



ALBANY LAW SCHOOL
GOVERNMENT LAW CENTER



REPORT

**Independent Ethics Commissions
in the United States and U.S. Territories**

ANTHONY JENOURI AND CHEL MILLER

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Edited by Chel Miller and Patrick A. Woods

With contributions by staff of the Government Law Center
and Albany Law School students
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Cover image: Detail of the exterior of the New York State Supreme Court Building, formerly known as the New York County Courthouse. The frieze bears the inscription “The true administration of justice is the firmest pillar of good government,” a quotation attributed to George Washington. Washington’s original statement, in a letter to Attorney General Edmund Randolph on September 28, 1789, was, “The due administration of justice is the firmest pillar of good government.”

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ABOUT THE REPORT

This report is the culmination of a nationwide survey of the structure and procedures of independent government ethics oversight bodies. The report illustrates the myriad ways in which state/territorial governments have attempted to promote ethics and address corruption in government across the United States. The accompanying appendix provides a state-by-state comparison of the structures and procedures of government ethics oversight bodies in each jurisdiction.

The underlying research covers jurisdictions in almost all states and territories in the United States. The following states and territories do not have an independent government ethics oversight body: American Samoa, Arizona, Idaho, Northern Mariana Islands, the U.S. Virgin Islands, and Wyoming. Therefore, these jurisdictions are not included in the report.

Each state and territory uses different language to refer to independent government ethics oversight bodies. The authors have chosen to refer to such bodies as “commissions” or “the commission” for consistency throughout the report.

The majority of jurisdictions that have created ethics commissions have only one commission. However, six states—Illinois, Kentucky, New Hampshire, New Jersey, Utah, and Washington—have two ethics commissions, with one commission having jurisdiction over the executive branch and the other with jurisdiction over the legislative branch. In this report, such distinctions are noted using parentheses (e.g. “(Executive)” or “(Legislature)”).

In early 2022, a preliminary version of this report was presented to Governor Kathy Hochul to inform the administration’s efforts to overhaul the embattled Joint Ethics Commission on Public Ethics (JCOPE). As the New York Commission on Ethics and Lobbying in Government replaces JCOPE, New York State has entered a new era of ethics oversight in government. Throughout this report, the structure, procedures, and authority of the state’s new ethics commission are highlighted.

This research was conducted by Government Law Center staff, including Mary Berry, Richard Rifkin, and Bennett Liebman, and four Albany Law School students: Anthony Jenouri (Class of 2023; Warren M. Anderson Legislative Fellow, Summer 2022), Erika Bentley (Class of 2022), Harris Bresowsky (Class of 2022), and Dedeou Diarra (Class of

2022). This report was compiled by Anthony Jenouri and Chel Miller, with editorial assistance from Patrick A. Woods.

The Government Law Center provides the nonpartisan legal research and analysis that state and local governments need to better serve their communities. This report is intended to serve as a source of information for government leaders and researchers, rather than a prescriptive document suggesting any particular course of action.

I. CREATION OF GOVERNMENT ETHICS COMMISSIONS

In forty jurisdictions, ethics commissions were established by statute (Table 1.1). Ethics commissions were established by state constitution in eleven states (Table 1.2). In Utah, the Executive Branch Ethics Commission was established by statute, while the Legislative Ethics Commission was established by state constitution and rules of the Utah State Legislature.¹ In New York, the Ethics Commission Reform Act of 2022 established the Commission on Ethics and Lobbying in Government to replace the state’s previous ethics oversight commission, the Joint Commission on Public Ethics (JCOPE).²

Table 1.1: Jurisdictions in which the commission was established solely by statute

Alabama	Maine	North Carolina
Alaska	Maryland	Ohio
California	Massachusetts	Oregon
Connecticut	Michigan	Pennsylvania
Delaware	Minnesota	Puerto Rico
District of Columbia	Mississippi	South Carolina
Georgia	Missouri	South Dakota
Guam	Montana	Tennessee
Illinois (Executive)	Nebraska	Utah (Executive)
Illinois (Legislature)	Nevada	Vermont
Indiana	New Hampshire (Executive)	Virginia
Iowa	New Hampshire (Legislature)	Washington (Executive)
Kansas	New Jersey (Executive)	Washington (Legislature)
Kentucky (Executive)	New Jersey (Legislature)	West Virginia
Kentucky (Legislature)	New York	Wisconsin

¹ See Utah Code Ann. § 63A-14-202; Utah Const. Art.VI, § 10; Utah Leg. Rules § JR6-2-103.

² See N.Y. Exec. Law § 94.

Table 1.2: Jurisdictions in which the commission was established by the state constitution

Arkansas	Louisiana	Rhode Island
Colorado	New Mexico	Texas
Florida	North Dakota	Utah (Legislature)
Hawaii	Oklahoma	

II. JURISDICTION OF COMMISSIONS

Government ethics oversight commissions are responsible for enforcing government ethics laws in their respective state or territory. However, the jurisdiction of each commission—over whom they may exercise authority—varies widely across the U.S.

Most commissions have jurisdiction over officials and employees in both the executive and legislative branches (Table 2.1), but some have jurisdiction over officials and employees in only one branch of government (tables 2.2 and 2.3). Some, but not all, commissions also have jurisdiction over lobbyists (Table 2.4). In New York, the commission has jurisdiction over public officials and employees in the executive and legislative branches, as well as lobbyists.³ In North Carolina, the commission also has jurisdiction over officials and employees in the judicial branch.⁴

Table 2.1: Jurisdictions in which the commission has jurisdiction over officials and employees in the executive *and* legislative branches

Alabama	Louisiana	Oklahoma
Arkansas	Maryland	Oregon
California	Massachusetts	Pennsylvania
Colorado	Minnesota	Puerto Rico
Connecticut	Mississippi	Rhode Island
Delaware	Missouri	South Carolina
District of Columbia	Montana	Tennessee
Florida	Nebraska	Texas
Georgia	Nevada	Vermont
Guam	New Mexico	Virginia
Hawaii	New York	West Virginia
Indiana	North Carolina	Wisconsin
Kansas	North Dakota	

³ See N.Y. Exec. Law § 94(1)(a).

⁴ “The Commission may receive complaints alleging unethical conduct by covered persons and legislative employees and shall conduct inquiries of complaints alleging unethical conduct by covered persons and legislative employees, as set forth in this section.” See N.C. Gen. Stat. § 138A-12(a). The statute defines “covered person” as “a legislator, public servant, or judicial officer, as identified by the Commission under G.S. 138A-11.” See N.C. Gen. Stat. § 138A-3; see also N.C. Gen. Stat. § 138A-11.

Table 2.2: Jurisdictions in which a separate commission has jurisdiction over executive branch officers and employees

Illinois	New Hampshire	South Dakota
Iowa	New Jersey	Utah
Kentucky	Ohio	Washington
Michigan		

Table 2.3: Jurisdictions in which a separate commission has jurisdiction over legislative branch officers and employees

Illinois	New Hampshire	Utah
Kentucky	New Jersey	Washington
Maine		

Table 2.4: Jurisdictions in which the commission has jurisdiction over lobbyists/principals

Alabama	Kentucky (Legislature)	North Carolina
Alaska	Louisiana	North Dakota
Arkansas	Maine	Oklahoma
California	Maryland	Oregon
Delaware	Massachusetts	Pennsylvania
District of Columbia	Minnesota	South Carolina
Florida	Missouri	Tennessee
Georgia	Montana	Texas
Hawaii	Nebraska	Virginia
Iowa	New Mexico	West Virginia
Kansas	New York	Wisconsin
Kentucky (Executive)		

III. COMMISSION APPOINTMENTS

The process for appointing commission members also varies from one jurisdiction to the next. In several jurisdictions, the executive branch appoints all commission members (Table 3.1). In others, the legislative branch appoints members (Table 3.2). In twenty-four states, appointments are split between the executive and legislative branches (tables 3.3 through 3.5).

Some jurisdictions assign some (or all) appointment power to other entities, such as the judicial branch or civic organizations, including: Colorado (chief justice), Kansas (chief justice), Mississippi (chief justice), Oklahoma (chief justice), Vermont (civic organizations and the chief justice), and Washington’s Legislative Ethics Board (certain members of the board). In eight jurisdictions, commission members are appointed from a list of candidates provided by the Legislature, judicial branch, or civic organizations (Table 3.6).

In twenty-two jurisdictions, commission appointments require approval from the legislative branch (Table 3.7). In New York, appointments require approval from an independent review committee, consisting of American Bar Association-accredited New York state law school deans or interim deans, which reviews the qualifications of nominated candidates and approves or rejects each candidate nominated.⁵

Table 3.1: Jurisdictions in which the executive branch appoints commission members

Alaska	Kentucky	New Jersey (Executive)
California	Maine	Ohio
Delaware	Massachusetts	Oregon
District of Columbia	Michigan	Puerto Rico
Guam	Minnesota	Rhode Island
Hawaii	Missouri	South Dakota
Illinois (Executive)	Montana	Utah (Executive)
Indiana	Nebraska	Washington (Executive)
Iowa	New Hampshire (Executive)	West Virginia

⁵ See N.Y. Exec. Law § 94(3)(b).

Table 3.2: Jurisdictions in which the legislative branch appoints commission members

Illinois (Legislature)	New Hampshire (Legislature)	Utah (Legislature)
Kentucky (Legislature)	New Jersey (Legislature)	

Table 3.3: Jurisdictions in which commission appointments are split between executive and legislative branches, but the executive branch selects a majority of the members

Alabama	Georgia	Maryland
Arkansas	Louisiana	Texas
Florida		

Table 3.4: Jurisdictions in which commission appointments are split between executive and legislative branches, but the legislative branch selects a majority of the members

Connecticut	Pennsylvania	Virginia
New Mexico	Tennessee	Wisconsin
New York		

Table 3.5: Jurisdictions in which commission appointments are evenly split between the executive and legislative branches, or with other branches

Colorado	North Carolina	South Carolina
Kansas	North Dakota	Vermont
Mississippi	Oklahoma	Washington (Legislature)
Nevada		

Table 3.6: Jurisdictions in which some (or all) commission appointments are selected from a list of candidates

Hawaii	Montana	Rhode Island
Louisiana	Oregon	Texas
Maine	Puerto Rico	

Table 3.7: Jurisdictions in which some (or all) commission appointments are subject to confirmation by the legislative branch

Alabama	Maryland	Oregon
Alaska	Michigan	Puerto Rico
Delaware	Minnesota	South Carolina
District of Columbia	Missouri	South Dakota
Guam	Montana	Tennessee
Illinois (Executive)	Nebraska	Virginia
Iowa	Ohio	Wisconsin
Louisiana		

IV. COMMISSION MEMBERSHIP ELIGIBILITY AND RESTRICTIONS

Eligibility and restrictions for ethics commission members also vary across jurisdictions. Several jurisdictions prohibit current public officials and candidates, public employees, political party chairs and officials, and lobbyists from serving on ethics commissions (tables 4.1 through 4.4).

Several jurisdictions also prohibit persons who have held public office within a specified period of time prior to their potential appointment. In tables 4.1 through 4.4, such restrictions are noted in parentheses. In New York, no commission member may have served as a public official, public employee, political party official, or lobbyist/principal for a two-year period prior to their appointment.⁶ This is similar to the limitations in place for the state's previous ethics commission, the Joint Commission on Public Ethics (JCOPE), but the waiting time provision was shortened from three to two years.⁷

Some jurisdictions specify how many public officials may serve on the commission or in which branches of government they may serve. For example, Mississippi allows up to four elected officials to serve on the commission.⁸ In South Dakota, legislators are prohibited from serving on the commission, but public officials in other branches may serve.⁹ In Table 4.1, such partial restrictions are noted in parentheses.

Political party balance among commission membership is frequently required. In the majority of states/territories, including California, Colorado, and Illinois, the number of commission members who may be affiliated with the same political party is specified.¹⁰ In other jurisdictions, such as Alaska, the appointing entity must select a certain

⁶ See N.Y. Exec. Law §§ 94(3)(e)(i), 94(3)(e)(ii), 94(3)(e)(iii).

⁷ Another noteworthy change to eligibility requirements in New York is that individuals who have served as a commissioner of an executive agency appointed by the Governor have been added to the list of restrictions.

⁸ See Miss. Code Ann. § 25-4-5(2).

⁹ See S.D. Codified Laws § 3-24-1.

¹⁰ See Cal. Gov't Code § 83100; Colo. Const. Art. XXIX, § 5(2)(b); 5 Ill. Comp. Stat. Ann. § 430/20-5(b).

number of candidates from each of the two largest political parties in the state.¹¹ Political party balance is not required in New York.

In twenty-nine jurisdictions, commission members are prohibited from engaging in partisan political activity (Table 4.5). In New York, commission members are prohibited from making, or soliciting from other individuals, any contributions to candidates, political action committees, political parties or committees, newsletter funds, or political advertisements for election to the several state offices.¹²

Table 4.1: Jurisdictions in which current public officials and candidates are prohibited from serving on the commission

Alabama	Maine	Ohio
Alaska	Maryland	Oklahoma
Arkansas	Massachusetts (1 year)	Oregon
California	Michigan	Pennsylvania
Connecticut (3 years)	Minnesota	Puerto Rico
Delaware	Mississippi (partial)	Rhode Island (1 year)
District of Columbia	Missouri	South Carolina (8 years)
Georgia (5 years)	Montana	South Dakota (partial)
Hawaii	Nebraska	Tennessee
Illinois (Executive)	Nevada	Utah (Executive, 4 years)
Illinois (Legislature)	New Hampshire (Executive, partial)	Utah (Legislature)
Indiana	New Jersey (Legislature, partial) ¹³	Virginia
Iowa	New Mexico (2 years)	Washington (Executive)
Kansas (5 years)	New York (2 years)	Washington (Legislature)
Kentucky (Legislature)	North Carolina	West Virginia
Louisiana (6 months)	North Dakota	Wisconsin

¹¹ See Alaska Stat. § 15.13.020(b).

¹² Although New York prohibits those who held elected office within two years of appointment, the state does not appear to prohibit candidates for elected office from serving on the Commission. See N.Y. Exec. Law § 94(4)(e).

¹³ New Jersey's Legislative Ethics Commission bars only legislative officials and candidates from being appointed, not all elected officials. See N.J. Stat. Ann. § 52:13D-22(11)(b).

Table 4.2: Jurisdictions in which current public employees are prohibited from serving on the commission

Arkansas	Maryland	North Carolina
Connecticut	Massachusetts (1 year)	Ohio
District of Columbia	Michigan	Oklahoma
Florida	Missouri	Pennsylvania
Guam	Montana	South Carolina
Illinois (Executive)	Nebraska	Tennessee
Illinois (Legislature)	New Jersey (Legislature)	Utah (Executive)
Indiana	New Mexico (2 years)	Vermont
Iowa	New York (2 years)	West Virginia
Louisiana (6 months)		

Table 4.3: Jurisdictions in which current party chairs/officials are prohibited from serving on the commission

Alabama	Kansas	New York (2 years)
Alaska	Kentucky (Legislature)	North Carolina
Arkansas	Maine	North Dakota
California	Maryland	Pennsylvania
Connecticut	Massachusetts	Rhode Island
Delaware	Missouri	Tennessee
District of Columbia	Montana (2 years)	Vermont
Illinois (Executive)	Nebraska	Washington (Executive)
Illinois (Legislature)	Nevada	Washington (Legislature)
Iowa	New Mexico (2 years)	West Virginia

Table 4.4: Jurisdictions in which current lobbyists/principals are prohibited from serving on the commission

Alabama	Louisiana (2 years)	Ohio
Alaska	Maryland	Rhode Island
Arkansas	Minnesota	South Carolina (4 years)
California	Missouri	Tennessee
Connecticut	Nebraska	Texas
District of Columbia	New Hampshire (Executive, 6 months)	Utah (Executive)
Florida	New Hampshire (Legislature, 6 months)	Utah (Legislature)
Illinois (Executive)	New Jersey (Legislature)	Vermont
Illinois (Legislature)	New Mexico (2 years)	Washington (Executive)
Indiana	New York (2 years)	Washington (Legislature)
Iowa	North Carolina (4 years)	West Virginia
Kansas (3 years)	North Dakota	Wisconsin

Table 4.5: Jurisdictions in which commission members are prohibited from engaging in political partisan activity

Alabama	Iowa	New York
Alaska	Kansas	North Carolina
Arkansas	Kentucky (Legislature)	Oklahoma
California	Louisiana	Pennsylvania
Connecticut	Maine	Puerto Rico
District of Columbia	Massachusetts	Rhode Island
Guam	Minnesota	Tennessee
Hawaii	Missouri	Washington (Executive)
Illinois (Executive)	Nevada	Washington (Legislature)
Illinois (Legislature)	New Hampshire (Executive)	West Virginia
Indiana		

Table 4.6: Jurisdictions in which political party balance among commission membership is required

Alaska	Kentucky (Legislature)	Ohio
Arkansas	Maine	Oklahoma
California	Massachusetts	Oregon
Colorado	Michigan	Pennsylvania
Delaware	Minnesota	South Carolina
District of Columbia	Missouri	South Dakota
Florida	Nebraska	Tennessee
Georgia	Nevada	Texas
Illinois (Executive)	New Hampshire (Executive)	Virginia
Indiana	New Jersey (Legislature)	Washington (Executive)
Iowa	New Mexico	Washington (Legislature)
Kansas	North Carolina	West Virginia

V. COMMISSION PROCEDURES

Ethics commissions across the U.S. have different procedures they must follow. In many jurisdictions, a majority of commission members constitutes a quorum, or the number of members who must be present at a meeting before business may legally be conducted (Table 5.1).

In order for the commission to take official action, including initiating investigations, some jurisdictions require an affirmative vote from the majority of total number of commission members (Table 5.2), while others require an affirmative vote from the majority of members present (Table 5.3).

In six jurisdictions, a supermajority (a specified number of members that is higher than a simple majority) is required for the commission to initiate an investigation (Table 5.4). In five jurisdictions, a supermajority is required for the commission to make findings or a determination based on its investigation (Table 5.5). In New York, a supermajority vote was required for JCOPE to take official action, including initiating investigations or due process hearings, under the Public Integrity Reform Act of 2011.¹⁴ However, this requirement was removed under the Ethics Commission Reform Act of 2022.¹⁵

Most, but not all, ethics commissions in the U.S. have the authority to issue subpoenas for witness attendance, testimony, and records related to matters under investigation by the commission (Table 5.6). Most states/territories require an affirmative vote from the majority of commission members in order to take such action.

In New York,¹⁶ the ethics commission has subpoena authority.¹⁷ In New Jersey, while the state's executive ethics commission has the authority to issue subpoenas,¹⁸ its legislative ethics commission does not. In

¹⁴ See *Public Integrity Reform Act of 2011*, N.Y. Exec. Law § 94 (former).

¹⁵ See *Ethics Commission Reform Act of 2022*, N.Y. Exec. Law § 94(4)(h).

¹⁶ For an in-depth analysis of how the New York Commission on Ethics and Lobbying in Government, see Bennett Liebman, *Explaining the Ethics Commission Reform Act of 2022* (Sept. 15, 2022), <https://www.albanylaw.edu/government-law-center/explaining-the-ethics-commission-reform-act-2022>.

¹⁷ See N.Y. Exec. Law § 94(5)(c).

¹⁸ See N.J. Stat. Ann. § 52:13D-21(f).

Connecticut, the commission may request the Office of State Ethics, within which the commission is housed, to issue a subpoena.¹⁹ In Massachusetts, while the state’s ethics commission does not have authority to issue subpoenas, it may request witness attendance, testimony, or records pursuant to a summons.²⁰

Table 5.1: Jurisdictions in which at least a majority of members constitutes a quorum

Alaska	Louisiana	Ohio
Arkansas	Maine	Oklahoma
California	Maryland	Oregon
Colorado	Massachusetts	Pennsylvania
Connecticut	Michigan	Rhode Island
Delaware	Mississippi	South Carolina
District of Columbia	Missouri	Tennessee
Georgia	Nebraska	Texas
Illinois (Executive)	New Hampshire (Executive)	Utah (Executive)
Illinois (Legislature)	New Mexico	Utah (Legislature)
Iowa	New York	Virginia
Kentucky (Executive)	North Carolina	West Virginia
Kentucky (Legislature)		

Table 5.2: Jurisdictions in which a majority vote of the total membership is required for the commission to take official action

California	Kentucky (Executive)	New Hampshire (Executive)
Delaware	Kentucky (Legislature)	New Hampshire (Legislature)
Illinois (Executive)	Massachusetts	New Mexico
Illinois (Legislature)	Michigan	Oregon
Indiana	Minnesota	Pennsylvania
Iowa	Mississippi	Tennessee
Kansas	Missouri	

¹⁹ See Conn. Gen. Stat. § 1-82(a)(2).

