



**Testimony by Dale Eisman,
Acting Director of Communications at Common Cause
for
Governor's Commission on Integrity and Public Confidence in State Government
November 2014**

Dear Representative Boucher and Lt. Governor Bolling:

On behalf of Common Cause, I greatly appreciate this opportunity to share our views on subjects before the Governor's Commission on Integrity and Public Confidence in State Government. Common Cause is a national, non-partisan organization with 400,000 members and supporters and 35 state chapters working to strengthen our democracy by making government more accountable and responsive to all Americans. I'm a 41-year Virginia resident, now living in Springfield; we have hundreds of supporters throughout Virginia, and more than 100 of them have signed the attached petition calling on the Commission to make strong recommendations to Governor McAuliffe and the legislature.

Common Cause has led the fight for key ethics and accountability reforms in states around the country. As you prepare your interim report, we encourage this Commission to make strong recommendations on these topics:

Independent ethics commission with oversight and enforcement powers.

As you know, Virginia is one of only a handful of states without an independent ethics commission for its executive, judicial, and legislative branches. Without an ethics commission, oversight of state employees and public officials, and their compliance with ethics laws, can easily be ignored. We believe creation of a Virginia Ethics Commission is vital to restoring confidence in our state government.

State ethics commissions have enumerated responsibilities, including adopting ethics rules,¹ providing ethics trainings and advisory opinions for public officials and state employees,²

¹ i.e. New Jersey and Oklahoma

² i.e. Kentucky and Massachusetts

investigating ethics complaints and adjudicating penalties,³ receiving financial disclosures and lobbyist reporting statements, and placing these reports online in a searchable database.⁴ An ethics commission in Virginia could be assigned many of these tasks and given the necessary tools, such as subpoena power, staff, and resources, to complete them.

Several criteria are important for a successful ethics commission in Virginia. Many ethics commissions prohibit membership by state legislators, candidates, political party officials, lobbyists, and other public officials.⁵ Certain ethics commissions mandate that their members refrain from political activities and endorsements of candidates regulated by the commission⁶ and that these members file financial disclosure forms to reveal any potential conflicts of interest.⁷ Commission members may be appointed by the governor or legislative leaders. Most state ethics commissions have an odd number of members with an even number chosen from both parties (in some cases), who then must collectively choose a commission chair.⁸ You may wish to consider recommending that the final commission member be unaffiliated – not a Republican or a Democrat so that the commission action isn’t deadlocked along partisan lines

Ideally, an ethics commission would receive funding outside the normal appropriations process, to the extent that is possible, to insulate the agency from political influence. For additional information, the National Conference of State Legislatures is a great resource for analyzing components of various state ethics commissions.

Strict limits on gifts and loans to public officials.

The trial and conviction of former Gov. Bob McDonnell highlight the need for tighter controls on gifts and loans to our public officials. Virginia imposed a \$250 cap on “tangible gifts” this year but not on “intangible” gifts like meals, travel, and entertainment. Common Cause believes that Virginia can further strengthen rules on gifts and loans. We urge the commission to recommend:

- An outright ban or a low-dollar limit on the value of loans and gifts—tangible and intangible—that public officials and employees may accept from corporations, associations, lobbyists, and any party holding or seeking a contract with the state (in the case of state officials) or a locality (in the case of local officials). The cap also should

³ i.e. New York and Rhode Island

⁴ i.e. Florida and South Carolina

⁵ i.e. Delaware and Indiana

⁶ i.e. Alabama and Alaska

⁷ i.e. Arkansas and Georgia

⁸ Thirty-seven states have commission with an odd number of members. See <http://www.ncsl.org/research/ethics/state-ethics-commissions.aspx> for more information.

apply to gifts given to candidates for state and local office and to gifts from members of state boards and commissions to elected state officials.

- Full disclosure of all loans and gifts, tangible and intangible, regardless of value and regardless of the giver. Gifts from family members and personal friends would not be subject to this requirement, unless the relative or friend is a lobbyist or someone seeking to do business with state government. Annual disclosure statements should be filed by January 15, and Members of the General Assembly should be required to report within 72 hours any gifts received during legislative sessions.
- Travel and lodging expenses paid by corporations, associations and other private entities for public officials on public business should be considered gifts and subject to the gift limit.

Some states ban gifts of any amount to public officials,⁹ while others permit a *de minimis* amount¹⁰ before a disclosure threshold kicks in. Certain states create tougher rules for lobbyists and those serving on state commissions when they provide gifts to public officials, especially when the legislature is in session, so Virginia should explore creating such standards.

