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## Ethics Committees: Internal Oversight of Ethics Laws

By Peggy Kerns and Luke Martel

*Legislatures establish oversight to ensure respect for ethics laws.*

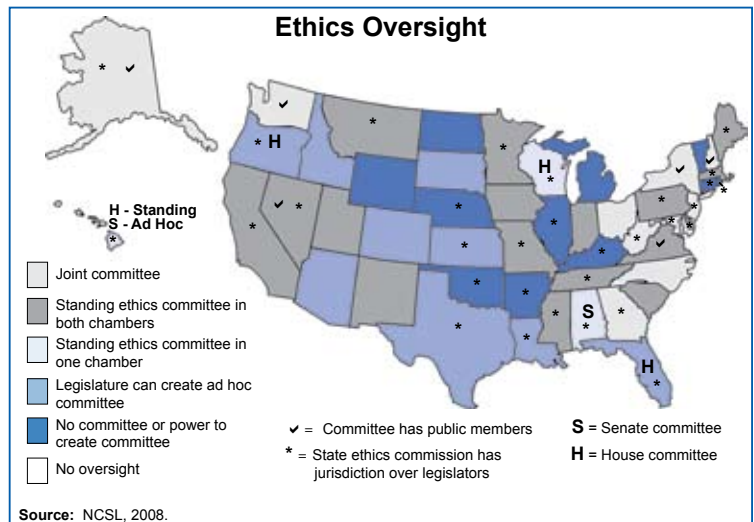
*"When an ethics violation occurs, we ... must act quickly..."*

*Forty states have some form of ethics committee.*

"The restoration of public trust is one of the objectives of ethics reform practically everywhere," says Alan Rosenthal, professor of public policy at Rutgers University. In response to this growing concern, state legislators are passing stricter ethics laws for themselves and lobbyists. To ensure that these laws are respected, legislatures establish ethics committees, ethics commissions or a combination of both to provide oversight.

**Ethics Committees.** The challenge facing legislative ethics committees is to solidify their credibility with the public. Because lawmakers deal with issues of public trust, legislative committees that review ethics violations face a higher level of public scrutiny. "We must hold ourselves to a high standard of behavior. For the public's sake, when a violation occurs, we, as a body must act quickly, fairly and responsibly," says Hawaii Representative Kirk Caldwell.

**Three Approaches.** Forty states have some kind of legislative ethics committee. Fifteen states have standing ethics committees in both chambers, which mean they operate with the same status as a committee that deals with public policy issues such as education or transportation. Chambers in three other states—the Alabama Senate, the Hawaii House and the Wisconsin House—have standing ethics committees.



The legislature has the power to create an ad hoc committee, if needed, in seven states and three chambers. These committees meet only if a violation of an ethics law or rule occurs or if a complaint is filed by another member or a member of the public.

The third approach—used in 10 states—is a joint legislative ethics committee. New Mexico has both individual chamber committees and a joint committee.

**Other Oversight.** Thirty-four states have ethics commissions with jurisdiction over legislators. Of these states, 21 also have a legislative ethics committee in one or both chambers or a joint committee. Four other states use various approaches. In the Michigan Senate, complaints against senators are referred to the Committee on Government Operations and Reform. In Wyoming, the Legislative Service Office helps legislators review the Ethics and Disclosure Act for guidance. Legislators also can seek resolution from the Attorney General's office. North Dakota has joint rules that contain a legislative ethics policy. In Vermont, both houses have conflict of interest laws. If there is a conflict of interest, it is handled by each house separately.

**Membership.** Most state ethics committees are composed only of legislators. Public members are included in five states and one chamber. Alaska's Select Committee on Legislative Ethics divides into House and Senate subcommittees to consider most complaints. The five public members of the committee serve on both subcommittees, along with two legislators from the respective chamber, making the balance 5-2 with public members in the majority. Dennis "Skip" Cook, committee chair in 2007, says, "Alaska is a large state and many of our population do not have direct access to Juneau, our state capitol, and to their state legislator. Citizen members are important because they provide a balance between the operational needs of the legislators and the input protections of the citizens."

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**Jurisdiction.** In addition to legislators, some committees have jurisdiction over lobbyists, legislative employees and other public officials. Ohio's Joint Legislative Ethics Committee has jurisdiction over the General Assembly and legislative employees. The committee also handles lobbying laws and financial disclosure.

**Complaints: Process and Penalties.** States have a formal process for handling ethics complaints. In Arizona, the chair of the Senate or House ethics committee, after evaluating the complaint, can proceed with an investigation or dismiss the charges. If a formal hearing ensues, the committee can issue an advisory opinion or recommendations. In some states, the committee issues informal reprimands without involvement of the entire legislative chamber. In most states, the decision to impose the most serious punishments—including suspension and expulsion—can be imposed only by the full legislative chamber.

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**Confidentiality.** Ethics committees generally handle the confidentiality of complaints in three ways: when the complaint is filed, when an investigation is initiated, or when a punishment is recommended. Under rules for Hawaii's newly created House Select Committee on Standards of Conduct, a complaint is made public only if the committee decides that a full investigation is required. Lawmakers say privacy is needed to guard against false reporting of claims. In Minnesota, no complaints can be filed during the biennium campaign period.

**Other Duties.** Training is a major function of some ethics committees, including those in Alaska, California and Pennsylvania. In North Carolina, the Joint Legislative Ethics Committee is charged with preparing a list of ethical principles and guidelines that identifies potential conflicts of interest and prohibited behavior.

## Resources

Norman-Eady, Sandra, and Kristin Sullivan. *Legislative Ethics Committees*. Hartford: Office of Legislative Research, Connecticut General Assembly, Dec. 19, 2007.

Rosenthal, Alan. *Drawing the Line*. Lincoln, Neb., and London, England: University of Nebraska Press, Twentieth Century Fund Book, 1996.

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