²⁰ See Mass. Gen. Laws ch. 268B, § 4(d).

Table 5.3: Jurisdictions in which a majority vote of members present is required for the commission to take official action

Arkansas	Maine	Pennsylvania
Colorado	Maryland	Rhode Island
Florida	Nebraska	South Dakota
Georgia	New York	Utah (Executive)
Hawaii	Ohio	Wisconsin
Louisiana		

Table 5.4: Jurisdictions in which a supermajority is required to initiate an investigation

Alabama	Louisiana	South Carolina
Guam	New Mexico	West Virginia

Table 5.5: Jurisdictions in which a supermajority is required to determine the commission's findings

Connecticut	South Carolina	Utah (Executive)
Guam	Texas	Utah (Legislature)

Table 5.6: Jurisdictions in which the commission has the authority to issue subpoenas

Alabama	Alaska	Arkansas
California	Colorado	Delaware
Florida	Georgia	Guam
Hawaii	Illinois (Executive)	Illinois (Legislature)
Indiana	Iowa	Kentucky (Executive)
Kentucky (Legislature)	Louisiana	Maine
Maryland	Minnesota	Mississippi
Missouri	Montana	Nebraska
Nevada	New Hampshire (Executive)	New Hampshire (Legislature)
New Jersey (Executive)	New Mexico	New York
North Carolina	North Dakota	Ohio
Oklahoma	Oregon	Puerto Rico
Rhode Island	South Carolina	South Dakota
Tennessee	Texas	Utah (Executive)
Utah (Legislature)	Washington (Executive)	Washington (Legislature)
West Virginia	Wisconsin	

VI. DISCIPLINARY AUTHORITY

In thirty-four jurisdictions, ethics commissions have the authority to issue civil discipline, bring lawsuits, or impose fines against alleged violators (Table 6.1). In some jurisdictions, the commission’s disciplinary authority has restrictions. For example, the New York Commission on Ethics and Lobbying in Government is prohibited from imposing penalties upon officials/candidates in the legislative branch; instead, the commission must report its findings and recommendations to a legislative ethics commission after an investigation, due process hearing, and a finding by the majority of the commission that there was substantial basis for finding a violation.²¹

In sixteen jurisdictions, the commission does not have the authority to issue civil discipline, but may recommend discipline or make a referral to other agencies for enforcement (Table 6.2).

Table 6.1: Jurisdictions in which the commission has authority to issue civil discipline, bring lawsuits, or impose fines

Alaska	Louisiana	Oklahoma
Arkansas	Maryland	Pennsylvania
California	Massachusetts	Puerto Rico
Colorado	Minnesota	Rhode Island
Connecticut	Mississippi	South Carolina
Delaware	Montana	South Dakota
District of Columbia	Nebraska	Tennessee
Georgia	Nevada	Texas
Indiana	New Jersey (Executive)	Washington (Executive)
Iowa	New Jersey (Legislature)	Washington (Legislature)
Kansas	New York (Executive only)	West Virginia
Kentucky (Executive)	North Dakota	Wisconsin
Kentucky (Legislature)		

²¹ See N.Y. Exec. Law § 94(10)(p).

Table 6.2: Jurisdictions in which the commission can only recommend discipline or refer to other agencies for enforcement

Alabama	Michigan	Ohio
Florida	Missouri	Oregon
Guam	New Hampshire (Executive)	Utah (Executive)
Hawaii	New Hampshire (Legislature)	Utah (Legislature)
Illinois (Executive)	New Mexico	Vermont
Illinois (Legislature)	North Carolina	Virginia
Maine		

VII. GUIDANCE AND TRAINING

Most ethics commissions are expected to provide guidance and training on government ethics matters.

In thirty-six jurisdictions, ethics commissions provide ethics training and/or educational materials (Table 7.1). In forty-five jurisdictions, commissions provide guidance and advisory opinions on government ethics issues (Table 7.2). Ethics commissions in forty-three jurisdictions have the authority to create and define rules within their respective jurisdiction (Table 7.3).

The New York Commission on Ethics and Lobbying in Government provides ethics training and/or educational materials, issues advisory opinions, and can create and/or define rules within its jurisdiction.²²

Table 7.1: Jurisdictions in which the commission provides ethics training and/or educational materials

Alabama	Indiana	Oregon
Alaska	Iowa	Pennsylvania
Arkansas	Kentucky (Executive)	Puerto Rico
California	Kentucky (Legislature)	Rhode Island
Colorado	Louisiana	South Carolina
Connecticut	Maryland	Tennessee
Delaware	Montana	Texas
Florida	Nevada	Vermont
Georgia	New Jersey (Executive)	Virginia
Guam	New Mexico	Washington (Executive)
Hawaii	New York	Washington (Legislature)
Illinois (Executive)	North Carolina	West Virginia
Illinois (Legislature)	Oklahoma	Wisconsin

²² See N.Y. Exec. Law §§ 94(8), 94(7)(c), 94(5)(a)(i).

Table 7.2: Jurisdictions in which the commission issues advisory opinions

Alabama	Louisiana	North Carolina
Alaska	Maine	North Dakota
Arkansas	Maryland	Ohio
California	Massachusetts	Oregon
Colorado	Michigan	Pennsylvania
Connecticut	Minnesota	Puerto Rico
Delaware	Mississippi	Rhode Island
District of Columbia	Missouri	South Carolina
Florida	Nebraska	Tennessee
Georgia	Nevada	Texas
Guam	New Hampshire (Executive)	Vermont
Hawaii	New Hampshire (Legislature)	Virginia
Indiana	New Jersey (Executive)	Washington (Executive)
Iowa	New Jersey (Legislature)	Washington (Legislature)
Kansas	New Mexico	West Virginia
Kentucky (Executive)	New York	Wisconsin
Kentucky (Legislature)		

Table 7.3: Jurisdictions in which the commission can create and define rules within its respective jurisdiction

Alabama	Kentucky (Executive)	New York
Alaska	Kentucky (Legislature)	North Dakota
Arkansas	Kansas	New Jersey (Executive)
California	Louisiana	New Mexico
Colorado	Maine	Oklahoma
Connecticut	Maryland	Oregon
Delaware	Massachusetts	Pennsylvania
District of Columbia	Michigan	Puerto Rico
Florida	Minnesota	Rhode Island
Georgia	Mississippi	South Carolina
Guam	Missouri	Texas
Hawaii	Montana	Washington (Executive)
Illinois (Executive)	Nebraska	Washington (Legislature)
Illinois (Legislature)	Nevada	West Virginia
Indiana	New Hampshire (Executive)	Wisconsin
Iowa	New Hampshire (Legislature)	

**APPENDIX: INDEPENDENT COMMISSION STRUCTURES AND
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ABOUT THE APPENDIX

The following states and territories do not have an independent government ethics oversight body: American Samoa, Arizona, Idaho, Northern Mariana Islands, the U.S. Virgin Islands, and Wyoming. Therefore, these jurisdictions are excluded from the appendix.

ALABAMA

Alabama Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.²³ The commission also has jurisdiction over lobbyists/principals.²⁴

Appointment

Appointments are split between the executive branch (three) and legislative branch (two).²⁵

Membership

Current public officials/candidates, political party officials, and lobbyists/principals are prohibited from serving on the commission.²⁶ Commission membership must include one Black citizen, one Alabama-licensed attorney, and one former elected public official.²⁷ Commission members are prohibited from engaging in partisan political activity.²⁸

Procedure

The commission must be composed of five members.²⁹ A quorum consists of three members.³⁰ The commission may initiate an investigation upon written consent of a supermajority (four members).³¹ A majority vote (three members) is required to issue a finding regarding a violation.³²

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.³³

²³ See Ala. Code § 36-25-2.

²⁴ See Ala. Code § 36-25-18.

²⁵ See Ala. Code § 36-25-3.

²⁶ See Ala. Code §§ 36-25-3(a), 36-25-1(27).

²⁷ See Ala. Code § 36-25-3(a).

²⁸ See Ala. Code § 36-25-3(e).

²⁹ See Ala. Code § 36-25-3(a).

³⁰ See Ala. Code § 36-25-3(b).

³¹ See Ala. Code § 36-25-4(d).

³² See Ala. Code § 36-25-27(c).

³³ See Ala. Code § 36-25-4(h).

Disciplinary Authority

The commission has the authority to recommend discipline. If the commission determines that a violation has occurred, the commission shall report findings and recommend discipline to the district attorney for the jurisdiction in which the alleged violation occurred or to the Attorney General.³⁴

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.³⁵

Creation

The commission was established by statute.³⁶

For more information, visit these websites:

- Alabama Ethics Commission website:
- Statutory text:
[https://ethics.alabama.gov/docs/Alabama%20Ethics%20Act%20-%20Unofficial%20Restated%20Version%20\(2022\).pdf](https://ethics.alabama.gov/docs/Alabama%20Ethics%20Act%20-%20Unofficial%20Restated%20Version%20(2022).pdf)

³⁴ See Ala. Code § 36-25-4(i).

³⁵ See Ala. Code §§ 36-25-4.2, 36-25-4(a)(9), 36-25-4(a)(11).

³⁶ See Ala. Code § 36-25-3.

ALASKA

Alaska Public Offices Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches. The commission also has jurisdiction over lobbyists/principals.³⁷

Appointment

The executive branch appoints all commission members. All appointments are subject to confirmation by the legislative branch. *See* Alaska Stat. § 15.13.020(a).

Membership

Current public officials/candidates,³⁸ political party officials,³⁹ and lobbyists/principals are prohibited from serving on the commission.⁴⁰ Political party balance among commission membership is required.⁴¹ Commission members are prohibited from engaging in political partisan activity.⁴²

Procedure

The commission must be composed of 5 members.⁴³ Quorum and voting requirements for the commission are not specified in statutes.

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁴⁴

³⁷ *See* Alaska Stat. § 15.13.010(a)(1).

³⁸ *See* Alaska Stat. § 15.13.020(e)(1).

³⁹ *See* Alaska Stat. § 15.13.020(e)(2).

⁴⁰ *See* Alaska Stat. § 15.13.020(e)(5).

⁴¹ “The governor shall appoint two members of each of the two political parties or political groups with the largest number of registered voters at the time of the most recent preceding general election at which a governor was elected. The two appointees from each of these two parties or groups shall be chosen from a list of four names to be submitted by the central committee of each party or group.” *See* Alaska Stat. § 15.13.020(b).

⁴² *See* Alaska Stat. § 15.13.020(e)(3).

⁴³ *See* Alaska Stat. § 15.13.020(a).

⁴⁴ *See* Alaska Stat. § 15.13.045(a).

Disciplinary Authority

If the commission determines that a violation has occurred, the commission may assess appropriate civil penalties, the commission's costs of investigation and adjudication, and reasonable attorney's fees against the respondent.⁴⁵

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁴⁶

Creation

The commission was established by statute.⁴⁷

For more information, visit these websites:

- Alaska Public Offices Commission website:
<https://doa.alaska.gov/apoc>
- Statutory text: <https://codes.findlaw.com/ak/title-15-elections/ak-st-sect-15-13-020.html>
- Commission Procedures: Alaska Admin. Code tit. 2, § 50.801 – 50.990: <https://www.law.cornell.edu/regulations/alaska/title-2/chapter-50/article-4>

⁴⁵ Costs of investigation and adjudication include costs of serving subpoenas, witness fees, database searches, deposition costs, staff travel costs, witness travel costs, transcription costs paid to outside firms, expert or consultant fees, overtime pay for hourly staff employees, copying costs, materials, costs of preparing hearing materials and display, costs of publishing hearing notices, hearing officer fees, and honoraria and travel costs of commissioners. *See* Alaska Admin. Code tit. 2, §50.891(h).

⁴⁶ *See* Alaska Stat. §§ 15.13.030(10), 15.13.030(9).

⁴⁷ *See* Alaska Stat. § 15.13.020.

ARKANSAS

Arkansas Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches. The commission also has jurisdiction over lobbyists/principals.⁴⁸

Appointment

Appointments are split between the executive branch (three) and the legislative branch (two).⁴⁹ Appointments do not require confirmation by the legislative branch.

Membership

Current public officials/candidates, public employees, political party officials, and lobbyists/principals are prohibited from serving on the commission.⁵⁰ Partial political party balance among the membership is required: one commission member must represent a minority party.⁵¹ Commission membership must include at least one woman and one individual of a minority race, and one individual of a minority party.⁵² Commission members are prohibited from engaging in partisan political activity.⁵³

Procedure

The commission must be composed of five members.⁵⁴ A majority of total members (three) constitutes a quorum.⁵⁵ A majority vote of the commission's total membership is required to take official action.⁵⁶ An affirmative vote of at least three members of the commission who are present is required to impose sanctions.⁵⁷

⁴⁸ See Ark. Code Ann. § 7-6-217(g)(1).

⁴⁹ See Ark. Code Ann. § 7-6-217(a)(1).

⁵⁰ See Ark. Code Ann. §§ 7-6-217(c)(1), 7-6-217(c)(2).

⁵¹ See Ark. Code Ann. § 7-6-217(a)(1).

⁵² *Id.*

⁵³ See Ark. Code Ann. § 7-6-217(c).

⁵⁴ See Ark. Code Ann. § 7-6-217(a)(1).

⁵⁵ See Ark. Code Ann. § 7-6-217(d)(2)(A).

⁵⁶ See Ark. Code Ann. § 7-6-217(d)(2)(B).

⁵⁷ See Ark. Code Ann. § 7-6-217(d)(2)(C).

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁵⁸

Disciplinary Authority

If the commission determines that a violation has occurred, it can issue a public letter of caution, warning, or reprimand, or impose a fine ranging from fifty dollars (\$50) to three thousand five hundred dollars (\$3,500) to be deposited into the State Treasury.⁵⁹

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁶⁰

Creation

The commission was established by state constitution and statute.⁶¹

For more information, visit these websites:

- Arkansas Ethics Commission website:
<http://www.arkansasethics.com>
- Statutory text: <https://codes.findlaw.com/ar/title-7-elections/ar-code-sect-7-6-217.html>
- Rules of Practice and Procedure:
<http://www.arkansasethics.com/wp-content/uploads/2019/12/07-FINAL-RULE-Rules-of-Practice-and-Procedure.pdf>

⁵⁸ See Ark. Code Ann. § 7-6-217(g)(4).

⁵⁹ See Ark. Code Ann. § 7-6-218(b)(4).

⁶⁰ See Ark. Code Ann. § 7-6-217(g)(1), § 7-6-217(g)(2).

⁶¹ See Ark. Const. Art. 19, § 28; Ark. Code Ann. § 7-6-217.

CALIFORNIA

California Fair Political Practices Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches. The commission also has jurisdiction over lobbyists/principals.⁶²

Appointment

The executive branch appoints all commission members.⁶³

Membership

Current public officials/candidates, political party officials, and lobbyists/principals are prohibited from serving on the commission.⁶⁴ Political party balance among the membership is required: No more than three members may be members of the same political party.⁶⁵ Commission members are prohibited from engaging in partisan political activity.⁶⁶

Procedure

The commission must be composed of 5 members.⁶⁷ Three members constitutes a quorum.⁶⁸ A majority vote of the commission's total membership is required to take official action.⁶⁹

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁷⁰

Disciplinary Authority

If the commission determines that a violation has occurred, it may require the alleged violator to: cease and desist the violation; file any reports, statements, or other required documents or information; and/or

⁶² See Cal. Gov't Code § 83115.

⁶³ See Cal. Gov't Code § 83101–83102.

⁶⁴ See Cal. Gov't Code § 83105.

⁶⁵ See Cal. Gov't Code § 83100.

⁶⁶ See Cal. Gov't Code § 83105.

⁶⁷ See Cal. Gov't Code § 83100.

⁶⁸ See Cal. Gov't Code § 83104.

⁶⁹ See Cal. Code Regs. tit. 2, § 18327.

⁷⁰ See Cal. Gov't Code § 83118.

pay a monetary penalty of up to five thousand dollars (\$5,000) per violation to the General Fund of the state.⁷¹

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁷²

Creation

The commission was established by statute.⁷³

For more information, visit these websites:

- California Fair Political Practices Commission website:
<https://fppc.ca.gov>
- Statutory text:
[https://fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/The%20Political%20Reform%20Act/2022 Act Highlighted Final.pdf](https://fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/The%20Political%20Reform%20Act/2022%20Act%20Highlighted%20Final.pdf)
- Regulatory text:
<https://fppc.ca.gov/the-law/fppc-regulations/regulations-index.html>

⁷¹ See Cal. Gov't Code § 83116.

⁷² See Cal. Gov't Code §§ 83113(b), 83114, 83112.

⁷³ See Cal. Gov't Code § 83100.

COLORADO

Colorado Independent Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.⁷⁴

Appointment

Appointments to the commission are split between the executive branch (one), legislative branch (two), Chief Justice (one), and commission members (one).⁷⁵ Appointments selected by the Legislature require confirmation by the legislative branch.⁷⁶

Membership

One commission member must work in local government.⁷⁷ Political party balance among commission members is required; no more than two members shall be affiliated with the same political party.⁷⁸

Procedure

The commission must be composed of 5 members.⁷⁹ Three members constitutes a quorum.⁸⁰ A majority of a quorum is required to determine the commission's findings.⁸¹

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁸² A motion by one member of the commission and subsequent approval from four members are required to issue a subpoena.⁸³

⁷⁴ See Colo. Const. Art. XXIX, § 5(3).

⁷⁵ See Colo. Const. Art. XXIX, § 5(2).

⁷⁶ See Colo. Rev. Stat. § 24-18.5-101(b).

⁷⁷ See Colo. Const. Art. XXIX, § 5(2)(a)(V).

⁷⁸ See Colo. Const. Art. XXIX, § 5(2)(b).

⁷⁹ See Colo. Const. Art. XXIX, § 5(1).

⁸⁰ See Colo. IEC Rules 2(A)(22).

⁸¹ See Colo. IEC Rules 7(L)(3).

⁸² *Id.*

⁸³ See Colo. Rev. Stat. § 24-18.5-101(8).

Disciplinary Authority

If the commission determines that a violation has occurred, the alleged violator is liable to the state or local jurisdiction for double the amount of the financial equivalent of any benefits obtained by the violation.⁸⁴

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁸⁵

Creation

The commission was established by the state constitution and statute.⁸⁶

For more information, visit these websites:

- Independent Ethics Commission website: <https://iec.colorado.gov>
- Colorado Constitution Article XXIX, Ethics in Government: https://iec.colorado.gov/sites/iec/files/ArticleXXIX_IEC.pdf
- Independent Ethics Commission Rules of Procedure:
- <https://iec.colorado.gov/sites/iec/files/documents/RulesOfProcedure20220601.pdf>

⁸⁴ See Colo. IEC Rules 7(L)(1); Colo. Const. Art. XXIX, § 6.

⁸⁵ See Colo. Const. Art. XXIX, § 5(1).

⁸⁶ See Colo. Const. Art. XXIX, § 5; Colo. Rev. Stat. § 24-18.5-101.

CONNECTICUT

Citizen's Ethics Advisory Board

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.⁸⁷ Lobbyists/principals are covered by a separate board.⁸⁸

Appointment

Appointments to the commission are split between the executive branch (three) and legislative branch (six).⁸⁹ Appointments do not require confirmation by the legislative branch.

Membership

No commission member may have held public office or have been a candidate for public office for a 3-year period prior to appointment.⁹⁰ Current public officials/candidates, public employees, political party officials, and lobbyists/principals are prohibited from serving on the commission. Political party balance among commission members is required; no more than five members shall be members of the same political party.⁹¹ Commission members are prohibited from engaging in partisan political activity.⁹² No commission member may hold any other position in state employment for at least one year following the end of their service on the board.⁹³

Procedure

The commission must be composed of nine members.⁹⁴ Six members constitutes a quorum.⁹⁵ A majority is required to initiate an investigation.⁹⁶ A majority vote is required to determine the commission's findings.⁹⁷

⁸⁷ See Conn. Gen. Stat. § 1-82(c).

⁸⁸ See Conn. Gen. Stat. § 1-93.

⁸⁹ See Conn. Gen. Stat. § 1-80(a).

⁹⁰ See Conn. Gen. Stat. § 1-80(b).

⁹¹ See Conn. Gen. Stat. § 1-80(a).

⁹² See Conn. Gen. Stat. § 1-80(i).

⁹³ See Conn. Gen. Stat. § 1-80(l).

⁹⁴ See Conn. Gen. Stat. § 1-80(a).

⁹⁵ See Conn. Gen. Stat. § 1-80(d).

⁹⁶ *Id.*

⁹⁷ See Conn. Gen. Stat. § 1-93(b).

