

# CLEAN CONSCIENCE PLEDGE AND 2016 GOVERNOR'S STATE OF THE STATE PROPOSALS ON PUBLIC ETHICS REFORM

With the dual convictions at the end of 2015 of former state legislative leaders Sheldon Silver and Dean Skelos, the need for stronger ethics reform to address the cause of the corruption scandals rocking Albany has taken center stage – again. Money is at the root of these scandals and so Citizens Union along with other good government groups have undertaken a campaign to “finish the job” on state ethics reform that is focused on limiting money’s influence on our state politics.

## Clean Conscience Ethics Pledge

In January 2016, Citizens Union joined with colleagues to create the Clean Conscience Pledge, asking legislators and Governor Cuomo to sign on and support three top reforms aimed at bringing about a renewal of public ethics in New York State to lessen corruption and begin to restore the public’s trust in government: 1) cap the amount of outside income state lawmakers could earn, 2) close the LLC loophole that allows legal entities to act as distinct individuals and make over the limit campaign contributions, and 3) increase transparency, strengthen accountability and eliminate conflicts of interests surrounding discretionary funding decisions in the state’s annual budget.

## Governor’s 2016 State of the State Ethics Proposals:

One week after the Clean Conscience Pledge was unveiled, Governor Cuomo announced his ethics and good government agenda for 2016 in the State of the State Address. The Governor’s agenda recognizes the need for a package of reforms to reduce the influence of money in politics and government. **These include:**

### 1. Legislative Compensation

- Limit outside earned income to 15% of legislators’ base salary (Pledge item 1)
- Institute pension forfeitures for legislators convicted of corruption

### 2. Campaign Finance

- Close the LLC loophole to restrict campaign contributions by all corporations at the same amount (Pledge item 2)
- Expand campaign finance disclosures from twice a year to every 60 days
- Implement voluntary public financing of campaigns to match funds from small donors
- Limit contributions to party “housekeeping” accounts at \$25,000
- Require disclosure of the identities of campaign contributor bundlers

### 3. Ethics Oversight and Enforcement regarding Officials’ Financial Disclosure Statements

- Increase JCOPE’s enforcement authority by authorizing its staff to seek documents in support of statements made on the FDS and allowing JCOPE to fully prosecute persons who aid and abet violations of the Public Officers Law
- Impose financial penalties for all violations of the Public Officers Code of Conduct
- Create District Attorney oversight over those who willfully submit deceptive financial information on the FDS
- Eliminate the categories of value on the FDS to require public officers to report actual amounts
- Require JCOPE and the Legislative Ethics Commission to be subject to FOIL and the Open Meetings Law

### 4. Lobbying Oversight

- Require political consultants who advise elected officials to register as consultants
- Repeal the exclusion for activities of commission salespersons from the definition of “lobbying”
- Impose a \$10,000 penalty on a lobbyist who fails to comply with an audit by JCOPE
- Impose financial penalties for already-illegal “contingent fee agreements” for lobbyists
- Require mandatory electronic filing to subject all lobbyists to federal wire fraud charges for misstatements

### 5. Additional Reforms to Increase Public Accountability of Government

- Direct attorney general, comptroller, and Office of General Services to study how state contracts are publicly tracked
- Enact reforms to the Freedom of Information Law, including the legislature in its scope, reducing the time for fulfilling FOIL requests, and requiring online publication of records disclosed through FOIL requests
- Enact voting reforms, instituting early voting for 12 days prior to Election Day and adopting automatic voter registration at the DMV with an opt-out provision
- Establish a Constitutional Commission to prepare for the 2017 ballot question on whether to hold a convention

The pledge’s third item has not yet been fully integrated into the State of the State proposals, and we urge Governor Cuomo and the legislature to reform discretionary funding allocation to bring state spending out of the shadows.