011 Independent Bipartisan Advisory Redistricting Commission.

PAST PROPOSALS AND BEST PRACTICES

GIFTS AND LOANS—PAST PROPOSALS

- \$100 cap for tangible and intangible gifts. (McAuliffe EO #2)
- Rules regarding travel, lodging, and attendance at conferences. (Various Proposals)
- Increased disclosure on sources of loans and if they were made to spouses.



GIFTS AND LOANS—OTHER STATES

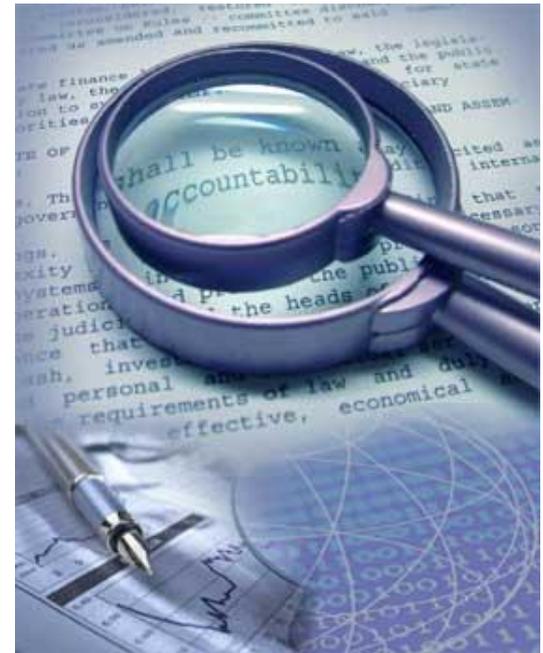
- Gifts over \$100 are banned. (North Carolina)
- For travel and lodging over \$500, need a waiver from the Ethics Commission. (Maryland)
- Loan bans apply to the “spouse...dependent child, or business associate of the person, or any business by which the person is employed or which the person represents.” (Rhode Island)

GIFTS AND LOANS—BEST PRACTICES

- Extend restrictions to immediate family members, close friends, and business associates who may have interests in state government action.
- Provide exemptions for travel related to official duties and economic development.
- **HOWEVER:** instead of creating a long list of exemptions to the rules, use waivers to handle unique cases.

ETHICS OVERSIGHT AND ENFORCEMENT— PAST PROPOSALS

- An Ethics Review Commission/
Independent Ethics Commission
(Lt. Gov. Bill Bolling)
- Creation of a Committee of Standards of
Conduct (Del. Lingamfelter)
- Creation of a Virginia Code of Ethics
(Gov. Warner)
- Virginia Conflict of Interest and Ethics
Advisory Council
(2014 General Assembly)



ETHICS OVERSIGHT AND ENFORCEMENT— OTHER STATES

- An independent, nonpartisan Ethics Commission that oversees both the executive and legislative branch. (North Carolina)
- Maryland's State Ethics Commission oversees public employees and the executive branch, while the Legislative Ethics Commission oversees the legislature. The latter made up of 6 Senators and 6 Delegates, split evenly between both parties.

ETHICS OVERSIGHT AND ENFORCEMENT— BEST PRACTICES

- Wherever you place the commission, give it broad powers to receive complaints, investigate claims, and conduct public hearings.
- Allow the Commission to issue civil penalties, refer cases to the Attorney General, and issue advisory opinions.
- Give the Commission oversight of board and commission members.
- Give the public access to filings whenever possible.

CONFLICTS OF INTEREST—PAST PROPOSALS

- Expand definition of personal interest. (2003 Joint Subcommittee)
- Expand definition to more fully include members sitting on a board or commission. (Various proposals)
- Restrict employment and compensation for legislators whose work for state and local governments may create a conflict of interest. (Various Proposals)



CONFLICTS OF INTEREST—OTHER STATES

- Board members not allowed to participate if there is a personal interest. (Maryland and Ohio)
- *Appearance* of a conflict of interest is also a violation of ethics law. (Montana)

CONFLICTS OF INTEREST—BEST PRACTICES

- Extend personal interest definitions to more fully include family members and business associates.
- Allow an independent ethics commission to offer advisory opinions and investigate claims of conflicts of interest, including conflicts at boards and commissions.

DISCLOSURE—PAST PROPOSALS

- Add additional types of compensation and assets to be disclosed, increased specificity of assets/debts.
(2006 Joint Subcommittee)
- Increase how often statements of economic interest must be made.
(2014 law)
- Establish a searchable database of statements of economic interest.
(Sen. Ebbin)
- Travel or trip expenses over \$500 must be disclosed with 14 days.
(Del. Englin)