Subpoena Authority

The Office of State Ethics, within which the commission is housed, has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁹⁸ A majority vote of commission members is required to issue subpoenas.⁹⁹

Disciplinary Authority

If the commission determines that a violation has occurred, it has the authority to order the alleged violator to: cease and desist the violation; file any report, statement, or other required information; and/or pay a civil penalty of at least ten thousand dollars (\$10,000) for each violation.¹⁰⁰

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.¹⁰¹

Creation

The commission was established by statute.¹⁰² The commission is housed within the Office of State Ethics.

For more information, visit these websites:

- Citizen's Ethics Advisory Board website:
<https://portal.ct.gov/ethics>
- Statutory text:
https://www.cga.ct.gov/current/pub/chap_010.htm#sec_1-99

⁹⁸ See Conn. Gen. Stat. § 1-82(a)(2).

⁹⁹ *Id.*

¹⁰⁰ See Conn. Gen. Stat. § 1-88(a).

¹⁰¹ See Conn. Gen. Stat. §§ 1-81c, 1-80(a)(3), 1-81(h).

¹⁰² See Conn. Gen. Stat. § 1-80.

DELAWARE

Public Integrity Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches. The commission also has jurisdiction over lobbyists/principals.¹⁰³

Appointment

The executive branch appoints all commission members. Appointments require confirmation by the legislative branch.¹⁰⁴

Membership

Current public officials/candidates and political party officials are prohibited from serving on the commission.¹⁰⁵ Political party balance among commission members is required; no more than 4 members shall be registered with the same political party.¹⁰⁶

Procedure

The commission must be composed of seven members.¹⁰⁷ Four members constitutes a quorum.¹⁰⁸ An affirmative vote of at least four members is required to conduct hearings and impose sanctions.¹⁰⁹

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.¹¹⁰

Disciplinary Authority

The commission has the authority to issue civil discipline by the affirmative vote of at least four members.¹¹¹

¹⁰³ See Del. Code Ann. tit. 29, § 5809.

¹⁰⁴ See Del. Code Ann. tit. 29, § 5808(b).

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ See Del. Code Ann. tit. 29 § 5808(b).

¹⁰⁸ See Del. Code Ann. tit. 29 § 5808(d).

¹⁰⁹ *Id.*

¹¹⁰ See Del. Code Ann. tit. 29 § 5809(7).

¹¹¹ See Del. Code Ann. tit. 29 §§ 5808(d), 5809(3).

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.¹¹²

Creation

The commission was established by statute.¹¹³

For more information, visit these websites:

- Public Integrity Commission website: <https://depic.delaware.gov>
- Statutory text:
<https://delcode.delaware.gov/title29/c058/sc01/index.html#5808>

¹¹² See Del. Code Ann. tit. 29 §§ 5808A(a)(9), 5809(6).

¹¹³ See Del. Code Ann. tit. § 5808.

DISTRICT OF COLUMBIA

Board of Ethics and Government Accountability

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches. The commission also has jurisdiction over lobbyists/principals.¹¹⁴

Appointment

The executive branch appoints all commission members. Appointments require confirmation by the legislative branch.¹¹⁵

Membership

The commission membership must include at least one individual with experience in government transparency.¹¹⁶ Current public officials/candidates, public employees, political party officials, and lobbyists/principals are prohibited from serving on the commission.¹¹⁷ Political party balance among commission members is required; no more than three members may be affiliated with the same political party.¹¹⁸ Commission members are prohibited from engaging in partisan political activity and shall not be convicted of having committed a felony.¹¹⁹

Procedure

The commission must be composed of five members.¹²⁰ A majority of sitting members constitutes a quorum.¹²¹ Voting requirements for the commission are not specified in statutes.

Subpoena Authority

The commission does not have the authority to issue subpoenas.

Disciplinary Authority

Following the presentation of evidence to the commission by the Director of Government Ethics, the commission may: levy a penalty; refer the

¹¹⁴ See D.C. Code § 1-1162.01a.

¹¹⁵ See D.C. Code § 1-1162.03(a).

¹¹⁶ See D.C. Code § 1-1162.03(g).

¹¹⁷ See D.C. Code §§ 1-1162.03(h), 1-1162.03(i).

¹¹⁸ See D.C. Code § 1-1162.03(a).

¹¹⁹ See D.C. Code § 1-1162.03(i).

¹²⁰ See D.C. Code § 1-1162.03(a).

¹²¹ *Id.*

matter to the prosecutorial authority with jurisdiction for enforcement or prosecution; repeal the action; or dismiss the action.¹²²

Guidance

The commission issues advisory opinions and/or specific advice and can create and/or define rules within its jurisdiction.¹²³

Creation

The commission was established by statute.¹²⁴

For more information, visit these websites:

- Board of Ethics and Government Accountability website: <https://bega.dc.gov>
- Statute text: <http://dccode.elaws.us/code?no=1-11A|II>

¹²² See D.C. Code § 1-1162.15.

¹²³ See D.C. Code §§ 1-1162.19, 1-1162.09.

¹²⁴ See D.C. Code § 1-1162.02.

FLORIDA

Florida Commission on Ethics

Jurisdiction

The Florida Commission on Ethics has jurisdiction over public officials and employees in the executive and legislative branches.¹²⁵ The commission also has jurisdiction over lobbyists/principals.¹²⁶

Appointment

Appointments to the commission are split between the executive branch (five) and legislative branch (four). Appointments selected by the Legislature require confirmation by the legislative branch.¹²⁷

Membership

Current public employees and lobbyists/principals are prohibited from serving on the commission. Political party balance among commission members is required; no more than three members may be affiliated with the same political party.¹²⁸

Procedure

The commission must be composed of nine members.¹²⁹ A majority vote of members present is required to initiate an investigation.¹³⁰

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.¹³¹

Disciplinary Authority

If the commission determines that a violation has occurred, it must report its findings to the appropriate disciplinary authority.¹³²

¹²⁵ See Fla. Const. Art. 2, § 8.

¹²⁶ See Fla. Stat. § 112.3215.

¹²⁷ See Fla. Stat. § 112.321(1).

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ See Fla. Stat. § 112.322(2)(a).

¹³¹ See Fla. Stat. § 112.322(4).

¹³² See Fla. Stat. § 112.324(3).

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.¹³³

Creation

The commission was established by state constitution and statute.¹³⁴

For more information, visit these websites:

- Florida Commission on Ethics website:
<http://www.ethics.state.fl.us>
- Statutory text:
http://www.Legislaturestate.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0112/0112PartIIIContentsIndex.html
- Regulatory text:
<http://www.ethics.state.fl.us/Research/Rules.aspx>

¹³³ See Fla. Stat. §§ 112.3142, 112.322(3), 112.322(9).

¹³⁴ See Fla. Const. Art. 2, § 8; Fla. Stat. § 112.320.

GEORGIA

Georgia Government Transparency and Campaign Finance Commission

Jurisdiction

The Georgia Government Transparency and Campaign Finance Commission, formerly known as the State Ethics Commission, has jurisdiction over public officials and employees in the executive and legislative branches.¹³⁵ The commission also has jurisdiction over lobbyists/principals.¹³⁶

Appointment

Appointments to the commission are split between the executive branch (three) and legislative branch (two).¹³⁷

Membership

No commission member may have held public office or have been a candidate for public office for a five-year period prior to appointment.¹³⁸ Current political party officials are prohibited from serving on the commission.¹³⁹ Political party balance among commission members is required; no more than two members may be affiliated with the same political party.¹⁴⁰

Procedure

The commission must be composed of five members.¹⁴¹ A majority of members (three) constitutes a quorum.¹⁴² A majority vote of members present is required to take official action.

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.¹⁴³

¹³⁵ See Ga. Code Ann. § 21-5-2.

¹³⁶ See Ga. Code Ann. § 21-5-4(b)(20).

¹³⁷ See Ga. Code Ann. § 21-5-4(b).

¹³⁸ See Ga. Code Ann. §§ 21-5-4(d)(1), 21-5-4(d)(2).

¹³⁹ See Ga. Code Ann. § 21-5-4(d)(3).

¹⁴⁰ See Ga. Code Ann. § 21-5-4(b).

¹⁴¹ *Id.*

¹⁴² See Ga. Code Ann. § 21-5-4(f).

¹⁴³ See Ga. Code Ann. § 21-5-6(a)(5).

Disciplinary Authority

If the commission determines that a violation has occurred, it has the authority to order the alleged violator to: cease and desist from committing further violations; make public complete statements containing required information; and/or pay a civil penalty.¹⁴⁴

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.¹⁴⁵

Creation

The commission was established by statute.¹⁴⁶

For more information, visit these websites:

- Georgia Government Transparency and Campaign Finance Commission website: <https://ethics.ga.gov>
- Statutory text: <https://ethics.ga.gov/wp-content/uploads/2022/06/Campaign-Finance-Act.pdf>

¹⁴⁴ See Ga. Code Ann. § 21-5-6(b)(14).

¹⁴⁵ See Ga. Code Ann. §§ 21-5-6(b)(2), 21-5-6(b)(13), 21-5-6(a)(7).

¹⁴⁶ See Ga. Code Ann. § 21-5-4.

GUAM

Guam Ethics Commission

Jurisdiction

The Guam Ethics Commission has jurisdiction over officials and employees in both the executive and legislative branches.¹⁴⁷

Appointment

The executive branch appoints all commission members. Appointments require confirmation by the legislative branch.¹⁴⁸

Membership

Current public employees are prohibited from serving on the commission.¹⁴⁹ No person who has ever been convicted of a felony or who is a relative of a current public employee may serve on the commission.¹⁵⁰ Commission members are prohibited from engaging in partisan political activity.¹⁵¹

Procedure

The commission must be composed of seven members.¹⁵² A vote of five or more members is required to initiate an investigation.¹⁵³ Any charge concerning violations must be initiated in writing, and any charge initiated by the commission must be signed by five or more members.¹⁵⁴ A decision regarding the conduct of a public employee must be in writing and signed by five or more members.¹⁵⁵

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission. A formal resolution defining the nature and scope of its inquiry supported by a vote of five or more members is required to issue a subpoena.¹⁵⁶

¹⁴⁷ See Guam Code Ann. § 15401(2).

¹⁴⁸ See Guam Code Ann. § 15301(a).

¹⁴⁹ See Guam Code Ann. § 15301(b).

¹⁵⁰ See Guam Code Ann. § 15301(a).

¹⁵¹ See Guam Code Ann. § 15408.

¹⁵² See Guam Code Ann. § 15301(a).

¹⁵³ See Guam Code Ann. § 15401(a)(4).

¹⁵⁴ See Guam Code Ann. § 15401(b).

¹⁵⁵ See Guam Code Ann. § 15401(e).

¹⁵⁶ See Guam Code Ann. § 15401(a)(4).

Disciplinary Authority

If the commission determines that a violation has occurred, it must refer the complaint to the Attorney General's Office or appropriate disciplinary authority.¹⁵⁷

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.¹⁵⁸

Creation

The commission was established by statute.¹⁵⁹

For more information, visit these websites:

- Statute text: <https://law.justia.com/codes/guam/2021/title-4/chapter-15>

¹⁵⁷ See Guam Code Ann. § 15403(a).

¹⁵⁸ See Guam Code Ann. §§ 15410, 15401(a)(2), 15401(a)(5).

¹⁵⁹ See Guam Code Ann. § 15301.

HAWAII

Hawaii State Ethics Commission

Jurisdiction

The Hawaii State Ethics Commission has jurisdiction over public officials and employees in both the executive and legislative branches.¹⁶⁰ The commission also has jurisdiction over lobbyists/principals.

Appointment

The executive branch appoints commission members from a list of ten candidates nominated by the judicial branch.¹⁶¹

Membership

Current public officials/candidates are prohibited from serving on the commission.¹⁶² Commission members are prohibited from engaging in partisan political activity.¹⁶³

Procedure

The commission must be composed of five members.¹⁶⁴ A vote of three or more members is required to initiate an investigation.¹⁶⁵ A vote of three or more members is also required to find violations.¹⁶⁶

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission. A formal resolution defining the nature and scope of its inquiry supported by a vote of three or more members is required to issue a subpoena.¹⁶⁷

Disciplinary Authority

The commission has the authority to recommend discipline. If the commission determines that a violation has occurred, it shall issue a complaint and refer the matter to the appropriate disciplinary body.¹⁶⁸

¹⁶⁰ See Haw. Const. Art. 14.

¹⁶¹ See Haw. Rev. Stat. § 84-21(a).

¹⁶² See Haw. Rev. Stat. § 84-21(a).

¹⁶³ See Haw. Rev. Stat. § 84-35.5.

¹⁶⁴ See Haw. Rev. Stat. § 84-21(a).

¹⁶⁵ See Haw. Rev. Stat. § 84-31(a)(6).

¹⁶⁶ See Haw. Rev. Stat. § 84-31(b).

¹⁶⁷ See Haw. Rev. Stat. § 84-31(a)(4).

¹⁶⁸ See Haw. Rev. Stat. § 84-32.

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.¹⁶⁹

Creation

The commission was established by state constitution and statute.¹⁷⁰

For more information, visit these websites:

- Hawaii State Ethics Commission website: <https://ethics.hawaii.gov>
- Statutory text: <https://ethics.hawaii.gov/wp-content/uploads/Chapter84.pdf>

¹⁶⁹ See Haw. Rev. Stat. §§ 84-43(a), 84-31(a)(2), 84-31(a)(1).

¹⁷⁰ See Haw. Const. Art. 14; Haw. Rev. Stat. § 84-21.

ILLINOIS

Illinois has two state government ethics oversight bodies: The Executive Ethics Commission and the Legislative Ethics Commission.

Illinois Executive Ethics Commission

Jurisdiction

The Executive Ethics Commission has jurisdiction over public officials and employees in the executive branch.¹⁷¹

Appointment

The executive branch appoints commission members.¹⁷² Appointments require confirmation by the legislative branch.

Membership

Current public officials/candidates, public employees, and political party officials are prohibited from serving on the commission.¹⁷³ No commission member may have engaged in lobbying activities for a one-year period prior to appointment.¹⁷⁴ A person is also not eligible to serve as a commission member if they have been convicted of a felony.¹⁷⁵ Political party balance among commission members is required; no more than five members may be affiliated with the same political party.¹⁷⁶ Commission members are prohibited from engaging in partisan political activity.¹⁷⁷

Procedure

The commission must be composed of nine members.¹⁷⁸ An affirmative vote of five members is required to take official action.¹⁷⁹ A quorum consists of five members.

¹⁷¹ See 5 Ill. Comp. Stat. Ann. § 430/20-5(d).

¹⁷² See 5 Ill. Comp. Stat. Ann. § 430/20-5(b).

¹⁷³ See 5 Ill. Comp. Stat. Ann. §§ 430/20-5(f)(1), 430/20-5(c)(iv), 430/20-5(3).

¹⁷⁴ See 5 Ill. Comp. Stat. Ann. § 430/20-5(c)(ii).

¹⁷⁵ See 5 Ill. Comp. Stat. Ann. § 430/20-5(c)(i).

¹⁷⁶ See 5 Ill. Comp. Stat. Ann. § 430/20-5(b).

¹⁷⁷ See 5 Ill. Comp. Stat. Ann. § 430/20-5(4).

¹⁷⁸ See 5 Ill. Comp. Stat. Ann. § 430/20-5(b).

¹⁷⁹ See 5 Ill. Comp. Stat. Ann. § 430/20-5(e).

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.¹⁸⁰

Disciplinary Authority

The commission has authority to recommend discipline. All decisions of the commission shall be delivered to the head of the appropriate State agency, the appropriate ultimate jurisdictional authority, and the appropriate Executive Inspector General.¹⁸¹ The commission may also impose administrative fines, if appropriate, in connection with the implementation and interpretation of the State Officials and Employee Ethics Act.¹⁸²

Guidance

The commission supplies ethics materials and/or trainings and can create and/or define rules within its jurisdiction.¹⁸³

Creation

The commission was established by statute.¹⁸⁴

For more information, visit these websites:

- Executive Ethics Commission website: <https://eec.illinois.gov>
- Statutory text: <https://www.ilga.gov/legislation/ilcs/ilcs4.asp?>

Illinois Legislative Ethics Commission

Jurisdiction

The Legislative Ethics Commission has jurisdiction over public officials and employees in the legislative branch.¹⁸⁵

Appointment

The legislative branch appoints all commission members.¹⁸⁶

¹⁸⁰ See 5 Ill. Comp. Stat. Ann. § 430/20-15(7).

¹⁸¹ See 5 Ill. Comp. Stat. Ann. § 430/20-55.

¹⁸² See 5 Ill. Comp. Stat. Ann. § 430/20-15(6).

¹⁸³ See 5 Ill. Comp. Stat. Ann. §§ 430/20-15(3), 430/20-15(1)

¹⁸⁴ See 5 Ill. Comp. Stat. Ann. § 430/20-5.

¹⁸⁵ See 5 Ill. Comp. Stat. Ann. § 430/25-5(d).

¹⁸⁶ See 5 Ill. Comp. Stat. Ann. § 430/25-5(b).

Membership

Individuals who have experience holding governmental office or employment may serve on the commission.¹⁸⁷ Members of the General Assembly may also be appointed to the commission.

Current public officials/candidates, public employees, and political party officials are prohibited from serving on the commission.¹⁸⁸ No commission member may have engaged in lobbying activities for a one-year period prior to appointment.¹⁸⁹ A person is also not eligible to serve as a commission member if they have been convicted of a felony, or if they are a relative of the appointing authority.¹⁹⁰ Commission members are prohibited from engaging in partisan political activity.¹⁹¹

Procedure

The commission must be composed of eight members.¹⁹² A quorum consists of five members.¹⁹³ An affirmative vote of five commissioners is required to take official action.

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.¹⁹⁴

Disciplinary Authority

The commission has authority to recommend discipline. All decisions of the commission shall be delivered to the head of the appropriate State agency, the appropriate ultimate jurisdictional authority, and the appropriate Executive Inspector General.¹⁹⁵

Guidance

The commission supplies ethics materials and/or trainings and can create and/or define rules within its jurisdiction.¹⁹⁶

¹⁸⁷ See 5 Ill. Comp. Stat. Ann. § 430/25-5(c).

¹⁸⁸ See 5 Ill. Comp. Stat. Ann. §§ 430/25-5(f)(2), 430/25-5(c)(iv), 430/25-5(f)(3).

¹⁸⁹ See 5 Ill. Comp. Stat. Ann. § 430/25-5(c)(ii).

¹⁹⁰ See 5 Ill. Comp. Stat. Ann. § 430/25-5(c)(i).

¹⁹¹ See 5 Ill. Comp. Stat. Ann. § 430/25-5(f)(4).

¹⁹² See 5 Ill. Comp. Stat. Ann. § 430/25-5(b).

¹⁹³ See 5 Ill. Comp. Stat. Ann. § 430/25-5(e).

¹⁹⁴ See 5 Ill. Comp. Stat. Ann. § 430-25-15(7).

¹⁹⁵ See 5 Ill. Comp. Stat. Ann. § 430/25-55(a).

¹⁹⁶ See 5 Ill. Comp. Stat. Ann. §§ 430/25-5(i), 430/25-15(1).

Creation

The commission was established by statute.¹⁹⁷

For more information, visit these websites:

- Legislative Ethics Commission website:
<https://www.ilga.gov/commission/lec/default.asp>
- Statutory text: <https://www.ilga.gov/legislation/ilcs/ilcs4.asp?>

¹⁹⁷ See 5 Ill. Comp. Stat. Ann. § 430/25-5.

INDIANA

State Ethics Commission

Jurisdiction

The commission has jurisdiction over current and former public officials and employees in both the executive and legislative branches.¹⁹⁸

Appointment

The executive branch appoints all commission members.¹⁹⁹

Membership

Current public officials/candidates, public employees, and lobbyists/principals are prohibited from serving on the commission.²⁰⁰ Political party balance among commission members is required; no more than three members may be affiliated with the same political party.

Procedure

The commission must be composed of five members.²⁰¹ An affirmative vote of four members is required to refer potential violations to the Inspector General for investigation.²⁰² A majority vote is required to determine the commission's findings.

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission. An affirmative vote of four members is required to issue a subpoena.²⁰³

Disciplinary Authority

If the commission determines that a violation has occurred, it may: impose a civil penalty; cancel a contract; bar a person from entering into a contract with an agency or state officer for a specified period; order restitution or disgorgement; reprimand, suspend, or terminate an employee or state appointee; bar a person from future state employment or appointment; revoke a license or permit issued by an agency; bar a person from obtaining a license or permit issued by an agency; revoke

¹⁹⁸ See Ind. Code Ann. § 4-2-6-2.5(a).

¹⁹⁹ See Ind. Code Ann. § 4-2-6-2(b).

²⁰⁰ See Ind. Code Ann. § 4-2-6-2(c).

²⁰¹ See Ind. Code Ann. § 4-2-6-2(b).