The language used for congressional gift rules is quite strong and is considered a model. It defines a gift as “a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.” The full gift rule language guiding conduct for the U.S. House of Representatives is available at: <http://ethics.house.gov/gifts/house-gift-rule>.

A two-year waiting period on lobbying activities by ex-legislators and officials.

The current “cooling-off” period has a number of loopholes, and the one-year waiting period should be extended to at least two years. By closing the revolving door that lets politicians and bureaucrats trade their public connections for lobbyist money, public confidence in government can be enhanced.

The two-year standard is currently in place in eight states: Alabama, Colorado, Florida, Iowa, Kentucky, Louisiana, Montana, and New York.¹¹ We also urge you to require that public officials seeking employment in the private sector disclose their negotiations with prospective employers if those talks are ongoing during government service.

⁹ i.e. Delaware and North Carolina

¹⁰ i.e. Arizona and New Mexico

¹¹ <http://www.ncsl.org/research/ethics/50-state-table-revolving-door-prohibitions.aspx>

Redistricting Reform

In separate testimony submitted last week, Common Cause has urged the Commission to propose redistricting reform language that embraces the independent commission model adopted by California and several other states. Instead of permitting politicians to choose their voters, we must have a system in which voters can choose their politicians.

Campaign Finance

While we understand from public reports that the Commission will not address campaign finance reform until its 2015 meetings, we want to underscore the importance of those issues, especially given the relationship of campaign finance rules to several of the topics covered here. Closing one loophole while ignoring others will continue to allow special interests to have undue influence in government. For example, if you move to shut down gifts to public officials, but allow them to set up leadership PACs with few rules on what expenditures are permissible, lobbyists and contractors could simply make large contributions to the leadership PACs and an elected official could use the money for meals and trips. We hope the Commission will take a comprehensive approach to addressing policies that amplify the voices of everyday Virginians in the democratic process. We would welcome the opportunity to submit detailed recommendations on campaign finance whenever the Commission desires them.

Thank you again for the opportunity to submit comments relating to the Commission's vitally important work. If you have any questions or would like to follow up, please contact me at 202-736-5788 or deisman@commoncause.org.

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Attachment – Petition to the Commission

Dear Members of the Governor's Commission on Integrity and Public Confidence in State Government:

The trial and conviction of former Governor Bob McDonnell were embarrassments to Virginia. We deserve real ethics reform, including an independent watchdog agency with authority to investigate and discipline public officials, a low-dollar limit for ALL gifts to public officials with full disclosure, a waiting period of at least one year on lobbying by ex-legislators and other public officials, stronger campaign finance limits, and an independent redistricting commission with the power to draw new congressional and legislative districts.

Signed:

First Name	Last Name	City	State	Zip Code
Robert	Anderson	Hampton	VA	23669-2442
Tom	Ahern	Mclean	VA	22101-3102
Deborah	Kushner	Schuyler	VA	22969-2164
Barbara	Lyon	Smithfield	VA	23430-2303
Michael	Johnson	Ruther Glen	VA	22546-1121
Stephen	Robbins	Covesville	VA	22931-0157
Barbara	Lyon	Smithfield	VA	23430-2303
Eugene	Lecouteur	Richmond	VA	23221-2622
Jay	Howell	Mclean	VA	22101-2609
Gavin	Faulkner	Blacksburg	VA	24060-1448
Joann	Mcdonald	Arlington	VA	22207-2816
James	Robertson	Amherst	VA	24521 -
David	Scherer	Williamsburg	VA	23185-4356
Sharon	Blodinger	Charlottesville	VA	22911-9113
Loudell R.	Staunton	Reva	VA	22735-1761
Carlota	Schone	Williamsburg	VA	23185-3943
Catherine	Hays	Moneta	VA	24121-1737
W. Russell	Ramey	New Market	VA	22844-3318
Fred	Adair	Williamsburg	VA	23185-5543
Mark	Alexander	Fredericksburg	VA	22407-6381
L.	Walters	Virginia Bch	VA	23462-2210
Harrison	Brome	Bentonville	VA	22610-1752
M.	De La Pava	Alexandria	VA	22314-6209
Martha	Morehouse	N Chesterfld	VA	23225-6711
Barbara	Pettard	Williamsburg	VA	23185-6245
Ric	Best	Stuart	VA	24171-4967
Jo	Chamberlain	Lancaster	VA	22503-4039
Paula	Holmes	Clifton	VA	20124-0246
Cynthia	Funk	Virginia Bch	VA	23454-3147
Douglas	Firman	Springfield	VA	22150-3634
Tom	Griffin	Alexandria	VA	22304-6966
Kent	Womack	Woodstock	VA	22664-2346
William	Robins	Yorktown	VA	23693-4021
Arthur	Swers	Floyd	VA	24091-4172
Raulin	Angulo	Mechanicsvllle	VA	23111-3434
William	Solomon	Shipman	VA	22971-2329

