EMERGING ETHICS REFORMS

NATIONAL TRENDS AND DEVELOPMENTS
Layers of Ethics and Oversight

1. Public official or employee
2. Peer influence | Culture of ethics | Pressure from leadership
3. Chamber rules | Ethics committees
4. Ethics commissions | Secretaries of state | Attorneys general
5. Criminal justice system | Citizen-initiated civil complaints
6. Election | Recall processes
Comm’n on Ethics v. Hardy, 212 P.3d 1098 (NV 2009)

Irons v. Rhode Island Ethics Comm’n, 973 A.2d 1124 (RI 2009)

MANDATORY COOLING-OFF PERIODS – NOT A SIMPLE NUMBER

Subject-matter specific, general "lobbying" restrictions, or neither?
MANDATORY COOLING-OFF PERIODS

WHEN DOES THE CLOCK START?
- At end of service: 86%
- End of session: 12%
- End of term: 2%

HOW LONG?
- 2 years: 33%
- 1 year: 62%
- 6 months: 3%
- Remainder of term: 2%
### MANDATORY COOLING-OFF PERIODS: RECENT DEVELOPMENTS

- **Florida**: 6 year, effective December 31, 2022
- **Missouri**: 6 months to 2 years.

Ted Cruz (@tedcruz)

You're on.

Alexandria Ocasio-Cortez (@AOC)

@tedcruz If you're serious about a clean bill, then I'm down.

Let's make a deal.

If we can agree on a bill with no partisan sneak-in clauses, no poison pills, etc - just a straight, clean ban on members of Congress becoming paid lobbyists - then I'll co-lead the bill with you.

twitter.com/tedcruz/status...
GIFT LIMITS – ALSO KIND OF COMPLICATED

Specific Limit?

Yes - 37

Limits only for specified groups?

No - 8

Limits lower for specified groups in 2. Same in 6. Range: $0-$250 annually.

Yes - 29

Prohibited if corrupting or have corrupt intent, e.g. briefcase full of $.

No - 13


If tends to impair or influence – 6. Presume nominal if < $24 /month, or $10-$50 /year.
Since Voters Approved A $5 Cap On Gifts, Lobbyist Spending On Missouri Lawmakers Dropped 94%

By AVIVA OKESON-HABERMAN • JUL 11, 2019
GIFT LIMITS - KENTUCKY

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JOHN SCHICKEL, in his Personal and Official Capacities; DAVID WATSON,

Plaintiffs-Appellees/Cross-Appellants,

KEN MOELLMAN, JR.,

Plaintiff-Appellee,

v.

CRAIG C. DILGER, in his Official Capacity as Chair and Member, Kentucky Registry of Election Finance; ROSEMARY F. CENTER; TERRY NAYDAN; REID HAIRE; ROBERT D. MATINGLEY; CHASTITY ROSS; THOMAS B. STEPHENS; JOHN R. STEFFEN,

Defendants-Appellees,

GEORGE C. TROUTMAN, in his Official Capacity as Chairman and Member of the Kentucky Legislative Ethics Commission; ELMER GEORGE; PAT FREIBART; TONY GOETZ; KEN WINTERS; TOM JENSEN; SHELDON BAUGH; PHIL HOLLDESTON; ANTHONY M. WILHOIT; H. JOHN SCHAFF,

Defendants-Appellants/Cross-Appellants,

Nos. 17-6456/6505