²⁰² See Ind. Code Ann. § 4-2-6-4(a)(1).

²⁰³ See Ind. Code Ann. § 4-2-6-4(a)(3).

the registration of a person registered as a lobbyist; and/or bar a person from future lobbying activity with a state officer or agency.²⁰⁴

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.²⁰⁵

Creation

The commission was established by statute.²⁰⁶

For more information, visit these websites:

- State Ethics Commission website: <https://www.in.gov/ig/commission>
- Statute text: <https://law.justia.com/codes/indiana/2019/title-4/article-2/chapter-6>

²⁰⁴ See Ind. Code Ann. § 4-2-6-12.

²⁰⁵ See 42 Ind. Admin. Code 1-4-1; Ind. Code Ann. §§ 4-2-6-4(b)(1), 4-2-6-4(a)(5).

²⁰⁶ See Ind. Code Ann. § 4-2-6.

IOWA

Iowa Ethics and Campaign Disclosure Board

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive branch.²⁰⁷ The commission also has jurisdiction over lobbyists/principals.

Appointment

The executive branch appoints all commission members. Appointments require confirmation by the legislative branch.²⁰⁸

Membership

Current public officials/candidates, public employees, political party officials, and lobbyists/principals are prohibited from serving on the commission.²⁰⁹

Partisan political activity by commission members is limited. Making monetary and in-kind contributions to the committees of candidates for Iowa public office or a political action committee (PAC) is prohibited.²¹⁰ However, contributions to candidates for federal office, state parties, or county central committees are permitted.

Political party balance among commission members is required; no more than half of the commission may belong to the same political party.²¹¹

Procedure

The commission must be composed of six members.²¹² A quorum consists of four members.²¹³ An affirmative vote of four board members is required for a motion to pass.

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.²¹⁴

²⁰⁷ See Iowa Code § 68B.32(1).

²⁰⁸ *Id.*

²⁰⁹ See Iowa Admin. Code §§ 351-1.4(4), 351-1.4(7), 351-1.4(6), 351-1.4(8).

²¹⁰ See Iowa Admin. Code § 351-1.4(1), § 351-1.4(3).

²¹¹ See Iowa Code §§ 68B.32(1), 69.16.

²¹² See Iowa Code § 68B.32(1).

²¹³ See Iowa Admin. Code § 351-1.1(4).

²¹⁴ See Iowa Code § 68B.32B(8).

Disciplinary Authority

If the commission determines that a violation has occurred, it may: issue an order requiring the alleged violator to cease and desist from the violation; issue an order requiring the alleged violator to take any remedial action deemed appropriate; issue an order requiring the alleged violator to file any report, statement, or other required information; publicly reprimand the alleged violator; make a written recommendation to the alleged violator's appointing authority that the alleged violator be removed or suspended from office; if the alleged violator is an elected official of the executive branch, make a written recommendation to the attorney general or appropriate county attorney that an action for removal from office be initiated; if the alleged violator is a lobbyist, censure, reprimand, or impose other sanctions deemed appropriate; issue an order requiring the alleged violator to pay a civil penalty of no more than two thousand dollars (\$2,000) per violation; and/or refer the complaint to the attorney general or appropriate county attorney with a recommendation for prosecution or enforcement of criminal penalties.²¹⁵

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.²¹⁶

Creation

The commission was established by statute.²¹⁷

For more information, visit these websites:

- Iowa Ethics and Campaign Disclosure Board website:
<https://ethics.iowa.gov>
- Statute text: <https://www.legis.iowa.gov/docs/code/2022/68B.pdf>
- Regulatory text:
<https://www.legis.iowa.gov/law/administrativeRules/rules?agency=351&chapter=1&pubDate=07-27-2022>

²¹⁵ See Iowa Code § 68B.32D(1).

²¹⁶ See Iowa Code §§ 68B.32A(6), 68B.32A(12), 68B.32A(1).

²¹⁷ See Iowa Code § 68B.32.

KANSAS

Governmental Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches. The commission also has jurisdiction over lobbyists/principals.

Appointment

Appointments are split between the executive branch (four), legislative branch (four), and the judicial branch (one).²¹⁸

Membership

Current political party officials and lobbyists/principals are prohibited from serving on the commission.²¹⁹ No commission member may have been a public official/candidate for a five-year period prior to their appointment. No commission member may have held an elective state office, held the office of secretary of any department of state government, been a lobbyist, been an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services with the State of Kansas, or provided services under contract to the State of Kansas for a three-year period prior to their appointment. Current public employees who directly participate in the making of contracts on behalf of vendors of goods or services with the State of Kansas may not serve on the commission.

Political party balance among commission members is required; no more than five members shall be affiliated with the same political party, and the two members appointed by the Governor may not be members of the same political party.²²⁰

Procedure

The commission must be composed of nine members.²²¹ A majority vote of five members is required for the commission to take official action.²²²

Subpoena Authority

The commission does not have the authority to issue subpoenas.

²¹⁸ See Kan. Stat. Ann. § 25-4119a(b).

²¹⁹ See Kan. Stat. Ann. §§ 25-4119d(a), 25-4119d(b).

²²⁰ See Kan. Stat. Ann. § 25-4119a(b).

²²¹ *Id.*

²²² See Kan. Stat. Ann. § 25-4119a(c).

Disciplinary Authority

If the commission determines that a violation has occurred, it may assess a civil fine against the alleged violator in an amount not to exceed five thousand dollars (\$5,000) for the first violation, ten thousand dollars (\$10,000) for the second violation, and fifteen thousand dollars (\$15,000) for the third violation and for each subsequent violation.²²³

Guidance

The commission issues advisory opinions and/or specific advice and can create and/or define rules within its jurisdiction.²²⁴

Creation

The commission was established by statute.²²⁵

For more information, visit these websites:

- Governmental Ethics Commission website:
<https://ethics.kansas.gov>
- Statute text: <https://ethics.kansas.gov/commission/procedural-statutes>
- Procedural Rules and Regulations:
<https://ethics.kansas.gov/commission/procedural-rules-and-regulations>

²²³ See Kan. Stat. Ann. § 25-4181(a).

²²⁴ See Kan. Stat. Ann. §§ 25-4159, 25-4119a(d).

²²⁵ See Kan. Stat. Ann. § 25-4119a.

KENTUCKY

Kentucky has two state government ethics oversight bodies: The Executive Branch Ethics Commission and the Legislative Ethics Commission.

Kentucky Executive Branch Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive branch.²²⁶ The commission also has jurisdiction over lobbyists/principals.²²⁷

Appointment

The executive branch appoints commission members.²²⁸

Membership

Current public officials/candidates, public employees, political party officials, and lobbyists/principals are not prohibited from serving on the commission. The statute also does not address partisan political activity by commission members or require any political party balance.

Procedure

The commission must be composed of seven members.²²⁹ A quorum consists of four or more members.²³⁰ An affirmative vote of four or more members is required for the commission to take official action.

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.²³¹

Disciplinary Authority

If the commission determines that a violation has occurred, it may: require the alleged violator to cease and desist the violation; require the alleged violator to file any report, statement, or other required information; publicly reprimand the alleged violator and provide a copy

²²⁶ See Ky. Rev. Stat. Ann. § 11A.060.

²²⁷ See Ky. Rev. Stat. Ann. § 11A.110.

²²⁸ See Ky. Rev. Stat. Ann. § 11A.060(2).

²²⁹ *Id.*

²³⁰ See Ky. Rev. Stat. Ann. § 11A.060(8).

²³¹ See Ky. Rev. Stat. Ann. § 11A.090.

of the reprimand to the appointing authority, if any; recommend to the appointing authority that the alleged violator be removed or suspended from office or employment; or require the alleged violator to pay a civil penalty of no more than five thousand dollars (\$5,000) for each violation.²³²

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.²³³

Creation

The commission was established by statute.²³⁴

For more information, visit these websites:

- Commission website: <https://ethics.ky.gov/Pages/default.aspx>
- Statute text:
<https://apps.legislature.ky.gov/law/statutes/chapter.aspx?id=370>

Kentucky Legislative Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the legislative branch.²³⁵ The commission also has jurisdiction over lobbyists/principals.

Appointment

The legislative branch appoints all commission members.²³⁶

Membership

Current public officials/candidates and political party officials are prohibited from serving on the commission.²³⁷ Political party balance among commission members is required; at least three members must be affiliated with the largest minority party in the state.²³⁸ Commission members are prohibited from engaging in partisan political activity.²³⁹

²³² See Ky. Rev. Stat. Ann. § 11A.100(3).

²³³ See Ky. Rev. Stat. Ann. §§ 11A.110(2), 11A.110(1), 11A.110(3).

²³⁴ See Ky. Rev. Stat. Ann. § 11A.060.

²³⁵ See Ky. Rev. Stat. Ann. § 6.651.

²³⁶ See Ky. Rev. Stat. Ann. § 6.651(2).

²³⁷ See Ky. Rev. Stat. Ann. §§ 6.651(2), 6.651(7)(c).

²³⁸ See Ky. Rev. Stat. Ann. § 6.651(2).

²³⁹ See Ky. Rev. Stat. Ann. § 6.651(7).

Procedure

The commission must be composed of nine members.²⁴⁰ A quorum consists of five or more members.²⁴¹ An affirmative vote of five or more members is required for the commission to take official action.

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.²⁴²

Disciplinary Authority

The commission has the authority to issue civil discipline.²⁴³ If the commission determines that a violation has occurred, it may: require the alleged violator to cease and desist the violation; require the alleged violator to file any report, statement, or other required information; publicly reprimand the alleged violator and provide a copy of the reprimand to the presiding officer in the house in which the alleged violator serves; recommend to the house in which the alleged violator serves that the alleged violator be sanctioned; require the alleged violator to pay a civil penalty of no more than two thousand dollars (\$2,000); or revoke the registration of any legislative agent or employer for a period up to five years.²⁴⁴

The commission may also refer evidence of criminal violations to the Attorney General, county attorney, or Commonwealth's attorney of the appropriate jurisdiction for prosecution.

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.²⁴⁵

Creation

The commission was established by statute.²⁴⁶

²⁴⁰ See Ky. Rev. Stat. Ann. § 6.651(2).

²⁴¹ See Ky. Rev. Stat. Ann. § 6.656(2).

²⁴² See Ky. Rev. Stat. Ann. § 6.666(3).

²⁴³ See Ky. Rev. Stat. Ann. § 6.666(1).

²⁴⁴ See Ky. Rev. Stat. Ann. § 6.691(5).

²⁴⁵ See Ky. Rev. Stat. Ann. §§ 6.666(15), 6.666(4), 6.666(5).

²⁴⁶ See Ky. Rev. Stat. Ann. § 6.651.

For more information, visit these websites:

- Kentucky Legislative Ethics Commission website:
<https://klec.ky.gov/Pages/default.aspx>
- Statute text:
<https://apps.legislature.ky.gov/law/statutes/chapter.aspx?id=370>

LOUISIANA

Board of Ethics

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.²⁴⁷ The commission also has jurisdiction over lobbyists/principals.

Appointment

Appointments are split between the executive branch (seven) and legislative branch (four).²⁴⁸ A nominating committee, consisting of presidents of the State's colleges, submits a list of candidates for consideration. Appointments require confirmation by the legislative branch.

Membership

At least one member shall be appointed from each congressional district.²⁴⁹ At least three members appointed by the Governor shall be licensed attorneys. Commission members may not have served as public officials/candidates or public employees within six months prior to their appointment.²⁵⁰ Commission members may not have engaged in lobbying activities within two years prior to their appointment.²⁵¹ Commission members are prohibited from engaging in political party activity.²⁵²

Procedure

The commission must be composed of eleven members.²⁵³ A quorum consists of six members.²⁵⁴ A two-thirds majority vote is required to initiate an investigation.²⁵⁵ The commission may authorize the hearing and determination of matters by separate panels consisting of at least three members.²⁵⁶ A majority vote is required to determine the panel's findings. However, if the panel consists of three members, a unanimous vote is required.

²⁴⁷ See La. Stat. Ann. § 42:1132(C).

²⁴⁸ See La. Stat. Ann. § 42:1132(B).

²⁴⁹ See La. Stat. Ann. § 42:1132(B)(1)(a).

²⁵⁰ See La. Stat. Ann. §§ 42:1132(B)(4)(a), 42:1132(B)(4)(c).

²⁵¹ See La. Stat. Ann. § 42:1132(B)(4)(d).

²⁵² See La. Stat. Ann. § 42:1132(B)(4)(e).

²⁵³ See La. Stat. Ann. § 42:1132(B)(1).

²⁵⁴ See La. Stat. Ann. § 42:1133(A).

²⁵⁵ See La. Stat. Ann. § 42:1141(B).

²⁵⁶ See La. Stat. Ann. § 42:1141(A)(2).

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.²⁵⁷

Disciplinary Authority

If the commission determines that an elected official has violated governmental ethics law, it may censure the elected official and/or impose a fine of no more than ten thousand dollars (\$10,000).²⁵⁸ If the commission determines that a public employee has violated governmental ethics law, it may remove, suspend, or order a reduction in pay or demotion of the public employee and/or impose a fine of no more than ten thousand dollars (\$10,000).²⁵⁹

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.²⁶⁰

Creation

The commission was established by state constitution and statute.²⁶¹

For more information, visit these websites:

- Board of Ethics website: <https://ethics.la.gov/BoardOfEthics.aspx>
- Statute text: <https://ethics.la.gov/Pub/Laws/ethsum.pdf>
- Regulatory text: <https://ethics.la.gov/Pub/Other/rules.pdf?20180730>

²⁵⁷ See La. Stat. Ann. § 42:1141.4(B)(1).

²⁵⁸ See La. Stat. Ann. § 42:1153(A).

²⁵⁹ See La. Stat. Ann. § 42:1153(B).

²⁶⁰ See La. Stat. Ann. §§ 42:1134(N), 42:1134(E), 42:1134(A)(1).

²⁶¹ See La. Const. Art. X, § 21; La. Stat. Ann. § 42:1132.

MAINE

Commission on Governmental Ethics and Election Practices

Jurisdiction

The commission has jurisdiction over the legislative branch.²⁶² The commission also has jurisdiction over lobbyists/principals.²⁶³

Appointment

The executive branch selects appointments from a list of candidates provided by the legislative branch.²⁶⁴

Membership

Current public officials/candidates and political party officials are prohibited from serving on the commission.²⁶⁵ Commission members may not have been a public official/candidate for a two-year period prior to their appointment. Political party balance among commission members is required; no more than two members may be enrolled in the same party.²⁶⁶ Commission members are prohibited from engaging in partisan political activity.²⁶⁷

Procedure

The commission must be composed of five members.²⁶⁸ A quorum consists of a majority of members (three).²⁶⁹ A majority vote is required to initiate an investigation.²⁷⁰

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.²⁷¹

Disciplinary Authority

The commission has the authority to recommend discipline. If the commission determines that a violation has occurred, it must refer a

²⁶² See Me. Rev. Stat. Ann. tit. 1, § 1008(1).

²⁶³ See Me. Rev. Stat. Ann. tit. 1, § 1008(4).

²⁶⁴ See Me. Rev. Stat. Ann. tit. 1, § 1002(1-A)(B).

²⁶⁵ See Me. Rev. Stat. Ann. tit. 1, § 1002(2).

²⁶⁶ See Me. Rev. Stat. Ann. tit. 1, § 1002(1-A)(C).

²⁶⁷ See Me. Rev. Stat. Ann. tit. 1, § 1002(6).

²⁶⁸ See Me. Rev. Stat. Ann. tit. 1, § 1002(1A).

²⁶⁹ See Me. Rev. Stat. Ann. tit. 1, § 1004.

²⁷⁰ See Me. Rev. Stat. Ann. tit. 1, § 1013(2)(B-1)(2).

²⁷¹ See Me. Rev. Stat. Ann. tit. 1, § 1013(2)(D).

copy of its findings, opinion, and other relevant information to the Attorney General.²⁷²

Guidance

The commission issues advisory opinions and/or specific advice and can create and/or define rules within its jurisdiction.²⁷³

Creation

The commission was established by statute.²⁷⁴

For more information, visit these websites:

- Commission on Governmental Ethics and Election Practices website: <https://www.maine.gov/ethics>
- Statute text: https://www.maine.gov/ethics/sites/maine.gov.ethics/files/inline-files/Title%201%20MRSA%20Ch25-Governmental%20Ethics_10-2021.pdf

²⁷² See Me. Rev. Stat. Ann. tit. 1, § 1013(2)(F).

²⁷³ See Me. Rev. Stat. Ann. tit. 1, § 1013(1).

²⁷⁴ See Me. Rev. Stat. Ann. tit. 1, § 1002.

MARYLAND

Maryland State Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.²⁷⁵ The commission also has jurisdiction over lobbyists/principals.²⁷⁶

Appointment

Appointments are split between the executive branch (three) and legislative branch (two).²⁷⁷ Appointments require confirmation by the legislative branch.

Membership

Current public officials/candidates, public employees, political party officials, and lobbyists/principals are prohibited from serving on the commission.²⁷⁸ Political party balance is not specifically required; however, at least one commission member must be a member of the principal political party of which the Governor is not a member.²⁷⁹

Procedure

The commission must be composed of five members.²⁸⁰ A majority of members constitutes a quorum.²⁸¹ A majority vote is required for the commission to take official action.²⁸²

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.²⁸³

Disciplinary Authority

If the commission determines that a violation has occurred, it may: direct the alleged violator to cease and desist from the violation; issue a

²⁷⁵ See Md. Code Ann., Gen. Provisions § 5-202.

²⁷⁶ See Md. Code Ann., Gen. Provisions § 5-704.

²⁷⁷ See Md. Code Ann., Gen. Provisions § 5-202(a)(2).

²⁷⁸ See Md. Code Ann., Gen. Provisions §§ 5-202(b)(1), 5-202(b)(1)(iv), 5-202(b)(2).

²⁷⁹ See Md. Code Ann., Gen. Provisions § 5-202(a)(2)(i).

²⁸⁰ See Md. Code Ann., Gen. Provisions § 5-202(a)(1).

²⁸¹ *Id.*

²⁸² See Md. Code Ann., Gen. Provisions § 5-204(a)(2).

²⁸³ See Md. Code Ann., Gen. Provisions § 5-207(a)(2).

reprimand; or recommend discipline to the appropriate authority.²⁸⁴ If the commission determines that a lobbyist has violated governmental ethics law, it may: require the alleged violator to file any additional reports or required information; impose a fine up to five thousand dollars (\$5,000) for each violation; or suspend the registration of the lobbyist.²⁸⁵

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.²⁸⁶

Creation

The commission was established by statute.²⁸⁷

For more information, visit these websites:

- Maryland State Ethics Commission website: <https://ethics.maryland.gov>
- Statute text: <https://ethics.maryland.gov/wp-content/uploads/filebase/general/Public-Ethics-Law.pdf>

²⁸⁴ See Md. Code Ann., Gen. Provisions § 5-405(c).

²⁸⁵ See Md. Code Ann., Gen. Provisions § 5-405(d).

²⁸⁶ See Md. Code Ann., Gen. Provisions §§ 5-205(d)(1), 5-304(a), 5-206.

²⁸⁷ See Md. Code Ann., Gen. Provisions § 5-202.

MASSACHUSETTS

Massachusetts State Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.²⁸⁸ The commission also has jurisdiction over lobbyists/principals.

Appointment

The executive branch appoints commission members.²⁸⁹

Membership

Current political party officials are prohibited from serving on the commission.²⁹⁰ Commission members are prohibited from holding or being a candidate for any other public office for one year after they have served on the commission.²⁹¹ Political party balance among commission members is required; no more than three members may be affiliated with the same political party.²⁹² Commission members are prohibited from engaging in partisan political activity.²⁹³

Procedure

The commission must be composed of five members.²⁹⁴ A quorum consists of three members.²⁹⁵ An affirmative vote from at least three members is required for the commission to take official action. A majority vote is required to initiate an adjudicatory proceeding to determine whether a violation has occurred.²⁹⁶

Subpoena Authority

The commission does not have the authority to issue subpoenas; however, it may require by summons the attendance and testimony of witnesses and the production of records related to matters under investigation by the commission.²⁹⁷

²⁸⁸ See Mass. Gen. Laws ch. 268B, § 2.

²⁸⁹ See Mass. Gen. Laws ch. 268B, § 2(b).

²⁹⁰ See Mass. Gen. Laws ch. 268B, § 2(f)(2).

²⁹¹ See Mass. Gen. Laws ch. 268B, § 2(f)(1).

²⁹² See Mass. Gen. Laws ch. 268B, § 2(a).

²⁹³ See Mass. Gen. Laws ch. 268B, § 2(f)(3).

²⁹⁴ See Mass. Gen. Laws ch. 268B, § 2(a).