Kristine	Mclaughlin	Arlington	VA	22207-4929
Timothy	O'Connell	Falls Church	VA	22046-4141
Jonathan	Barton	Richmond	VA	23220-1400
David	Lambert	Ruckersville	VA	22968-2521
Fred	Grzybowski	Lynchburg	VA	24503-2530
Steven	Saltzberg	Richmond	VA	23221-2824
Milton	Satterfield	Richmond	VA	23234-6222
Amy	Mazich	Yorktown	VA	23693-2754
Keith	Bender	W Springfield	VA	22152-1053
Alyssa	Freeman	Richmond	VA	23228-5048
Daniel	Giesy	Norfolk	VA	23508-2805
David	Kuebrich	Fairfax	VA	22032-2719
Gabriele	Van Lingen	Haymarket	VA	20169-2405
Martha	Hull	Roanoke	VA	24014-4227
Sally	Mckinney	Winchester	VA	22601-3319
Flora	Mackenzie	Richmond	VA	23238-3410
Terry	Foreman	Alexandria	VA	22306-1103
Anne	Lynch	Virginia Beach	VA	23454-2526
Roussie	Jacksina	Charlottesvle	VA	22902-7207
Phil	Atwood li	Staunton	VA	24401-2024
Shirley	Wishingrad	Charlottesvle	VA	22901-6751
Laura	Lee	Ashland	VA	23005-3066
Mary Ann	Wolfe	Arlington	VA	22201-4219
Paul	Amrhein	Henrico	VA	23228-3216
Andrew	Mueller		VA	22310
Chris	Nicholas	Earlysville	VA	22936-1614
Philip	Nathan	Leesburg	VA	20176-6443
Edward	Faggen	Fairfax	VA	22030-2447
Barry	Swedlow	Lynchburg	VA	24501-2906
Bobbie	Gallo	Keswick	VA	22947-3039
Kaaren	Ancarrow		VA	23692
Audrey C	Bailey	Chesapeake	VA	23325-4609
Barry	Lerner	Arlington	VA	22209-3453
Morgan	Henry	Alexandria	VA	22312-5504
Clarence D.	Smart	Vesta	VA	24177
Judith	Christofferson	Reston	VA	20191-4518
Richard	Rasmussen		VA	23138
David	Timm		VA	23320

		Newport		
Betty	Stewart	News	VA	23608
Carl	Smeltzer	Harrisonburg	VA	22802-8011
John	Dickens	Abingdon	VA	24210-9693
Jessica	Jeanty	Fredericksburg	VA	22408-5513
Joe	Jones	Radford	VA	24141-3854
Clement	Tingley	Charlottesville	VA	22902-4804
Richard	Mcgrain	Charlottesvle	VA	22901-9003
Bruce G.	Burton	Alexandria	VA	22310-3166
Ted	Rowden	Bedford	VA	24523-1433
Scott	Sellers	Front Royal	VA	22630-9106
Brendan	Cardaci	Fredericksburg	VA	22405-2239
Tom	Vosik	Christiansburg	VA	24073-1352
S.	Jahangeer	Fairfax	VA	22032
Vannessa	Anderson	Alexandria	VA	22309-1630
John	Norton	Alexandria	VA	22303-1634
Dean	Larkin	Ronaoke	VA	24017-1989
Marilyn	Zak	Alexandria	VA	22304-8676
Maria				
Petschek	Smith	Falls Church	VA	22044-1106
Fred	Lavy	Harrisonburg	VA	22802-4822
David	Gill	Springfield	VA	22151-3316
Charles	Kleymeyer	Arlington	VA	22205-2840
John	Cobey	Fredericksbrg	VA	22401-4550
Michelle	George	Stuart	VA	24171-2733
Howard	Greenup	Fredericksburg	VA	22401-8422
William	Jones	Virginia Beach	VA	23451-4891
Laura	Lavertu	Alexandria	VA	22303-2506
Malin	Moench		VA	22041
Mary	Reichhardt	Alexandria	VA	22308-1245
Robert H	Lightsey	Alexandria	VA	22309-2208
Fred	Hohlweg	Arlington	VA	22206-1815
Ann	McCaffray		VA	22740
Kay	Beatty		VA	22640
Robin	Cook		VA	22209
George	Hopkins	Woodbridge	VA	22192-2231
Karen	Fedorov	Bealeton	VA	22712-7844
		Newport		
Mario	Mazzarella	News	VA	23602-6124

Beverly

Thompson

Craigsville

VA

24430-0104