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Testimony of Andy Sauer
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Before the Government Administration and Elections Committee
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Good morning. My name is Andy Sauer, and I am the Executive Director of Common Cause in Connecticut. Common Cause in Connecticut is nonpartisan, nonprofit citizens' lobby that works to improve the way Connecticut's government operates. We have more than 4,000 members in Connecticut.

We would like to thank the co-chairs of the Government Administration and Elections Committee, Sen. Gayle Slossberg and Rep. Chris Caruso, and the member of the committee for holding a public hearing today.

Connecticut Common Cause supports the following legislative proposals:

- S. B. No. 145: An Act Concerning Municipal Lobbying.
- S. B. No. 1064: An Act Eliminating Certain Printing Requirements Under the Freedom of Information Act.
- S. B. No. 1065: An Act Revising Certain Provisions of the Freedom of Information Act.
- H. B. No. 6016: An Act Requiring the Office of State Ethics to Handle Municipal Ethics Complaints.
- H. B. No. 6019: An Act Concerning the Disclosure of Certain Municipal Ethics Complaints.
- H. B. No. 7000: An Act Concerning Municipal Ethics and Municipal Lobbying.
- H. B. No. 7001: An Act Concerning the Definition of "Administrative Functions" Under the Freedom of Information Act.

Connecticut Common Cause opposes the following legislative proposals:

- S. B. No. 533: An Act Concerning Gifts and Campaign Contributions Made to Elected Municipal Officials.
- S. B. No. 299: An Act Concerning The Recall of Mayors Serving Four-Year Terms.
- H. B. No. 6012: An Act Concerning Certain Contributions to Legislators Who Are Running for Municipal or Federal Office.
- H. B. No. 6242: An Act Concerning the Recall of Municipal Elected Officials.
- H. B. No. 7002: An Act Concerning Ethics.

S. B. No. 145: An Act Concerning Municipal Lobbying

Connecticut Common Cause supports Senate Bill 145 – "An Act Concerning Municipal Lobbying" and urges the Connecticut General Assembly to address this continuing problem in Connecticut's cities and towns. This bill cannot succeed, however, without an appropriate increase of staff at the Office of State

Ethics, and input from that office should be solicited to determine what resources are necessary to facilitate their oversight.

Municipal lobbying is a completely unregulated activity throughout the state. While it is apparent that clients of state registered lobbyists have been engaged in business at the local level, it is not clear whether their communicator lobbyists have played any role in securing that business. The state, which requires lobbyists to comprehensively disclose details of their business at the state, gives the same lobbyists a pass at disclosing their involvement at the local level.

As with state government, the governing bodies of Connecticut's cities and towns grapple with a host of issues ranging from education costs to increased development. These issues often have an immense impact on the average citizen with the common result being increased taxes and a strain on local resources. As citizens backtrack through the decision-making process of the most unpopular issues, questions begin to emerge regarding the nature of the relationship between local government and the businesses in question. Without information similar to kind lobbyists provide to the state, citizens can only assume the worst.

This is an important sunshine provision that could help citizens learn about their local government and we urge your support – with the financial resources to make it successful. If it were passed, Connecticut would finally be able to shed light on an activity that is rapidly eroding the public trust in local government.

S. B. No. 533: An Act Concerning Gifts and Campaign Contributions Made to Elected Municipal Officials.

Connecticut Common Cause supports the intent of this legislation, as gifts and contributions to any public official raises suspicions of quid-pro-quo. However, it is not clear what state office or agency would oversee the enforcement of the law or what the penalties for violating the law would be. We believe that passing a bill that has no enforcement mechanism and no penalties would engender cynicism among the people of Connecticut regarding the problem of corruption at the municipal level.

H. B. No. 7000: An Act Concerning Municipal Ethics and Municipal Lobbying

This legislation is similar to legislation proposed in the past two years to address the problem of municipal ethics. While many of Connecticut cities and towns have taken proactive steps in drafting local codes of ethics or strengthening the ones they have, there are a number of cities and towns that still have yet to even have a code of ethics. Additionally, it has come to the attention of Connecticut Common Cause that some municipalities that have strong codes of ethics, seldom enforce the rules. This raises the concern that some local governments are ill-equipped to handle ethics enforcement. Connecticut Common Cause supports moving municipal ethics oversight to the Office of State Ethics provided that the office is more than adequately funded at the outset to ensure proper enforcement and application of the new law. Regarding the funding of the initiative, Sec. 13 (7) of the H.B. 7000 states it will “employ necessary staff within available appropriations.” **Connecticut Common Cause believes such language ensures that the proposal will be dramatically under-funded by the Legislature, creating a disastrous situation for ethics in the state's municipalities.**

H. B. No. 7002: An Act Concerning Ethics.

While Connecticut Common Cause supports some of the ethics initiatives found in this bill, there are a number of provisions contained in the legislation we must oppose.

1. Under Section 3 of the bill, subsection (a) (1), and Section 11, subsection (a) (1), the legislation proposes to eliminate the ability of the public to file complaints with the

Office of State Ethics. The ability for the public to file complaints is one of the most fundamental elements of a strong and effective code of ethics. Citizen complaints have played a critical role in uncovering problems in state government and we see no reason whatsoever to eliminate the public's ability to file complaints. Common Cause examined the ethics codes in ten states (NY, IN, RI, GA, PA, NE, OR, IA, MA and FL) and found that in each of these states, individuals can bring complaints signed under penalty of false statement. We believe that a citizen complaint is a critical element in an ethics code and it can be an important check against the possibility that an ethics agency refuses to investigate any public official.

2. Under the same section, the legislation also eliminates the requirement of the Office of State Ethics to notify a complainant that an ethics complaint has been filed against them. We see absolutely no reason to eliminate the notification provision. The OSE is not the FBI and our review of the aforementioned states' ethics codes reveal that all of those watchdog agencies must notify a subject of an investigation within a few days. Under current law, the OSE must notify a complainant within five days. The State Elections Enforcement Commission has seven days to notify the subject of an investigation. If there was a compelling reason to lengthen the time of notification, we would be open to it – but eliminating the notification requirement makes no sense to us.
3. Under Section 3 and Section 11, subsections (b), the bill proposes lowering the requirement of the number of members of the Citizen Advisory Board present for a contested hearing from six to three. In general, Connecticut Common Cause is not opposed to lowering the number required members. But, if the Office of State Ethics insists such a change is necessary, language must be included that ensures a nonpartisan make-up.

There are, however, a number of provisions Connecticut Common Cause believes the Legislature should consider.

1. The bill not only expands financial disclosure requirements to provide a clearer picture of sources of income but opens the confidential addendums to the public. Connecticut Common Cause supports this expansion. The bill requires elected officials and department heads to provide a description of each source of income that provides more than \$1,000. In its evaluation of state's financial disclosure laws, The Center for Public Integrity, a national nonpartisan investigative journalism organization, gave Connecticut a "C" and cited, among other areas, the state's lack of description in investment income. Such a requirement, which is necessary for the disclosure of salary income, would provide a clearer financial picture of public officials for the people of Connecticut.
2. The legislation expands the definition of conflict of interest in to include an elected official's employer. Connecticut has a part-time legislature and thus requires its elected officials to find additional part-time employment to supplement their income. It is not appropriate for a legislator to act on legislation that benefits their employer as it is not appropriate for them to act on to their own business or their families' business. Connecticut Common Cause supports this expansion of the conflict of interest provision in the state statutes.