²⁹⁵ See Mass. Gen. Laws ch. 268B, § 2(j).

²⁹⁶ See Mass. Gen. Laws ch. 268B, § 4(c).

²⁹⁷ See Mass. Gen. Laws ch. 268B, § 4(d).

Disciplinary Authority

If the commission determines that a violation has occurred, it may order the alleged violator to: cease and desist such violation; file a report, statement, or other required information; or pay a civil penalty of no more than ten thousand dollars (\$10,000) for each violation.²⁹⁸ The commission may also file a civil action in a superior court to enforce such orders.

Guidance

The commission issues advisory opinions and/or specific advice and can create and/or define rules within its jurisdiction.²⁹⁹

Creation

The commission was established by statute.³⁰⁰

For more information, visit these websites:

- Massachusetts State Ethics Commission website:
<https://www.mass.gov/orgs/state-ethics-commission>
- Statute text:
<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter268B>

²⁹⁸ See Mass. Gen. Laws ch. 268B, § 4(j).

²⁹⁹ See Mass. Gen. Laws ch. 268B, §§ 3(g), 3(a).

³⁰⁰ See Mass. Gen. Laws ch. 268B, § 2.

MICHIGAN

State Board of Ethics

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive branch.³⁰¹

Appointment

The executive branch appoints commission members.³⁰² Appointments require confirmation by the legislative branch.

Membership

Current public officials/candidates and public employees are prohibited from serving on the commission.³⁰³ Political party balance among commission members is required; no more than four members may be members of the same political party.

Procedure

The commission must be composed of seven members.³⁰⁴ A quorum consists of four members.³⁰⁵ An affirmative vote of four members is required for the commission to take official action.

Subpoena Authority

The commission does not have the authority to issue subpoenas.

Disciplinary Authority

The commission has the authority to recommend discipline to the appointing authority with supervisory responsibility for the person whose activities have been investigated.³⁰⁶

Guidance

The commission issues advisory opinions and/or specific advice and can create and/or define rules within its jurisdiction.³⁰⁷

Creation

The commission was established by statute.³⁰⁸

³⁰¹ See Mich. Comp. Laws §§ 15.341, 15.343.

³⁰² See Mich. Comp. Laws § 15.344(1).

³⁰³ *Id.*

³⁰⁴ *Id.*

³⁰⁵ See Mich. Comp. Laws § 15.344(3).

³⁰⁶ See Mich. Comp. Laws § 15.345(4).

³⁰⁷ See Mich. Comp. Laws §§ 15.345(1)(e), 15.346.

³⁰⁸ See Mich. Comp. Laws § 15.343.

For more information, visit these websites:

- State Board of Ethics website:
<https://www.michigan.gov/mdcs/quick-links/boardethics/state-board-of-ethics>
- Statute text:
[http://www.legislature.mi.gov/\(S\(1ls0dq4tv3sc4pp3b2khw4um\)\)/miLegislature.aspx?page=GetObject&objectname=mcl-Act-196-of-1973](http://www.legislature.mi.gov/(S(1ls0dq4tv3sc4pp3b2khw4um))/miLegislature.aspx?page=GetObject&objectname=mcl-Act-196-of-1973)
- Regulatory text: <https://www.michigan.gov/mdcs/-/media/Project/Websites/mdcs/ETHICS/Rules.pdf?rev=f0bcdbf34ff34eeef0af67cd40a0f82&hash=0A6C37E3EA4DFBB026E17231234C01F6>

MINNESOTA

Campaign Finance and Public Disclosure Board

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.³⁰⁹ The commission also has jurisdiction over lobbyists/principals.³¹⁰

Appointment

The executive branch appoints commission members. Appointments require confirmation by the legislative branch.³¹¹

Membership

Current public officials/candidates and lobbyists/principals are prohibited from serving on the commission.³¹² Political party balance among commission members is required; no more than three members may support the same political party.³¹³ Two commission members must be former members of the legislature who support different political parties, and two members must be person who have not been public officials, held any political party office, or have been elected to public office in which party designation is required by statute for a three-year period prior to their appointment.³¹⁴ Partisan political activity by commission members is limited but not prohibited.³¹⁵

Procedure

The commission must be composed of six members.³¹⁶ An affirmative vote of four members is required to determine the commission's findings.³¹⁷

³⁰⁹ See Minn. Stat. § 10A.02.

³¹⁰ See Minn. Stat. § 10A.03.

³¹¹ See Minn. Stat. § 10A.02(1).

³¹² See Minn. Stat. §§ 10A.02(7), 10A.02(1).

³¹³ See Minn. Stat. § 10A.02(1).

³¹⁴ *Id.*

³¹⁵ “All members and employees of the board are subject to any provisions of law regulating political activity by state employees. In addition, no member or employee of the board may be a candidate for, or holder of, (1) a national, state, congressional district, legislative district, county, or precinct office in a political party, or (2) an elected public office for which party designation is required by statute.” See Minn. Stat. § 10A.02(7).

³¹⁶ See Minn. Stat. § 10A.02(1).

³¹⁷ See Minn. Stat. § 10A.02(3).

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.³¹⁸

Disciplinary Authority

If the commission determines that a violation has occurred, it may impose civil penalties and issue orders for compliance.³¹⁹

Guidance

The commission issues advisory opinions and/or specific advice and can create and/or define rules within its jurisdiction.³²⁰

Creation

The commission was established by statute.³²¹

For more information, visit these websites:

- Campaign Finance and Public Disclosure Board website: <https://cfb.mn.gov>
- Statute text: <https://www.revisor.mn.gov/statutes/cite/10A>

³¹⁸ See Minn. Stat. § 10A.022(2)(a).

³¹⁹ *Id.*

³²⁰ See Minn. Stat. §§ 10A.02(12), 10A.02(13).

³²¹ See Minn. Stat. § 10A.02.

MISSISSIPPI

Mississippi Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.³²²

Appointment

Appointments are split between the executive branch (four), legislative branch (two), and judicial branch (two).³²³

Membership

No more than four members be an elected public official.³²⁴ No person who has ever been convicted of a felony or certain misdemeanors shall be eligible to serve on the commission.³²⁵

Procedure

The commission must be composed of eight members.³²⁶ A quorum consists of five members.³²⁷ An affirmative vote of five members is required for the commission to take official action.

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.³²⁸

Disciplinary Authority

If the commission determines that a violation has occurred, it may impose civil penalties.³²⁹ The commission may order any person who has failed to file a statement of economic interest by the required deadlines

³²² See Miss. Code Ann. § 25-4-19.

³²³ See Miss. Code Ann. § 25-4-5(2).

³²⁴ “Not more than one (1) person appointed by each appointing authority shall be an elected official.” See Miss. Code Ann. § 25-4-5(2).

³²⁵ “Any member of the commission who is indicted for any felony may be suspended by the commission from service on the commission. A commission member who is convicted of a misdemeanor involving moral turpitude or convicted of any felony shall be ineligible to serve and the member’s position on the commission shall be vacant and subject to reappointment as for other vacancies.” See Miss. Code Ann. § 25-4-5(6).

³²⁶ See Miss. Code Ann. § 25-4-5(1).

³²⁷ See Miss. Code Ann. § 25-4-11(1).

³²⁸ See Miss. Code Ann. § 25-4-19(c).

³²⁹ See Miss. Code Ann. §§ 25-4-19(a)(ii), 25-4-29(2), 25-4-109.

to pay a fine of fifty dollars (\$50) per day, not to exceed a total fine of one thousand dollars (\$1000).³³⁰ Upon a finding by clear and convincing evidence that any public official or employee has violated governmental ethics law, the commission may censure the alleged violator and/or impose a civil fine of not more than ten thousand dollars (\$10,000).³³¹ The commission may also recommend to the Circuit Court for Hinds County that the public official be removed from office or that the public employee be removed from office, suspended, or subjected to a demotion or reduction in pay.³³² The commission may also order restitution or other equitable or legal remedies to recover public funds or property unlawfully taken.³³³

Guidance

The commission issues advisory opinions and/or specific advice and can create and/or define rules within its jurisdiction.³³⁴

Creation

The commission was established by statute.³³⁵

For more information, visit these websites:

- Mississippi Ethics Commission website:
<https://www.ethics.ms.gov>
- Statute text: <https://www.ethics.ms.gov/node/52>

³³⁰ See Miss. Code Ann. §§ 25-4-29(2).

³³¹ See Miss. Code Ann. §§ 24-5-109(1), 24-5-109(2).

³³² *Id.*

³³³ See Miss. Code Ann. § 24-5-109(3).

³³⁴ See Miss. Code Ann. §§ 25-4-17(i), 25-4-17(g).

³³⁵ See Miss. Code Ann. § 25-4-5.

MISSOURI

Missouri Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees of both the executive and legislative branches. The commission also has jurisdiction over lobbyists/principals.³³⁶

Appointment

The executive branch appoints commission members from lists submitted by each congressional district committee of the political parties which had the two highest number of votes cast for their candidate for governor at the last gubernatorial election.³³⁷ Appointments require confirmation by the legislative branch.

Membership

Political party balance and geographical representation are required; no more than three members of the commission shall be members of the same political party, nor shall more than one member be from any one United States congressional district.³³⁸

Current public officials/candidates, public employees, political party officials, and lobbyists/principals are prohibited from serving on the commission.³³⁹ Commission members are prohibited from engaging in partisan political activity.³⁴⁰

Procedure

The commission must be composed of six members.³⁴¹ A quorum consists of at least four members.³⁴² An affirmative vote of at least four members is required for the commission to take official action or initiate an investigation.³⁴³ An affirmative vote of at least four members is also required to determine the commission's findings.³⁴⁴

³³⁶ See Mo. Rev. Stat. § 105.955.

³³⁷ See Mo. Rev. Stat. § 105.955(1).

³³⁸ See Mo. Rev. Stat. § 105.955(3).

³³⁹ See Mo. Rev. Stat. §§ 105.955(7), 105.955(9)(1), 105.955(9)(4), 105.955(9)(2).

³⁴⁰ See Mo. Rev. Stat. § 105.955(9)(5)-(6).

³⁴¹ See Mo. Rev. Stat. § 105.955(1).

³⁴² See Mo. Rev. Stat. § 105.955(6).

³⁴³ *Id.*

³⁴⁴ See Mo. Rev. Stat. § 105.961(3).

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.³⁴⁵

Disciplinary Authority

The commission has the authority to recommend discipline and report its findings to the appropriate disciplinary authority.³⁴⁶ The commission may initiate formal judicial proceedings seeking to obtain orders to: cease and desist the alleged violation; pay any civil penalties required; file any reports, statements, or other required documents; or pay restitution for any unjust enrichment.³⁴⁷

Guidance

The commission issues advisory opinions and/or specific advice and can create and/or define rules within its jurisdiction.³⁴⁸

Creation

The commission was established by statute.³⁴⁹

For more information, visit these websites:

- Missouri Ethics Commission website: <https://mec.mo.gov>
- Statutory text:
<https://revisor.mo.gov/main/OneChapter.aspx?chapter=105>

³⁴⁵ See Mo. Rev. Stat. § 105.955(15)(1).

³⁴⁶ See Mo. Rev. Stat. § 105.961(4).

³⁴⁷ See Mo. Rev. Stat. § 105.961(5).

³⁴⁸ See Mo. Rev. Stat. §§ 105.955(14)(6), 105.955(14)(7).

³⁴⁹ See Mo. Rev. Stat. § 105.955.

MONTANA

Office of the Commissioner of Political Practices

Jurisdiction

The commissioner has jurisdiction over public officials and employees in both the executive and legislative branches.³⁵⁰ The commissioner also has jurisdiction over lobbyists/principals.

Appointment

The executive branch appoints the commissioner from a list of nominees submitted by a four-member nomination committee.³⁵¹ The nomination committee is composed of the Speaker of the House, the President of the Senate, and the Minority Leaders of both houses in the Legislature. The appointment requires confirmation by the legislative branch.³⁵²

Membership

Current public officials/candidates and public employees are prohibited from serving as commissioner.³⁵³ The commissioner may not have served as a political party official for a two-year period prior to their appointment.³⁵⁴ The commissioner is prohibited from engaging in partisan political activity.³⁵⁵

Procedure

There is one commissioner in the Office of the Commissioner of Political Practices.³⁵⁶

Subpoena Authority

The commissioner has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation.³⁵⁷

Disciplinary Authority

The commissioner has the authority to issue civil and criminal discipline. The commissioner may hire or retain attorneys who are licensed to practice before the Montana Supreme Court. Such attorneys

³⁵⁰ See Mont. Code Ann. § 13-37-111.

³⁵¹ See Mont. Code Ann. §§ 13-37-102(2)(a), 13-37-102(2)(b).

³⁵² See Mont. Code Ann. § 13-37-102(1).

³⁵³ See Mont. Code Ann. § 13-37-108(1).

³⁵⁴ See Mont. Code Ann. § 13-37-107(3).

³⁵⁵ See Mont. Code Ann. § 13-37-108(3).

³⁵⁶ See Mont. Code Ann. § 13-37-102.

³⁵⁷ See Mont. Code Ann. § 13-37-111(2)(c).

may, subject to the control and supervision of the commissioner, prosecute any criminal or civil action arising out of a violation of governmental ethics laws.³⁵⁸

Guidance

The commission supplies ethics materials and/or trainings and can create and/or define rules within its jurisdiction.³⁵⁹

Creation

The Office of the Commissioner of Political Practices was established by statute.³⁶⁰

For more information, visit these websites:

- Office of the Commissioner of Political Practices website:
<https://politicalpractices.mt.gov>
- Statute text:
https://Legislaturemt.gov/bills/mca/title_0130/chapter_0370/part_0010/sections_index.html

³⁵⁸ See Mont. Code Ann. § 13-37-113.

³⁵⁹ See Mont. Code Ann. §§ 13-37-117, 13-37-114(1).

³⁶⁰ See Mont. Code Ann. § 13-37-102.

NEBRASKA

Nebraska Accountability and Disclosure Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.³⁶¹ The commission also has jurisdiction over lobbyists/principals.³⁶²

Appointment

The Secretary of State is a member of the commission.³⁶³ The executive branch appoints the remaining commission members. The Governor selects four members: two members from each of two lists submitted by the Legislature and two members from the citizenry of the state at large.³⁶⁴ The Secretary of State selects four members: one member from a list submitted by the Democrat state chairperson, one member from a list submitted by the Republican state chairperson, and two members from the citizenry of the state at large.³⁶⁵ Appointments require confirmation by the legislative branch.³⁶⁶

Membership

Current public officials/candidates, public employees, political party officials, and lobbyists/principals are prohibited from serving on the commission.³⁶⁷ Political party balance among commission members is required; no more than four members may be from the same political party, and at least one member shall have been registered as an independent for at least two years prior to their appointment.³⁶⁸

Procedure

The commission must be composed of nine members, including the Secretary of State.³⁶⁹ A quorum consists of five members. The approval of five members is required for the commission to take official action or impose sanctions.³⁷⁰

³⁶¹ See generally Neb. Rev. Stat. § 49-14,105.

³⁶² See Neb. Rev. Stat. § 49-1483.02.

³⁶³ See Neb. Rev. Stat. § 49-14,105.

³⁶⁴ See Neb. Rev. Stat. § 49-14,105(1).

³⁶⁵ See Neb. Rev. Stat. § 49-14,105(2).

³⁶⁶ See Neb. Rev. Stat. § 49-14,110.

³⁶⁷ See Neb. Rev. Stat. § 49-14,114.

³⁶⁸ See Neb. Rev. Stat. § 49-14,106.

³⁶⁹ See Neb. Rev. Stat. § 49-14,105.

³⁷⁰ See Neb. Rev. Stat. § 49-14,118.

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation.³⁷¹

Disciplinary Authority

If the commission determines that a violation has occurred, it may require the alleged violator to: cease and desist from the violation; file any report, statement, or other required information; pay a civil penalty of no more than five thousand dollars (\$5,000) for each violation; or pay the costs of the hearing in a contested case if the alleged violator did not appear at the hearing personally or by counsel.³⁷²

Guidance

The commission issues advisory opinions and/or specific advice and can create and/or define rules within its jurisdiction.³⁷³

Creation

The commission was established by statute.³⁷⁴

For more information, visit these websites:

- Nebraska Accountability and Disclosure Commission website:
<https://nadc.nebraska.gov>
- Statute text:
<https://nadc.nebraska.gov/sites/nadc.nebraska.gov/files/doc/political-accountability-disclosure-act.pdf>

³⁷¹ See Neb. Rev. Stat. § 49-14,125(4).

³⁷² See Neb. Rev. Stat. § 49-14,126.

³⁷³ See Neb. Rev. Stat. §§ 49-14, 123(10), 49-14, 123(1).

³⁷⁴ See Neb. Rev. Stat. § 49-14, 105.

NEVADA

Commission on Ethics

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.³⁷⁵ However, the commission only has jurisdiction to investigate and take appropriate action regarding an alleged violation within two years after the alleged violation occurred or reasonable discovery of the alleged violation.

Appointment

Appointments are split between the executive branch (four) and the legislative branch (four).³⁷⁶

Membership

At least two members must be attorneys licensed to practice law in Nevada, and at least four members must be former public officers or employees.³⁷⁷ Current public officials/candidates and political party officials are prohibited from serving on the commission.³⁷⁸ Parity in geographical representation is required; no more than four members may be residents of the same county.³⁷⁹ Political party balance among commission members is also required; no more than four members may be members of the same political party.³⁸⁰ Commission members are prohibited from engaging in partisan political activity.³⁸¹

Procedure

The commission must be composed of eight members.³⁸² The statute does not specify quorum or voting requirements.

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission. A majority vote is required for the commission to issue a subpoena.³⁸³

³⁷⁵ See Nev. Rev. Stat. § 281A.280.

³⁷⁶ See Nev. Rev. Stat §§ 281A.200(2), 281A.200(3).

³⁷⁷ *Id.*

³⁷⁸ See Nev. Rev. Stat. §§ 281A.200(5)(a), 281A.200(5)(b).

³⁷⁹ See Nev. Rev. Stat. § 281A.200(4).

³⁸⁰ *Id.*

³⁸¹ See Nev. Rev. Stat. § 281A.200(5)(b)

³⁸² See Nev. Rev. Stat. § 281A.200(1).

³⁸³ See Nev. Rev. Stat. § 281A.300(2).

Disciplinary Authority

If the commission determines that a violation has occurred, it may require the alleged violator to: comply with government ethics laws for a specified period without becoming the subject of another ethics complaint; attend and complete training; follow a remedial course of action; issue a public apology; or comply with conditions or limitations on future conduct.³⁸⁴ The commission may also publicly admonish, reprimand, or censure the alleged violator.³⁸⁵

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.³⁸⁶

Creation

The commission was established by statute.³⁸⁷

For more information, visit these websites:

- Commission on Ethics website: <https://ethics.nv.gov>
- Statute text: <https://www.Legislaturestate.nv.us/nrs/nrs-281a.html>

³⁸⁴ See Nev. Rev. Stat. § 281A.785(1)(a).

³⁸⁵ See Nev. Rev. Stat. § 281A.785(1)(b).

³⁸⁶ See Nev. Rev. Stat. §§ 281A.240(f), 281A.290(1)(b), 281A.290(1).

³⁸⁷ See Nev. Rev. Stat. § 281A.200.

NEW HAMPSHIRE

New Hampshire has two state government ethics oversight bodies: The Executive Branch Ethics Committee and the Legislative Branch Ethics Committee.

Executive Branch Ethics Committee

Jurisdiction

The Executive Branch Ethics Committee has jurisdiction over public officials and employees in the executive branch.³⁸⁸

Appointment

The executive branch appoints commission members.³⁸⁹

Membership

Public officials in the executive branch are prohibited from serving on the commission.³⁹⁰ Commission members may not have engaged in lobbying activity for a six-month period prior to their appointment.³⁹¹

Political party balance among commission members is required: Of the three members nominated by the Governor, one of whom shall be a member of the Democratic party, one of whom shall be a member of the Republican party, and one of whom shall have no political party affiliation.³⁹² Of the two members nominated by the Secretary of State, one of whom shall be a member of the Democratic party and one of whom shall be a member of the Republican party.³⁹³ Of the two members nominated by the treasurer, one of whom shall be a member of the Democratic party and one of whom shall be a member of the Republican party.³⁹⁴ Commission members are prohibited from engaging in partisan political activity.³⁹⁵

³⁸⁸ See N.H. Rev. Stat. Ann. § 21-G:29(II).

³⁸⁹ See N.H. Rev. Stat. Ann. § 21-G:29(III).

³⁹⁰ See N.H. Rev. Stat. Ann. § 21-G:29(V).

³⁹¹ *Id.*

³⁹² See N.H. Rev. Stat. Ann. § 21-G:29(III)(a).

