

CITIZENS UNION OF THE CITY OF NEW YORK
COMMON CAUSE/NY
LEAGUE OF WOMEN VOTERS/N.Y.S.
NEW YORK PUBLIC INTEREST RESEARCH GROUP

SUPPORT ETHICS REFORM

New York State's governmental ethics laws are in need of major reform. Significant areas of governmental and special interest activities that threaten the performance and integrity of our public officials currently remain outside the reach of existing laws and enforcement powers. Even behavior by public officials that is prohibited by existing criminal laws is at the same time encouraged by weak ethics laws and the absence of meaningful and independent enforcement mechanisms.

While the ethics changes of 2007 included important reforms – tightening “revolving door” restrictions, prohibiting elected officials from using taxpayers’ dollars to advertise themselves, and toughening penalties for violations of the law – major items were ignored and remain unresolved. The creation of the Commission on Public Integrity, which oversees ethics of the executive branch, and the Legislative Ethics Commission, which is responsible for overseeing the legislative branch, continued the tradition of granting control to the governor and legislative leaders over their respective commissions’ appointments. In addition, the 2007 reforms did little to expand disclosure requirements.

Recent ethical scandals underscore the flaws in the current oversight system. New York’s reliance on self-regulation conducted in secret fails to adequately ensure that the highest ethical standards are achieved and maintained.

We believe that the system must be meaningfully tightened to avoid the questionable ethical incidents that have consistently plagued state elected officials. Our recommendations to strengthen significantly the state’s ethics laws include:

- **Creating a new, independent ethics oversight agency with jurisdiction over both the executive and legislative branches.** The majority of states provide external oversight of both the executive and legislative branches through an ethics commission. New York is, unfortunately, one of a handful of states which split their ethics oversight between the executive and legislative branches. Moreover, ethics oversight in New York is not truly independent, as the commissioners are chosen by those whose ethics they monitor – namely, the governor dominates the appointments to the Commission on Public Integrity. New York should immediately remedy this imbalance by ensuring that the governor’s appointments do not constitute a majority of the commission. New York State should create a new, independent ethics commission, the *Commission on Government Ethics*, with jurisdiction over both the executive and legislative branches. Lobbyists must also be strictly barred from serving on this new commission. Once this

consolidation is complete, we believe that this new entity should be responsible for campaign finance enforcement. WE URGE YOUR SUPPORT FOR SENATOR SQUADRON'S AND ASSEMBLYMEMBER LATIMER'S LEGISLATION.

- **Creating more stringent requirements for financial disclosure for public officers.** Public officers must publicly disclose their financial backgrounds, including the names of those with whom they have business and professional relationships. In nineteen states, lobbyists are required to report any business relationships they have with lawmakers. New York should require this disclosure too. Lastly, these filings should be publicly available on the Internet, and only information that is clearly private or confidential should be redacted from public view WE URGE YOUR SUPPORT FOR SENATOR SQUADRON'S AND ASSEMBLYMEMBER KAVANAGH'S LEGISLATION.
- **Strengthening the ban on the personal use of campaign contributions.** While current New York law forbids using contributions for strictly personal use, the statute's language is too vague to act as a true restriction. Some elected officials and candidates have exploited these ambiguities, using campaign contributions for junkets, country club memberships, leased cars, and other personal purchases. New York should tighten up its prohibition on the personal use of campaign funds to avoid such inappropriate expenditures. WE URGE YOUR SUPPORT FOR SENATOR KRUEGER'S (S.743A) AND ASSEMBLYMEMBER CAHILL'S (A.812) LEGISLATION.
- **Restricting campaign contributions from lobbyists and those receiving government contracts ("pay to play").** By gaining access to elected officials through large and bundled contributions, lobbyists and state contractors can unduly influence and distort the state's political decision-making process. Many states recognize the unique role lobbyists play in influencing public policy, and have accordingly placed specific, stringent campaign finance restrictions on such persons and entities. Many states and localities have placed similar restrictions on government contractors. New York should do the same. WE URGE YOUR SUPPORT FOR SENATOR KRUEGER'S (S.744A) AND ASSEMBLYMEMBER KAVANAGH'S (A.655B) LEGISLATION.

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