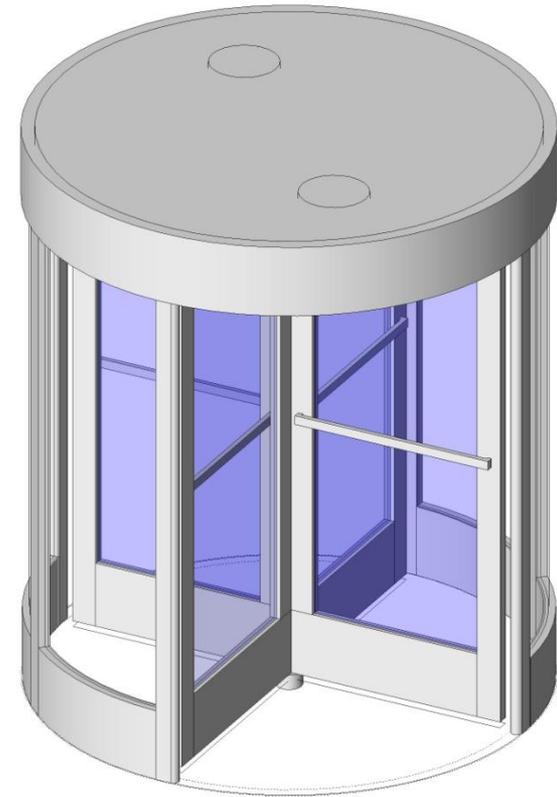


DISCLOSURE—OTHER STATES AND BEST PRACTICES

- Allow the Ethics Commission or the Secretary of the Commonwealth to develop format of disclosure forms. (Maryland and Pennsylvania)
- When technologically feasible, require filings within 30 days of receipt of gifts or travel.

POST-PUBLIC SERVICE RESTRICTIONS— PAST PROPOSALS

- Extend the one-year lobbying ban to two-years. (Del. Purkey)
- Additional restrictions on which offices legislators and former employees can lobby. (Various proposals)



POST-PUBLIC SERVICE RESTRICTIONS—OTHER STATES

- Two-year ban, but legislators can lobby executive branch. (Kentucky)
- One-year ban, legislators cannot lobby at all. (New Jersey)
- Restrictions based on if you resign during your term. (Maryland)

POST-PUBLIC SERVICE RESTRICTIONS—BEST PRACTICES

- Expand lobbying ban to include all legislative and executive branch proceedings.
- Make bans tighter if a member leaves during his or her term or during session.

REDISTRICTING REFORM—PAST PROPOSALS

- The 2011 advisory redistricting commission.
- Establishment of an independent, nonpartisan commission. (Various Proposals)
- Various compositions based on who appoints the commission members and their qualifications (Supreme Court, General Assembly, Governor)
- Commission given final authority (no Governor's veto or action by General Assembly)

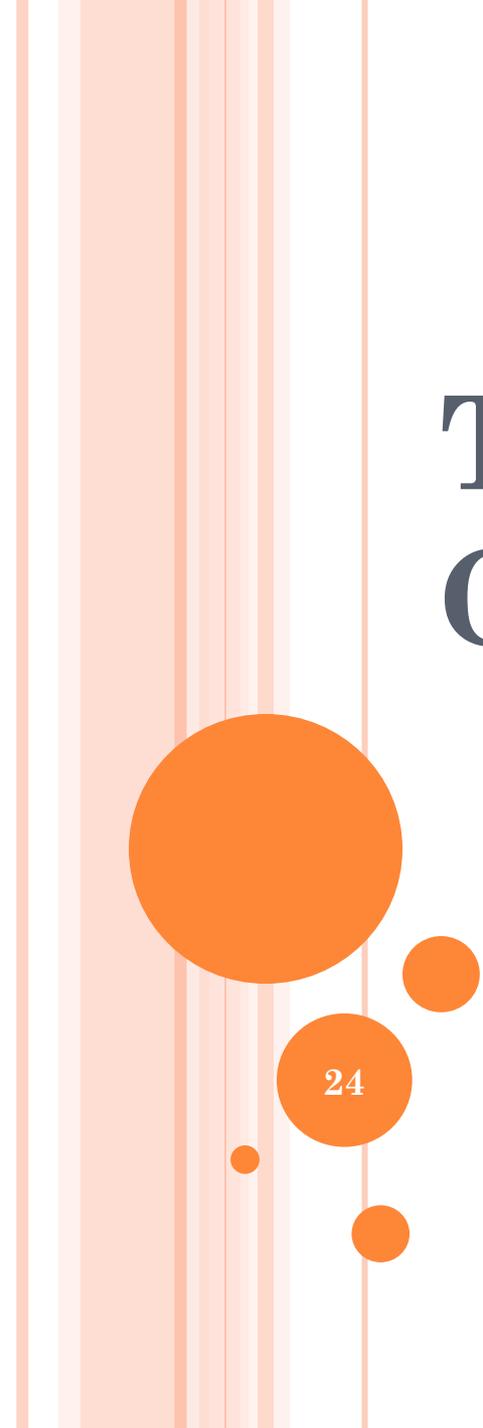


REDISTRICTING REFORM—OTHER STATES

- The chairpersons of both major parties each select five persons to serve on the commission. If a plan is not in place, the State Supreme Court selects an eleventh member. (New Jersey)
- Citizen's commission follows redistricting principles in ranked order of importance in drawing up maps. (California)
- Governor introduces a map, and the legislature has 45 days to act and replace it with its own plan. (Maryland)

REDISTRICTING REFORM—BEST PRACTICES

- Create a ranked list of redistricting principles (such as compactness or community integrity) that maps must adhere to.
- Use compactness ratios to prevent excessive gerrymandering.
- Consider allowing the Virginia Supreme Court or another disinterested body to appoint members of the commission.



THANK YOU AND GOOD LUCK!

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Happy to answer any questions you might have:
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