³⁹³ See N.H. Rev. Stat. Ann. § 21-G:29(III)(b).

³⁹⁴ See N.H. Rev. Stat. Ann. § 21-G:29(III)(c).

³⁹⁵ See N.H. Rev. Stat. Ann. § 21-G:29(VI).

Procedure

The commission must be composed of seven members.³⁹⁶ A quorum consists of four members.³⁹⁷ An affirmative vote of at least four members is required for the commission to take official action. A unanimous vote of all members present is required to dismiss a complaint.³⁹⁸

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.³⁹⁹

Disciplinary Authority

The commission has the authority to recommend discipline to the appropriate body.⁴⁰⁰ The commission may also refer the case to the Department of Justice for criminal prosecution.⁴⁰¹

Guidance

The commission issues advisory opinions and/or specific advice and can create and/or define rules within its jurisdiction.⁴⁰²

Creation

The commission was established by statute.⁴⁰³

For more information, visit these websites:

- Executive Branch Ethics Committee website:
<https://www.doj.nh.gov/ethics-committee>
- Statute text:
<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-I-21-G.htm>

Legislative Ethics Committee

Jurisdiction

The Legislative Ethics Committee has jurisdiction over public officials and employees in the legislative branch.⁴⁰⁴

³⁹⁶ See N.H. Rev. Stat. Ann. § 21-G:29(III).

³⁹⁷ See N.H. Rev. Stat. Ann. § 21-G:30(II).

³⁹⁸ *Id.*

³⁹⁹ See N.H. Rev. Stat. Ann. § 21-G:31(VI).

⁴⁰⁰ See N.H. Rev. Stat. Ann. § 21-G:31(III)(d).

⁴⁰¹ *Id.*

⁴⁰² See N.H. Rev. Stat. Ann. §§ 21-G:30(I)(b), 21-G:30(I)(a).

⁴⁰³ See N.H. Rev. Stat. Ann. § 21-G:29.

⁴⁰⁴ See N.H. Rev. Stat. Ann. § 14-B:2(I).

Appointment

The legislative branch appoints all commission members.⁴⁰⁵

Membership

Four commission members must be sitting legislators, and at least one member must be an attorney licensed to practice in New Hampshire.⁴⁰⁶ Commission members may not have engaged in lobbying activity for a six-month period prior to their appointment.⁴⁰⁷

Procedure

The commission must be composed of seven members.⁴⁰⁸ An affirmative vote of at least four members is required for the commission to take official action.⁴⁰⁹

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁴¹⁰

Disciplinary Authority

The commission has the authority to recommend discipline to the appropriate body.⁴¹¹

Guidance

The commission issues advisory opinions and/or specific advice and can create and/or define rules within its jurisdiction.⁴¹²

Creation

The commission was established by statute.⁴¹³

For more information, visit these websites:

- Commission website: <http://gencourt.state.nh.us/ethics>
- Statute text:
<http://gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-I-14-B.htm>

⁴⁰⁵ *Id.*

⁴⁰⁶ *Id.*

⁴⁰⁷ See N.H. Rev. Stat. Ann. § 14-B:2(II).

⁴⁰⁸ See N.H. Rev. Stat. Ann. § 14-B:2(I).

⁴⁰⁹ See N.H. Rev. Stat. Ann. § 14-B:3(III).

⁴¹⁰ See N.H. Rev. Stat. Ann. § 14-B:4(IX).

⁴¹¹ See N.H. Rev. Stat. Ann. § 14-B:4(VIII)(d).

⁴¹² See N.H. Rev. Stat. Ann. §§ 14-B:3(I)(c), 14-B:3(I)(a).

⁴¹³ See N.H. Rev. Stat. Ann. § 14-B:2.

NEW JERSEY

New Jersey has two state government ethics oversight commissions: The State Ethics Commission and the Joint Legislative Committee on Ethical Standards.

State Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive branch.⁴¹⁴

Appointment

The executive branch appoints commission members.⁴¹⁵

Membership

Three commission members must be public officials or employees.⁴¹⁶ The remaining four members must be members of the public. Political party balance among commission members is required; no more than two of the four public members may be affiliated with the same political party.⁴¹⁷

Procedure

The commission must be composed of seven members.⁴¹⁸

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁴¹⁹

Disciplinary Authority

If the commission determines that a violation has occurred, it may order the alleged violator to pay a fine of no less than five hundred dollars (\$500) and no more than ten thousand dollars (\$10,000) and suspend the alleged violator from office or employment of up to one year.⁴²⁰ The commission may also order: that the alleged violator be removed from

⁴¹⁴ See N.J. Stat. Ann. § 52:13D-21(h).

⁴¹⁵ See N.J. Stat. Ann. § 52:13D-21(b).

⁴¹⁶ *Id.*

⁴¹⁷ *Id.*

⁴¹⁸ *Id.*

⁴¹⁹ See N.J. Stat. Ann. § 52:13D-21(f).

⁴²⁰ See N.J. Stat. Ann. § 52:13D-21(i).

office or employment; that the alleged violator be barred from holding public office or employment for a period of up to five years; and/or restitution, demotion, censure, or reprimand.

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁴²¹

Creation

The commission was established by statute.⁴²²

For more information, visit these websites:

- State Ethics Commission website: <https://www.nj.gov/ethics>
- Statute text:
<https://www.nj.gov/ethics/statutes/conflicts/index.html>

Joint Legislative Committee on Ethical Standards

Jurisdiction

The Joint Legislative Committee on Ethical Standards has jurisdiction over public officials and employees in the legislative branch.⁴²³

Appointment

The legislative branch appoints members to the commission.⁴²⁴

Membership

No more than two members may be former legislators.⁴²⁵ One member may be a full-time faculty member of a State of New Jersey public institution of higher education having a doctoral degree and expertise in the areas of ethics, philosophy, and government with experience in state legislative organization and procedures.⁴²⁶

Current public officials in the legislative branch, public employees, and lobbyists/principals are prohibited from serving on the commission.⁴²⁷ Political party balance among commission members is required; the

⁴²¹ See N.J. Stat. Ann. §§ 52:13D-21(e)(2), 52:13D-21(g), 52:13D-21(k).

⁴²² See N.J. Stat. Ann. § 52:13D-21.

⁴²³ See N.J. Stat. Ann. § 52:13D-22.

⁴²⁴ See N.J. Stat. Ann. § 52:13D-22(b)

⁴²⁵ *Id.*

⁴²⁶ *Id.*

⁴²⁷ *Id.*

chairman and vice chairman may not be members of the same political party.⁴²⁸

Procedure

The commission must be composed of eight members.⁴²⁹

Subpoena Authority

The commission does not have the authority to issue subpoenas.

Disciplinary Authority

If the commission determines that a violation has occurred, it may order the alleged violator to pay a fine of no less than five hundred dollars (\$500) and no more than ten thousand dollars (\$10,000).⁴³⁰ The commission may also order: that the alleged violator be removed from office or employment; that the alleged violator be barred from holding public office or employment for a period of up to five years; and/or restitution, demotion, censure, or reprimand.

Guidance

The commission issues advisory opinions and/or specific advice.⁴³¹

Creation

The commission was established by statute.⁴³²

For more information, visit these websites:

- Joint Legislative Committee on Ethical Standards website: <https://www.njLegislaturestate.nj.us/committees/joint-committees>
- Statute text: <https://law.justia.com/codes/new-jersey/2021/title-52/section-52-13d-22>

⁴²⁸ See N.J. Stat. Ann. § 52:13D-22(c).

⁴²⁹ See N.J. Stat. Ann. § 52:13D-22(b).

⁴³⁰ See N.J. Stat. Ann. § 52:13D-22(i).

⁴³¹ See N.J. Stat. Ann. § 52:13D-22(g).

⁴³² See N.J. Stat. Ann. § 52:13D-22.

NEW MEXICO

State Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.⁴³³ The commission also has jurisdiction over lobbyists/principals.

Appointment

Appointments are split between the executive branch (one) and the legislative branch (six).⁴³⁴

Membership

The Governor's appointment must be a retired judge, who will chair the commission.⁴³⁵ Commissions may not have been a public official/candidate, public employee, lobbyist, political party official, or government contractor for a two-year period prior to their appointment.⁴³⁶ Political party balance among commission members is required; no more than three members may be members of the same political party.⁴³⁷ Cultural diversity and geographic representation must be considered by the appointing authorities.⁴³⁸

Procedure

The commission must be composed of seven members.⁴³⁹ A quorum consists of four members; two members must be members of the largest political party in the state and two members must be members of the second largest political party in the state.⁴⁴⁰ Approval of at least four members, including at least two members of the largest political party in the state and two members of the second largest political party in the state, is required for the commission to take official action.⁴⁴¹ Approval of at least five members is required to initiate an investigation.⁴⁴²

⁴³³ See N.M. Stat. Ann. § 10-16G-9(A).

⁴³⁴ See N.M. Stat. Ann. § 10-16G-3(A).

⁴³⁵ See N.M. Stat. Ann. § 10-16G-3(A)(6).

⁴³⁶ See N.M. Stat. Ann. § 10-16G-4(A)(4).

⁴³⁷ See N.M. Stat. Ann. § 10-16G-3(B).

⁴³⁸ See N.M. Stat. Ann. § 10-16G-3(C).

⁴³⁹ See N.M. Stat. Ann. § 10-16G-3(A).

⁴⁴⁰ See N.M. Stat. Ann. § 10-16G-3(H).

⁴⁴¹ *Id.*

⁴⁴² See N.M. Stat. Ann. § 10-16G-5(C)(1).

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁴⁴³

Disciplinary Authority

The commission has the authority to recommend discipline to the appropriate disciplining authority.⁴⁴⁴

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁴⁴⁵

Creation

The commission was established by state constitution and statute.⁴⁴⁶

For more information, visit these websites:

- Commission website: <https://www.sec.state.nm.us>
- Statute text:
<https://nmonesource.com/nmos/nmsa/en/item/4364/index.do#>

⁴⁴³ See N.M. Stat. Ann. § 10-16G-10(J).

⁴⁴⁴ See N.M. Stat. Ann. §§ 10-16G-12(D), 10-16G-12(F).

⁴⁴⁵ See N.M. Stat. Ann. §§ 10-16G-5(C)(5), 10-16G-5(C)(3), 10-16G-5(A)(2).

⁴⁴⁶ See N.M. Const. Art. 5, § 17; N.M. Stat. Ann. § 10-16G-3.

NEW YORK

Commission on Ethics and Lobbying in Government

Jurisdiction

The commission, which replaced the Joint Commission on Public Ethics (JCOPE) as New York State's government oversight commission in 2022, has jurisdiction over public officials and employees in the executive and legislative branches.⁴⁴⁷ The commission also has jurisdiction over lobbyists/principals.

Appointment

Appointments are split between the executive branch (five) and legislative branch (six).⁴⁴⁸ An independent review committee, consisting of American Bar Association-accredited New York state law school deans or interim deans, reviews the qualifications of nominated candidates and approves or denies each candidate nominated.⁴⁴⁹

Membership

Commission members may not have been public officials, public employees, political party officials, or lobbyists/principals for a two-year period prior to their appointment.⁴⁵⁰ Commission members are prohibited from making, or soliciting from other individuals, any contributions to candidates, political action committees, political parties or committees, newsletter funds, or political advertisements for election to the offices of governor, lieutenant governor, member of the assembly or the senate, attorney general or state comptroller.⁴⁵¹

Procedure

The commission must be composed of eleven members.⁴⁵² A majority of the members (seven) constitutes a quorum.⁴⁵³ A majority vote of the total members is required for the commission to take official action.

⁴⁴⁷ See N.Y. Exec. Law § 94(1)(a).

⁴⁴⁸ See N.Y. Exec. Law § 94(3)(a).

⁴⁴⁹ See N.Y. Exec. Law § 94(3)(b).

⁴⁵⁰ See N.Y. Exec. Law §§ 94(3)(e)(ii), 94(3)(e)(iii), 94(3)(e)(i).

⁴⁵¹ See N.Y. Exec. Law § 94(4)(e).

⁴⁵² See N.Y. Exec. Law § 94(3)(a).

⁴⁵³ See N.Y. Exec. Law § 94(4)(h).

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁴⁵⁴

Disciplinary Authority

If the commission determines that a violation has occurred, it has limited authority to issue civil discipline. The commission may order the alleged violator to pay a fine.⁴⁵⁵ The commission may also refer the matter to the appropriate law enforcement authority for criminal investigation.⁴⁵⁶ The commission is prohibited from imposing penalties upon officials/candidates in the legislative branch; instead, the commission must report its findings and recommendations to the legislative ethics commission.⁴⁵⁷

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁴⁵⁸

Creation

The commission was established by statute.⁴⁵⁹

For more information, visit these websites:

- Commission on Ethics and Lobbying in Government website: <https://ethics.ny.gov>
- Statute text:
- https://ethics.ny.gov/system/files/documents/2022/07/2022-new-executive-law-94_reformatted_final-7_5_22_0.pdf

⁴⁵⁴ See N.Y. Exec. Law § 94(5)(c).

⁴⁵⁵ See N.Y. Exec. Law §§ 94(10)(n)(i), 94(10)(n)(ii), 94(10)(n)(iii).

⁴⁵⁶ See N.Y. Exec. Law § 94(10)(n)(iv).

⁴⁵⁷ See N.Y. Exec. Law § 94(10)(p).

⁴⁵⁸ See N.Y. Exec. Law §§ 94(8), 94(7)(c), 94(5)(a)(i).

⁴⁵⁹ See N.Y. Exec. Law § 94.

NORTH CAROLINA

State Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive, legislative, and judicial branches.⁴⁶⁰ The commission also has jurisdiction over lobbyists/principals.

Appointment

Appointments are split between the executive branch (four) and legislative branch (four).⁴⁶¹

Membership

Current public officials/candidates, public employees, and political party officials are prohibited from serving on the commission.⁴⁶² No member of the commission may have engaged in lobbying activities for a four-year period prior to their appointment.⁴⁶³ Political party balance among commission members is required. Of the four members appointed by the Governor, no more than two may be members of the same political party.⁴⁶⁴ The same requirement applies to the four members appointed by the General Assembly. Commission members are prohibited from engaging in partisan political activity.⁴⁶⁵

Procedure

The commission must be composed of eight members.⁴⁶⁶ A quorum consists of five members.⁴⁶⁷

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁴⁶⁸

⁴⁶⁰ See N.C. Gen. Stat. § 138A-3; see also N.C. Gen. Stat. § 138A-11.

⁴⁶¹ See N.C. Gen. Stat. § 138A-7(a).

⁴⁶² See N.C. Gen. Stat. §§ 138A-7(d)(1), 138A-7(d)(4), 138A-7(d)(2).

⁴⁶³ See N.C. Gen. Stat. § 138A-7(e)(3).

⁴⁶⁴ See N.C. Gen. Stat. § 138A-7(a).

⁴⁶⁵ See N.C. Gen. Stat. § 138A-7(d)(3).

⁴⁶⁶ See N.C. Gen. Stat. § 138A-7(a).

⁴⁶⁷ See N.C. Gen. Stat. § 138A-8.

⁴⁶⁸ See N.C. Gen. Stat. § 138A-12(s1).

Disciplinary Authority

If the commission determines that a violation has occurred, it may refer the matter to the appropriate disciplinary.⁴⁶⁹ The commission may issue a private admonishment to the alleged violator and notify the employing entity, if applicable.⁴⁷⁰ If the commission finds substantial evidence of an alleged violation of a criminal statute, it may refer the matter to the Attorney General and district attorney for investigation and possible prosecution.⁴⁷¹

Guidance

The commission supplies ethics materials and/or trainings and issues advisory opinions and/or specific advice.⁴⁷²

Creation

The commission was established by statute.⁴⁷³

For more information, visit these websites:

- State Ethics Commission website: <https://ethics.nc.gov>
- Statute text:
<https://www.ncleg.gov/Laws/GeneralStatuteSections/Chapter138>
[A](#)

⁴⁶⁹ See N.C. Gen. Stat. § 138A-12(m)(3).

⁴⁷⁰ See N.C. Gen. Stat. § 138A-12(m)(3)(a).

⁴⁷¹ See N.C. Gen. Stat. § 138A-12(m)(1).

⁴⁷² See N.C. Gen. Stat. §§ 138A-14, 138A-10(a)(7).

⁴⁷³ See N.C. Gen. Stat. § 138A-6.

NORTH DAKOTA

North Dakota Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.⁴⁷⁴ The commission also has jurisdiction over lobbyists/principals.

Appointment

Commission members are appointed by consensus agreement of the Governor, the Majority Leader of the Senate, and the Minority Leader of the Senate.⁴⁷⁵

Membership

Public officials/candidates, political party officials, and lobbyists/principals are prohibited from serving on the commission.⁴⁷⁶

Procedure

The commission must be composed of five members.⁴⁷⁷

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁴⁷⁸

Disciplinary Authority

If the commission determines that a violation has occurred, it may impose a civil penalty or refer the matter to the appropriate enforcement authority.⁴⁷⁹ The commission is not permitted to terminate the employment of a public official or remove a public official from office.⁴⁸⁰

Guidance

The commission issues advisory opinions and/or specific advice and can create and/or define rules within its jurisdiction.⁴⁸¹

⁴⁷⁴ See N.D. Const. Art 14, § 3(2).

⁴⁷⁵ See N.D. Const. Art 14, § 3(3).

⁴⁷⁶ *Id.*

⁴⁷⁷ *Id.*

⁴⁷⁸ See N.D. Cent. Code § 54-66-08(3).

⁴⁷⁹ See N.D. Cent. Code § 54-66-09(2).

⁴⁸⁰ See N.D. Cent. Code § 54-66-09(3).

⁴⁸¹ See N.D. Cent. Code §§ 54-66-04.2(1), 54-66-11.

Creation

The commission was created by state constitution and statute.⁴⁸²

For more information, visit these websites:

- North Dakota Ethics Commission website:
<https://www.ethicscommission.nd.gov>
- Constitution text: <https://ndlegis.gov/constit/a14.pdf>
- Statute text: <https://www.ndlegis.gov/cencode/t54c66.html>
- Regulatory text:
<https://www.ethicscommission.nd.gov/sites/www/files/documents/minutes/Code%20of%20Ethics%20January%202021.pdf>

⁴⁸² See N.D. Const. Art 14, § 3; N.D. Cent. Code § 54-66-04.

OHIO

Ohio Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive branch.⁴⁸³

Appointment

The executive branch appoints all commission members.⁴⁸⁴ Appointments require confirmation by the legislative branch.

Membership

Current public officials, public employees, and lobbyists/principals are prohibited from serving on the commission.⁴⁸⁵ Political party balance among commission members is required; three commission members should be members of each of the two major political parties in the state.⁴⁸⁶

Procedure

The commission must be composed of six members.⁴⁸⁷ A majority of members (four) constitutes a quorum. A majority vote is required for the commission to take official action.

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁴⁸⁸

Disciplinary Authority

If the commission determines that a violation has occurred, it must report its findings to the appropriate disciplinary authority.⁴⁸⁹

Guidance

The commission issues advisory opinions and/or specific advice.⁴⁹⁰

⁴⁸³ See Ohio Rev. Code Ann. § 102.01(F).

⁴⁸⁴ See Ohio Rev. Code Ann. § 102.05.

⁴⁸⁵ *Id.*

⁴⁸⁶ *Id.*

⁴⁸⁷ *Id.*

⁴⁸⁸ See Ohio Rev. Code Ann. § 102.06(D).

⁴⁸⁹ See Ohio Rev. Code Ann. § 102.06(C)(1)(a).

⁴⁹⁰ See Ohio Rev. Code Ann. § 102.08.

Creation

The commission was established by statute.⁴⁹¹

For more information, visit these websites:

- Ohio Ethics Commission website: <https://ethics.ohio.gov>
- Statute text:
<https://ethics.ohio.gov/education/factsheets/ethicslaw.pdf>

⁴⁹¹ See Ohio Rev. Code Ann. § 102.05.

OKLAHOMA

Oklahoma Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.⁴⁹² The commission also has jurisdiction over lobbyists/principals.⁴⁹³

Appointment

Appointments are split between the executive branch (two), legislative branch (two), and judicial branch (one).⁴⁹⁴

Membership

Current public officials/candidates and public employees are prohibited from serving on the commission.⁴⁹⁵ Political party balance among commission members is required; no more than three commission members may be registered with the same political party.⁴⁹⁶ Parity in geographical representation is also required; no congressional district may be represented by more than one member.⁴⁹⁷

Procedure

The commission must be composed of five members.⁴⁹⁸ A majority of commission members constitutes a quorum.⁴⁹⁹

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁵⁰⁰

⁴⁹² See Okla. Const. Art. 29, § 3.

⁴⁹³ See Okla. Ethics Commission, Annotated Ethics Rules, Rule 5.1 (2019). https://www.ok.gov/ethics/documents/2019%20Ethics%20ANNOTATED%20Rules%20v2019.1_FINAL1.pdf

⁴⁹⁴ See Okla. Const. Art. 29, § 1(A).

⁴⁹⁵ See Okla. Ethics Commission, Annotated Ethics Rules, Rule 1.5 (2019).

⁴⁹⁶ See Okla. Const. Art. 29, § 1(B).

⁴⁹⁷ *Id.*

⁴⁹⁸ See Okla. Const. Art. 29, § 1(A).

⁴⁹⁹ See Okla. Const. Art. 29, § 1(G).

⁵⁰⁰ See Okla. Const. Art. 29, § 4.

Disciplinary Authority

If the commission determines that a violation has occurred, it may assess civil penalties.⁵⁰¹ It may also prosecute in the District Court of the county in which the violation occurred.

Guidance

The commission supplies ethics materials and/or trainings and can create and/or define rules within its jurisdiction.⁵⁰²

Creation

The commission was established by state constitution.⁵⁰³

For more information, visit these websites:

- Oklahoma Ethics Commission website:
<https://www.ok.gov/ethics>
- Constitutional and regulatory text:
https://www.ok.gov/ethics/documents/2019%20Ethics%20ANNOTATED%20Rules%20v2019.1_FINAL1.pdf

⁵⁰¹ See Okla. Const. Art. 29, § 4.

⁵⁰² See Okla. Ethics Commission, Annotated Ethics Rules, Rule 1.8 (2019); Okla. Const. Art. 29, § 3.

⁵⁰³ See Okla. Const. Art. 29, § 3.

OREGON

Oregon Government Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.⁵⁰⁴ The commission also has jurisdiction over lobbyists/principals.

Appointment

The executive branch appoints all commission members. The Governor selects eight members from a list of people recommended by the legislative branch, two each by the leadership of the Democratic and Republican parties in each house in the Legislature.⁵⁰⁵ The Governor appoints one member without leadership recommendation. Appointments require confirmation by the legislative branch.

Membership

Current public officials are prohibited from serving on the commission.⁵⁰⁶ Political party balance among commission members is required; no more than three members may be members of the same political party.⁵⁰⁷

Procedure

The commission must be composed of nine members.⁵⁰⁸ A quorum consists of five members.⁵⁰⁹ An affirmative vote of a majority of the members (five) is required for the commission to take an official action.

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁵¹⁰

Disciplinary Authority

If the commission determines that a violation has occurred, it must report its findings to the appropriate disciplinary authority.⁵¹¹ If the

⁵⁰⁴ See generally Or. Rev. Stat. Ann. § 244.250.

⁵⁰⁵ See Or. Rev. Stat. Ann. § 244.250(1).

⁵⁰⁶ See Or. Rev. Stat. Ann. § 244.250(2).

⁵⁰⁷ *Id.*

⁵⁰⁸ See Or. Rev. Stat. Ann. § 244.250(1).

⁵⁰⁹ See Or. Rev. Stat. Ann. § 244.250(5).

⁵¹⁰ See Or. Rev. Stat. Ann. § 244.260(6)(b).

⁵¹¹ See Or. Rev. Stat. Ann. §§ 244.260(8), 244.270(2).

commission determines that an appointed public official has violated government ethics laws, the commission has the authority to remove the official from office.⁵¹²

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁵¹³

Creation

The commission was established by statute.⁵¹⁴

For more information, visit these websites:

- Oregon Government Ethics Commission website:
<https://www.oregon.gov/ogec/Pages/default.aspx>
- Statute text:
https://www.oregonlegislature.gov/bills_laws/ors/ors244.html

⁵¹² “If the Oregon Government Ethics Commission finds that an appointed public official has violated any provision of this chapter or any rule adopted under this chapter, the finding is prima facie evidence of unfitness where removal is authorized for cause either by law or pursuant to section 6, Article VII (Amended) of the Oregon Constitution.” *See* Or. Rev. Stat. Ann. § 244.270(1).

⁵¹³ *See* Or. Rev. Stat. Ann. §§ 244.320, 244.280(1), 244.290(2).

⁵¹⁴ *See* Or. Rev. Stat. Ann. § 244.250.

PENNSYLVANIA

State Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.⁵¹⁵ The commission also has jurisdiction over lobbyists/principals.

Appointment

Appointments are split between the executive branch (three) and legislative branch (four).⁵¹⁶

Membership

Current public officials, public employees, and political party officials are prohibited from serving on the commission.⁵¹⁷ Political party balance among commission members is required; no more than two members appointed by the executive branch may be members of the same political party.⁵¹⁸ Commission members are prohibited from engaging in partisan political activity.⁵¹⁹

Procedure

The commission must be composed of seven members.⁵²⁰ A quorum consists of four members. A majority vote of members present is required for the commission to take official action.⁵²¹

Subpoena Authority

The commission does not have the authority to issue subpoenas.

Disciplinary Authority

If the commission determines that a violation has occurred, it may levy a civil penalty upon the alleged violator, including restitution.⁵²² The commission also can report its findings and recommendations to the appropriate disciplinary authority, including law enforcement.

⁵¹⁵ See Pa. Cons. Stat. Ann. §§ 1102, 1106.

⁵¹⁶ See Pa. Cons. Stat. Ann. § 1106(a).

⁵¹⁷ See Pa. Cons. Stat. Ann. §§ 1006(d)(1), 1006(d)(5), 1006(d)(2).

⁵¹⁸ See Pa. Cons. Stat. Ann. § 1106(a).

⁵¹⁹ See Pa. Cons. Stat. Ann. § 1106(d)(3).

⁵²⁰ See Pa. Cons. Stat. Ann. § 1106(a).

⁵²¹ See Pa. Cons. Stat. Ann. § 1106(g).

⁵²² See Pa. Cons. Stat. Ann. §§ 1107(13), 1109(f).

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁵²³

Creation

The commission was established by statute.⁵²⁴

For more information, visit these websites:

- State Ethics Commission website:
<https://www.ethics.pa.gov/Pages/default.aspx>
- Statute text: <https://www.ethics.pa.gov/Ethics-Act/Ethics-Act/Pages/Section-1101.aspx>

⁵²³ See Pa. Cons. Stat. Ann. § 1107(16), 1107(11), 1106(j).

⁵²⁴ See Pa. Cons. Stat. Ann. § 1106.

PUERTO RICO

Office of Government Ethics

Jurisdiction

The Office of Government Ethics has jurisdiction over public officials and employees in the executive and legislative branches.⁵²⁵

Appointment

The executive branch appoints the Executive Director of the Office of Government Ethics from a list of at least three candidates provided by the judicial branch.⁵²⁶ Appointments require confirmation by the legislative branch.

Membership

Current public officials/candidates are prohibited from serving in this role.⁵²⁷ The Executive Director is prohibited from engaging in partisan political activity.⁵²⁸

Procedure

The Office of Government Ethics is administered by an Executive Director.⁵²⁹

Subpoena Authority

The Executive Director has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the Office of Government Ethics.⁵³⁰

Disciplinary Authority

If the Office of Government Ethics determines that a violation has occurred, the Executive Director may take or direct disciplinary, administrative, or civil measures against the alleged violator.⁵³¹

⁵²⁵ See P.R. Laws Ann. tit. 3, § 1855(a).

⁵²⁶ See P.R. Laws Ann. tit. 3, §§ 1855a(a), 1855a(d).

⁵²⁷ See P.R. Laws Ann. tit. 3, § 1855a(c).

⁵²⁸ *Id.*

⁵²⁹ See P.R. Laws Ann. tit. 3, § 1855(a).

⁵³⁰ See P.R. Laws Ann. tit. 3, § 1855b(i).

⁵³¹ See P.R. Laws Ann. tit. 3, § 1855b(ñ).

Guidance

The Office of Government Ethics supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁵³²

Creation

The Office of Government Ethics was created by statute.⁵³³

For more information, visit these websites:

- Office of Government Ethics Commission website:
<https://www.eticapr.net/#:~:text=A%20la%20Oficina%20de%20%20C3%89tica%20Gubernamental%20de%20Puerto,y%20preservar%20la%20integridad%20en%20el%20servicio%20p%C3%ABlico>
- Statute text:
<https://bvirtualogp.pr.gov/ogp/Bvirtual/leyesreferencia/PDF/Y%20-%20Ingl%C3%A9s/1-2012.pdf>

⁵³² See P.R. Laws Ann. tit. 3, §§ 1855b(a)(3), 1855b(e), 1855b(c).

⁵³³ See P.R. Laws Ann. tit. 3, § 1855.

RHODE ISLAND

Rhode Island Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.⁵³⁴

Appointment

The executive branch appoints commission members. The Governor selects four individuals from lists provided by the legislative branch.⁵³⁵ The Governor appoints one individual without regard to the lists provided by the Legislature.

Membership

Current political party officials and lobbyists/principals are prohibited from serving on the commission.⁵³⁶ Commission members may not have been public officials or candidates for public office for a period of one year prior to their appointment.⁵³⁷ Commission members are prohibited from engaging in partisan political activity.⁵³⁸

Procedure

The commission must be composed of nine members.⁵³⁹ A quorum consists of five members.⁵⁴⁰ A majority vote of at least three commission members is required to determine the commission's findings.⁵⁴¹

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁵⁴²

Disciplinary Authority

The commission has the authority to issue civil penalties.⁵⁴³ If the commission determines that a violation has occurred, it may: require

⁵³⁴ See R.I. Const. Art. III, § 8.

⁵³⁵ See R.I. Gen. Laws § 36-14-8(a).

⁵³⁶ See R.I. Gen. Laws §§ 36-14-8(f)(2), 36-14-8(f)(6).

⁵³⁷ See R.I. Gen. Laws § 36-14-8(f)(5).

⁵³⁸ See R.I. Gen. Laws § 36-14-8(f)(3).

⁵³⁹ See R.I. Gen. Laws § 36-14-8(a).

⁵⁴⁰ See R.I. Gen. Laws § 36-14-8(h).

⁵⁴¹ See R.I. Gen. Laws § 36-14-13(c).

⁵⁴² See R.I. Gen. Laws § 36-14-12(a).

⁵⁴³ See R.I. Const. Art. III, § 8.

that the alleged violator cease and desist the violating activity; require that the alleged violator file any report or other required documentation; require that the violator pay a civil penalty of no more than twenty-five thousand dollars (\$25,000) for each violation; refer the record of its proceedings to the Attorney General; and/or remove the alleged violator from their office or position, provided the alleged violator is not subject to impeachment.⁵⁴⁴

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁵⁴⁵

Creation

The commission was established by state constitution and statute.⁵⁴⁶

For more information, visit these websites:

- Rhode Island Ethics Commission website: <https://ethics.ri.gov>
- Statute text: <https://ethics.ri.gov/code-ethics>

⁵⁴⁴ See R.I. Gen. Laws § 36-14-13(d).

⁵⁴⁵ See R.I. Gen. Laws §§ 36-14-10, 36-14-11, 36-14-9(a)(3).

⁵⁴⁶ See R.I. Const. Art. III, § 8; R.I. Gen. Laws § 36-14-8.

SOUTH CAROLINA

State Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.⁵⁴⁷ The commission also has jurisdiction over lobbyists/principals.

Appointment

Appointments are split between the executive branch (four) and the legislative branch (four).⁵⁴⁸ Appointments require confirmation by the legislative branch.

Membership

Current public employees, family members of statewide elected officials, and individuals who have made contributions to the Governor within the previous four years are prohibited from serving on the commission.⁵⁴⁹ Commission members may not have been registered as a lobbyist within four years of being appointed to the commission.⁵⁵⁰ Commission members may not have been a member of the General Assembly for a period of eight years prior to their appointment to the commission.⁵⁵¹

Political party balance among commission members is required; no more than two members appointed by the executive branch may be affiliated with the same political party as the Governor.⁵⁵² Of the two members each selected by the Senate and House, one must be recommended by the major political party and one must be recommended by the largest minor political party.⁵⁵³

Procedure

The commission must be composed of eight members.⁵⁵⁴ A quorum consist of five members.⁵⁵⁵ A majority vote of the total membership of

⁵⁴⁷ See S.C. Code Ann. §§ 8-13-320(9), 8-13-320(10)(h).

⁵⁴⁸ See S.C. Code Ann. § 8-13-310(A)(1).

⁵⁴⁹ See S.C. Code Ann. §§ 8-13-310(C)(3)(f), 8-13-310(C)(3).

⁵⁵⁰ See S.C. Code Ann. § 8-13-310(C)(3)(e).

⁵⁵¹ See S.C. Code Ann. § 8-13-310(C)(3)(b).

⁵⁵² See S.C. Code Ann. § 8-13-310(A)(1)(a).

⁵⁵³ See S.C. Code Ann. §§ 8-13-310(A)(1)(b), 8-13-310(A)(1)(c).

⁵⁵⁴ See S.C. Code Ann. § 8-13-310(A)(1).

⁵⁵⁵ See S.C. Code Ann. § 8-13-310(E).

the commission (six members) is required to initiate an investigation.⁵⁵⁶ An affirmative vote of six members is required to determine the commission's findings.⁵⁵⁷

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁵⁵⁸

Disciplinary Authority

If the commission determines that a violation has occurred, it may require the alleged violator to pay a civil penalty of no more than two thousand dollars (\$2,000) for each violation and/or forfeit gifts, receipts, or profits, or the value thereof, obtained through the violating activity.⁵⁵⁹

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁵⁶⁰

Creation

The commission was established by statute.⁵⁶¹

For more information, visit these websites:

- State Ethics Commission website: <https://ethics.sc.gov>
- Statute text: <https://law.justia.com/codes/south-carolina/2017/title-8/chapter-13>

⁵⁵⁶ See S.C. Code Ann. § 8-13-320(9)(a).

⁵⁵⁷ See S.C. Code Ann. § 8-13-320(10)(i).

⁵⁵⁸ See S.C. Code Ann. § 8-13-320(10)(f).

⁵⁵⁹ See S.C. Code Ann. § 8-13-320(10)(l).

⁵⁶⁰ See S.C. Code Ann. §§ 8-13-320(2), 8-13-320(11), 8-13-320(12).

⁵⁶¹ See S.C. Code Ann. § 8-13-310.

SOUTH DAKOTA

State Government Accountability Board

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive branch.⁵⁶²

Appointment

The executive branch appoints commission members.⁵⁶³ Appointments require confirmation by the legislative branch.

Membership

Each commission member must be a former or retired circuit court judge or Supreme Court Justice.⁵⁶⁴ Current members of the Legislature are prohibited from serving on the commission.⁵⁶⁵ Political party balance among commission members is required; no more than two members may be affiliated with the same political party.⁵⁶⁶

Procedure

The commission must be composed of four members.⁵⁶⁷ A majority vote is required to initiate an investigation.⁵⁶⁸ A majority vote is also required to determine the commission's findings.⁵⁶⁹

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁵⁷⁰

⁵⁶² See S.D. Codified Laws § 3-24-3.

⁵⁶³ See S.D. Codified Laws § 3-24-1.

⁵⁶⁴ *Id.*

⁵⁶⁵ *Id.*

⁵⁶⁶ *Id.*

⁵⁶⁷ *Id.*

⁵⁶⁸ "If a majority of the members of the board vote that there is sufficient information to believe that a statewide office holder or executive branch employee has engaged in misconduct related to any subdivision of § 3-24-3, the board shall conduct a contested case hearing according to chapter 1-26 to afford the accused person the opportunity to respond to the allegation." See S.D. Codified Laws § 3-24-7.

⁵⁶⁹ See S.D. Codified Laws § 3-24-8.

⁵⁷⁰ See S.D. Codified Laws § 3-24-3.

Disciplinary Authority

If the commission determines that a violation has occurred, it may: issue a public or private reprimand; direct a person to engage in coursework or community service; or make a specific recommendation to the Governor regarding the violation.⁵⁷¹ The board may also refer any information, report or complaint to the Division of Criminal Investigation.⁵⁷²

Guidance

The commission does not provide guidance or training. The commission does not have the authority to create and/or define rules within its jurisdiction.

Creation

The commission was established by statute.⁵⁷³

For more information, visit these websites:

- State Government Accountability Board website:
<https://atg.sd.gov/Legal/governmentaccountabilityboard.aspx>
- Statute text:
https://sdlegislature.gov/Statutes/Codified_Laws/2033690

⁵⁷¹ See S.D. Codified Laws § 3-24-8.

⁵⁷² See S.D. Codified Laws § 3-24-5.

⁵⁷³ See S.D. Codified Laws § 3-24-1.

TENNESSEE

Tennessee Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.⁵⁷⁴ The commission also has jurisdiction over lobbyists/principals.⁵⁷⁵

Appointment

Appointments are split between the executive branch (two) and the legislative branch (four).⁵⁷⁶ The majority and minority caucuses of the Senate and House of Representatives each submit a list of three candidates to the Speaker of the Senate and Speaker of the House of Representatives, respectively. Appointments require confirmation by the legislative branch.

Membership

Commission membership must include one Black member and one female member.⁵⁷⁷ Current public officials/candidates, public employees, political party officials, and lobbyists/principals are prohibited from serving on the commission.⁵⁷⁸ No person who has ever been convicted of a felony or who is a relative of a current public employee may serve on the commission.⁵⁷⁹ Political party balance among commission members is required; each appointing authority may appoint one member who is affiliated with the majority party and one member who is affiliated with the minority party.⁵⁸⁰ Commission members are prohibited from engaging in partisan political activity.⁵⁸¹

Procedure

The commission must be composed of six members.⁵⁸² A quorum consists of four members.⁵⁸³ An affirmative vote from four members is required for the commission to take official action.⁵⁸⁴ The commission may

⁵⁷⁴ See Tenn. Code Ann. §§ 3-6-105, 2-10-115, 2-10-22 – 2-10-130, and 8-50-501.

⁵⁷⁵ See Tenn. Code Ann. § 3-6-102.

⁵⁷⁶ See Tenn. Code Ann. § 3-6-103(c)(1).

⁵⁷⁷ See Tenn. Code Ann. § 3-6-103(a)(2)(A).

⁵⁷⁸ See Tenn. Code Ann. §§ 3-6-103(h)(1), 3-6-103(h)(2), 3-6-103(h)(3), 3-6-103(h)(6).

⁵⁷⁹ See Tenn. Code Ann. § 3-6-103(a)(2).

⁵⁸⁰ See Tenn. Code Ann. § 3-6-103(c)(1).

⁵⁸¹ See Tenn. Code Ann. § 3-6-103(h)(5).

⁵⁸² See Tenn. Code Ann. § 3-6-103(a)(1).

⁵⁸³ See Tenn. Code Ann. § 3-6-103(f).

⁵⁸⁴ *Id.*

initiate an investigation upon an affirmative vote that includes three members of the commission who are affiliated with the same political party or two members of the commission who are affiliated with different political parties.⁵⁸⁵

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁵⁸⁶

Disciplinary Authority

If the commission determines that a violation has occurred, it may: assess and collect late filing fees as applicable; assess and collect a civil penalty; and/or seek injunctive relief in the chancery court of Davidson County to prevent continuing violations.⁵⁸⁷ The commission may also refer the matter to the appropriate law enforcement agency for investigation and prosecution.⁵⁸⁸

Guidance

The commission supplies ethics materials and/or trainings and issues advisory opinions and/or specific advice.⁵⁸⁹

Creation

The commission was established by statute.⁵⁹⁰

For more information, visit these websites:

- Tennessee Ethics Commission website:
<https://www.tn.gov/tec.html>
- Statute text:
<https://www.tn.gov/content/dam/tn/ethicscommission/documents/EthicsReformAct%202021April.pdf>

⁵⁸⁵ See Tenn. Code Ann. § 3-6-201(d).

⁵⁸⁶ See Tenn. Code Ann. §§ 3-6-107(1), 3-6-204(a).

⁵⁸⁷ See Tenn. Code Ann. § 3-6-107.

⁵⁸⁸ See Tenn. Code Ann. § 3-6-109.

⁵⁸⁹ See Tenn. Code Ann. §§ 3-6-106(a)(8), 3-6-107(2).

⁵⁹⁰ See Tenn. Code Ann. § 3-6-102.

TEXAS

Texas Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.⁵⁹¹ The commission also has jurisdiction over lobbyists/principals.

Appointment

Appointments are split between the executive branch (six) and the legislative branch (two).⁵⁹²

Membership

Current lobbyists/principals are prohibited from serving on the commission.⁵⁹³ Political party balance among commission members is required.⁵⁹⁴

Procedure

The commission must be composed of eight members.⁵⁹⁵ A majority of the membership of the commission constitutes a quorum.⁵⁹⁶ An affirmative vote of a majority of the membership is required for the commission to take official action.⁵⁹⁷ An affirmative vote of a supermajority of the membership (six members) is required to initiate a preliminary review of a complaint.⁵⁹⁸ An affirmative vote of six or more

⁵⁹¹ See Tex. Gov't Code Ann. § 571.061.

⁵⁹² “The Texas Ethics Commission is a state agency consisting of the following eight members:

(1) two members of different political parties appointed by the governor from a list of at least 10 names submitted by the members of the house of representatives from each political party required by law to hold a primary;

(2) two members of different political parties appointed by the governor from a list of at least 10 names submitted by the members of the senate from each political party required by law to hold a primary;

(3) two members of different political parties appointed by the speaker of the house of representatives from a list of at least 10 names submitted by the members of the house from each political party required by law to hold a primary; and

(4) two members of different political parties appointed by the lieutenant governor from a list of at least 10 names submitted by the members of the senate from each political party required by law to hold a primary.” See Tex. Const. Art. III, 24a(a).

⁵⁹³ See Tex. Gov't Code Ann. § 571.0231.

⁵⁹⁴ See Tex. Const. Art. III, 24a(a), *supra*, at 577.

⁵⁹⁵ *Id.*

⁵⁹⁶ See Tex. Gov't Code Ann. § 571.026(a).

⁵⁹⁷ See Tex. Gov't Code Ann. § 571.026(c)(2).

⁵⁹⁸ See Tex. Gov't Code Ann. § 571.124(b).

members is required for the commission to determine that a violation has occurred.⁵⁹⁹

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁶⁰⁰

Disciplinary Authority

If the commission determines that a violation has occurred, it may impose a civil penalty of no more than five thousand dollars (\$5,000) or triple the amount at issue under a law administered and enforced by the commission, whichever amount is higher.⁶⁰¹

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁶⁰²

Creation

The commission was established by State Constitution and statute.⁶⁰³

For more information, visit these websites:

- Texas Ethics Commission website: <https://www.ethics.state.tx.us>
- Statute text: <https://www.ethics.state.tx.us/statutes/ch571.php>

⁵⁹⁹ See Tex. Gov't Code Ann. § 571.132(b).

⁶⁰⁰ See Tex. Gov't Code Ann. § 571.130.

⁶⁰¹ See Tex. Gov't Code Ann. § 571.173.

⁶⁰² See Tex. Gov't Code Ann. §§ 571.071, 571.091, § 571.062.

⁶⁰³ See Tex. Const. Art. III, § 24a; Tex. Gov't Code § 571.021.

UTAH

Utah has two state government ethics oversight bodies: The Executive Branch Ethics Commission and the Legislative Ethics Commission.

Executive Branch Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials in the executive branch.⁶⁰⁴

Appointment

The executive branch appoints commission members.⁶⁰⁵

Membership

Current public officials, public employees, and lobbyists/principals are prohibited from serving on the commission.⁶⁰⁶ Commission members may not have served as elected officials in state government or in a management position in the state executive branch for a period of four years prior to their appointment.⁶⁰⁷

Two commission members must have previously served as elected officials.⁶⁰⁸ One member must have served, but no longer actively serves, as a state judge.⁶⁰⁹

Procedure

The commission must be composed of five members.⁶¹⁰ A majority of the commission (three members) constitutes a quorum.⁶¹¹ A majority vote of a quorum present is required for the commission to take official action.⁶¹² A supermajority vote of the membership (four members) is required to determine that the allegation has merit.⁶¹³

⁶⁰⁴ See Utah Code Ann. § 63A-14-303(1).

⁶⁰⁵ See Utah Code Ann. § 63A-14-202(1)(a).

⁶⁰⁶ See Utah Code Ann. §§ 63A-14-202(2)(a), 63A-14-202(2)(e), 63A-14-202(2)(c).

⁶⁰⁷ See Utah Code Ann. § 663A-14-202(1)(a)(i).

⁶⁰⁸ *Id.*

⁶⁰⁹ *Id.*

⁶¹⁰ See Utah Code Ann. § 63A-14-202(1)(a).

⁶¹¹ See Utah Code Ann. § 63A-14-203(2)(a).

⁶¹² See Utah Code Ann. § 63A-14-203(2)(b).

⁶¹³ See Utah Code Ann. § 63A-14-604(4)(a).

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁶¹⁴

Disciplinary Authority

If the commission determines that the allegations have merit, it must submit its findings in writing to the legislative branch.⁶¹⁵

Guidance

The commission does not provide guidance or training. The commission does not have the authority to create and/or define rules within its jurisdiction.

Creation

The commission was established by statute.⁶¹⁶

For more information, visit these websites:

- Executive Branch Ethics Commission website:
<https://ethics.utah.gov/executive-branch-ethics-commission>
- Statute text: <https://le.utah.gov/xcode/Title63A/Chapter14/63A-14.html>

Legislative Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials in the legislative branch.⁶¹⁷

Appointment

The legislative branch appoints commission members.⁶¹⁸

Membership

Current public officials/candidates and lobbyists/principals are prohibited from serving on the commission.⁶¹⁹ Three commission members must have served as state judges, and two members must have served as public officials in the legislative branch.⁶²⁰ Commission

⁶¹⁴ See Utah Code Ann. § 63A-14-704.

⁶¹⁵ See Utah Code Ann. § 63A-14-605(2)(b).

⁶¹⁶ See Utah Code Ann. § 63A-14-202.

⁶¹⁷ See Utah Const. Art. VI, § 10; Utah Leg. Rules § JR6-2-202.

⁶¹⁸ See Utah Leg. Rules § JR6-2-103.

⁶¹⁹ See Utah Leg. Rules § JR6-2-103(3)(a); Utah Const. Art. VI, § 10(2).

⁶²⁰ See Utah Leg. Rules § JR6-2-103(2).

members may not have served as public officials in the legislative branch for a period of four years prior to their appointment.

Procedure

The commission must be composed of five members.⁶²¹ A quorum consists of three members.⁶²² An affirmative vote of four or more members is required to determine the commission's findings.⁶²³

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.

Disciplinary Authority

If the commission determines that a violation has occurred, it must submit its findings in writing to the Senate Ethics Committee, if the respondent is a senator, or to the House Ethics Committee, if the respondent is a representative.⁶²⁴

Guidance

The commission does not provide guidance or training. The commission does not have the authority to create and/or define rules within its jurisdiction.

Creation

The commission was established by State Constitution and rules of the Utah State Legislature.⁶²⁵

For more information, visit these websites:

- Legislative Ethics Commission website:
<https://ethics.utah.gov/independent-legislative-ethics-commission>
- Legislative rules text:
https://le.utah.gov/xcode/TitleJR6/Chapter2/JR6-2.html?v=JR6-2_1800010118000101

⁶²¹ See Utah Const. Art.VI, § 10(2).

⁶²² See Utah Leg. Rules § JR6-2-104(2).

⁶²³ See Utah Leg. Rules § JR6-4-203(4)(a).

⁶²⁴ See Utah Leg. Rules § JR6-4-204(2)(b).

⁶²⁵ See Utah Const. Art.VI, § 10; Utah Leg. Rules § JR6-2-103.

VERMONT

State Ethics Commission

Jurisdiction

The commission has jurisdiction over public officials and employees in the executive and legislative branches.⁶²⁶

Appointment

Appointments are split between the Chief Justice of the Supreme Court (one) and four civil organizations, including: The League of Women Voters of Vermont (one); the Board of Directors of the Vermont Society of Certified Public Accountants (one); the Board of Managers of the Vermont Bar Association (one); and the Board of Directors of the Society of Human Resource Management Vermont State Council (one).⁶²⁷ The civil organizations must select appointments from their respective membership.

Membership

Current public officials/candidates, public employees, political party officials, and lobbyists/principals are prohibited from serving on the commission.⁶²⁸

Procedure

The commission must be composed of five members.⁶²⁹

Subpoena Authority

The commission does not have the authority to issue subpoenas.

Disciplinary Authority

If the commission determines that a violation has occurred, it shall refer the complaint to the Attorney General or the State's Attorney of jurisdiction, as appropriate.⁶³⁰

Guidance

The commission supplies ethics materials and/or trainings and issues advisory opinions and/or specific advice.⁶³¹

⁶²⁶ See Vt. Stat. Ann. tit. 3, § 1223(a)(1).

⁶²⁷ See Vt. Stat. Ann. tit. 3, § 1221(b)(1).

⁶²⁸ See Vt. Stat. Ann. tit. 3, § 1221(b)(3).

⁶²⁹ See Vt. Stat. Ann. tit. 3, § 1221(b)(1).

⁶³⁰ See Vt. Stat. Ann. tit. 3, § 1223(b)(1).

⁶³¹ See Vt. Stat. Ann. tit. 3, §§ 1224, 1225(b).

Creation

The commission was established by statute.⁶³²

For more information, visit these websites:

- State Ethics Commission website:
<https://ethicscommission.vermont.gov>
- Statute text:
<https://legislature.vermont.gov/statutes/fullchapter/03/031>

⁶³² See Vt. Stat. Ann. tit. 3, § 1221.

VIRGINIA

Virginia Conflict of Interest and Ethics Advisory Council

Jurisdiction

The commission has jurisdiction over officials and employees in the executive and legislative branches.⁶³³ The commission also has jurisdiction over lobbyists/principals.⁶³⁴

Appointment

Appointments are split between the executive branch (three) and legislative branch (six).⁶³⁵ Appointments require confirmation by the legislative branch.

Membership

Four commission members must be former legislators, two must be former judges, one must be a current executive branch employee, and two must be selected from lists submitted by the Virginia Association of Counties and the Virginia Municipal League.⁶³⁶ Political party balance among commission members is required.⁶³⁷

Procedure

The commission must be composed of nine members.⁶³⁸ A majority of the Council (five members) constitutes a quorum.⁶³⁹

Subpoena Authority

The commission does not have the authority to issue subpoenas.

Disciplinary Authority

If the commission determines that a violation has occurred, it shall notify the Attorney General.⁶⁴⁰

⁶³³ See Va. Code Ann. § 2.2-3114(A).

⁶³⁴ See Va. Code Ann. § 30-355(A).

⁶³⁵ See Va. Code Ann. § 30-355(B).

⁶³⁶ *Id.*

⁶³⁷ “In the appointment to the Council of members of the House of Delegates made by the Speaker and members of the Senate made by the Senate Committee on Rules, equal representation shall be given to each of the political parties having the highest and next highest number of members elected to their respective body.” *Id.*

⁶³⁸ *Id.*

⁶³⁹ See Va. Code Ann. § 30-355(D).

⁶⁴⁰ See Va. Code Ann. § 2.2-3124(B).

Guidance

The commission supplies ethics materials and/or trainings and issues advisory opinions and/or specific advice.⁶⁴¹

Creation

The commission was established by statute.⁶⁴²

For more information, visit these websites:

- Virginia Conflict of Interest and Ethics Advisory Council website: <http://ethics.dls.virginia.gov>
- Statute text: <https://law.lis.virginia.gov/vacode/title30/chapter56>

⁶⁴¹ See Va. Code Ann. §§ 30-356(7), 30-356(6).

⁶⁴² See Va. Code Ann. § 30-355.

WASHINGTON

Washington has two state government ethics oversight bodies: The Executive Ethics Board and the Legislative Ethics Board.

Executive Ethics Board

Jurisdiction

The commission has jurisdiction over officials and employees in the executive branch.⁶⁴³

Appointment

The executive branch appoints commission members.⁶⁴⁴

Membership

Current public officials/candidates, political party officials, and lobbyists are prohibited from serving on the commission.⁶⁴⁵ Commission members are prohibited from engaging in partisan political activity.⁶⁴⁶ Political party balance among commission members is required; no more than three members may be identified with the same political party.⁶⁴⁷

Procedure

The commission must be composed of five members.⁶⁴⁸

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁶⁴⁹

Disciplinary Authority

If the commission determines that a violation has occurred, it may order payment for damages sustained by the state caused by the alleged violation, a civil penalty of up to five thousand dollars per violation, and costs related to the investigation.⁶⁵⁰

⁶⁴³ See Wash. Code Rev. § 42.52.350(1).

⁶⁴⁴ *Id.*

⁶⁴⁵ See Wash. Code Rev. §§ 42.52.380(1)(a), 42.52.380(1)(b), 42.52.380(1)(d).

⁶⁴⁶ See Wash. Code Rev. § 42.52.380(1)(c).

⁶⁴⁷ See Wash. Code Rev. § 42.52.350(3).

⁶⁴⁸ See Wash. Code Rev. § 42.52.350(1).

⁶⁴⁹ See Wash. Code Rev. § 42.52.390.

⁶⁵⁰ See Wash. Code Rev. § 42.52.480(1).

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁶⁵¹

Creation

The commission was established by statute.⁶⁵²

For more information, visit these websites:

- Commission website: <https://ethics.wa.gov>
- Statute text:
<https://app.Legislaturewa.gov/RCW/default.aspx?cite=42.52>

Legislative Ethics Board

Jurisdiction

The commission has jurisdiction over officials and employees in the legislative branch.⁶⁵³

Appointment

Appointments are split between the executive branch (four), legislative branch (four), and citizen members of the Legislative Ethics Board (one).⁶⁵⁴

Membership

Four commission members must be current legislators.⁶⁵⁵ Political party officials and lobbyists are prohibited from serving on the commission.⁶⁵⁶ No citizen member of the commission may hold or campaign for partisan elective office.⁶⁵⁷

Commission members are prohibited from engaging in partisan political activity.⁶⁵⁸ Political party balance among commission members is required; no more than three of the public members may be identified with the same political party.⁶⁵⁹

⁶⁵¹ See Wash. Code Rev. §§ 42.52.360(3)(a), 42.52.360(3)(c), 42.52.360(1)

⁶⁵² See Wash. Code Rev. § 42.52.350.

⁶⁵³ See Wash. Code Rev. § 42.52.320.

⁶⁵⁴ See Wash. Code Rev. § 42.52.310(1).

⁶⁵⁵ *Id.*

⁶⁵⁶ See Wash. Code Rev. §§ 42.52.380(2)(b), 42.52.380(2)(d).

⁶⁵⁷ See Wash. Code Rev. § 42.52.380(2)(a).

⁶⁵⁸ See Wash. Code Rev. § 42.52.380(2)(c).

⁶⁵⁹ See Wash. Code Rev. § 42.52.310(3).

Procedure

The commission must be composed of nine members.⁶⁶⁰

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁶⁶¹

Disciplinary Authority

If the commission determines that a violation has occurred, it may order payment for damages sustained by the state caused by the alleged violation, a civil penalty of up to five thousand dollars per violation, and costs related to the investigation.⁶⁶²

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁶⁶³

Creation

The commission was established by statute.⁶⁶⁴

For more information, visit these websites:

- Commission website:
<https://Legislaturewa.gov/LEB/Pages/default.aspx>
- Statute text:
<https://app.Legislaturewa.gov/RCW/default.aspx?cite=42.52>

⁶⁶⁰ See Wash. Code Rev. § 42.52.310(1).

⁶⁶¹ See Wash. Code Rev. § 42.52.320(3)(a).

⁶⁶² See Wash. Code Rev. § 42.52.480(1).

⁶⁶³ See Wash. Code Rev. §§ 42.52.320(2)(a), 42.52.320(2)(b) 42.52.320(1).

⁶⁶⁴ See Wash. Code Rev. § 42.52.310.

WEST VIRGINIA

West Virginia Ethics Commission

Jurisdiction

The commission has jurisdiction over officials and employees in the executive and legislative branches.⁶⁶⁵ The commission also has jurisdiction over lobbyists/principals.⁶⁶⁶

Appointment

The executive branch appoints commission members.⁶⁶⁷ Appointments require confirmation by the legislative branch.

Membership

Four commission members must be former public officials and four members must be selected from the general public.⁶⁶⁸ Current public officials/candidates, public employees, political party officials, and lobbyists are prohibited from serving on the commission.⁶⁶⁹ Commission members may contribute to political campaigns.⁶⁷⁰

Political party balance among commission members is required; no more than five members may be affiliated with the same political party. Parity in geographical representation is also required; one member must be from a rural area and no more than two members may be from the same state senatorial district.⁶⁷¹

Procedure

The commission must be composed of nine members.⁶⁷² Five members constitutes a quorum.⁶⁷³ A Probable Cause Review Board of three members appointed by the governor must unanimously decide that there is probable cause in order for the commission to initiate an investigation.⁶⁷⁴

⁶⁶⁵ See W. Va. Code §§ 6B-2-2(b), 6B-2-5.

⁶⁶⁶ See W. Va. Code § 6B-3-4.

⁶⁶⁷ See W. Va. Code § 6B-2-1(a).

⁶⁶⁸ See W. Va. Code § 6B-2-1(c).

⁶⁶⁹ See W. Va. Code §§ 6B-2-1(b)(1), 6B-2-1(b)(3), 6B-2-1(b)(4), ST § 6B-2-1(b)(3).

⁶⁷⁰ See W. Va. Code § 6B-2-1(b)(4).

⁶⁷¹ See W. Va. Code §§ 6B-2-1(c)(5), 6B-2-1(d).

⁶⁷² See W. Va. Code § 6B-2-1(c).

⁶⁷³ See W. Va. Code § 6B-2-1(h).

⁶⁷⁴ See W. Va. Code §§ 6B-2-2a, 6B-2-4(g).

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁶⁷⁵

Disciplinary Authority

If the commission determines that a violation has occurred, it may impose one or more of the following sanctions: public reprimand; cease and desist orders; orders of restitution; fines not to exceed five thousand dollars (\$5,000) per violation; or reimbursement to the commission for the costs of investigation and prosecution.⁶⁷⁶

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁶⁷⁷

Creation

The commission was established by statute.⁶⁷⁸

For more information, visit these websites:

- Commission website: <https://ethics.wv.gov/Pages/default.aspx>
- Statute text: <https://code.wvlegislature.gov/6B>

⁶⁷⁵ See W. Va. Code § 6B-2-2(c).

⁶⁷⁶ See W. Va. Code § 6B-2-4(s).

⁶⁷⁷ See W. Va. Code §§ 6B-2-2(d)(2), 6B-2-3(a), 6B-2-2(a).

⁶⁷⁸ See W. Va. Code § 6B-2-1.

WISCONSIN

Ethics Commission

Jurisdiction

The commission has jurisdiction over officials and employees in the executive and legislative branches.⁶⁷⁹ The commission also has jurisdiction over lobbyists/principals.⁶⁸⁰

Appointment

Appointments are split between the executive branch (two) and legislative branch (four).⁶⁸¹ require confirmation by the legislative branch.

Membership

Two members appointed by the governor must have previously served as judges.⁶⁸² Current public officials and lobbyists are prohibited from serving on the commission.⁶⁸³ Political party balance among commission members is partially required.⁶⁸⁴

Procedure

The commission must be composed of six members.⁶⁸⁵ There may be one additional member added from a third political party whose candidate for governor received at least 10 percent of the vote.⁶⁸⁶ An affirmative vote of at least two-thirds of the commission's members is required for the commission to take official action.⁶⁸⁷

Subpoena Authority

The commission has the authority to issue subpoenas for witness attendance/testimony and records related to matters under investigation by the commission.⁶⁸⁸

⁶⁷⁹ See Wis. Stat. § 19.41.

⁶⁸⁰ See Wis. Stat. § 13.621(5).

⁶⁸¹ See Wis. Stat. § 15.62(1)(a).

⁶⁸² *Id.*

⁶⁸³ See Wis. Stat. § 15.62(2).

⁶⁸⁴ See Wis. Stat. § 15.62(1)(a).

⁶⁸⁵ *Id.*

⁶⁸⁶ See Wis. Stat. § 15.62(1)(a)(6).

⁶⁸⁷ See Wis. Stat. § 9.47(4).

⁶⁸⁸ See Wis. Stat. § 19.49(1)(a).

Disciplinary Authority

If the commission determines that a violation has occurred, it may prosecute alleged civil violations.⁶⁸⁹ It may also authorize its administrator to file a civil complaint against the alleged violator.⁶⁹⁰

Guidance

The commission supplies ethics materials and/or trainings, issues advisory opinions and/or specific advice, and can create and/or define rules within its jurisdiction.⁶⁹¹

Creation

The commission was established by statute.⁶⁹²

For more information, visit these websites:

- Commission website: <https://ethics.wi.gov/Pages/home.aspx>
- Statute text:
<https://docs.legis.wisconsin.gov/statutes/statutes/15/iii/62>
- Regulatory text:
https://docs.legis.wisconsin.gov/code/admin_code/eth

⁶⁸⁹ See Wis. Stat. § 19.49(2)(a).

⁶⁹⁰ See Wis. Stat. § 19.49(2)(b)(5)(a).

⁶⁹¹ See Wis. Stat. §§ 19.48(9), 19.47(7), 19.48(1).

⁶⁹² See Wis. Stat. § 15.62.