



Date: February 6, 2020

To: Joint Commission on Lobbying and Ethics Reform

From: CHANGE Illinois

Dear Chairpersons Sims and Harris, and commission members,

My name is Ryan Tolley and I am the Policy Director for CHANGE Illinois. Thank you for again extending an invitation to our nonpartisan nonprofit to speak about the State Officials and Employees Ethics Act and recommend changes to truly empower the Office of the Legislative Inspector General.

The office, established by law in 2003, was created to serve as an independent investigative authority. Citing directly from Section 25-10 of the act, "The independent Office of the Legislative Inspector General is created. The Office shall be under the direction and supervision of the Legislative Inspector General and shall be a fully independent office with its own appropriation."

Within the first few sentences of the statute, the intent is clear. Yet, when rules were established for the operation of the Legislative Inspector General, the office's independence was undermined. The Legislative Inspector General was created to serve as a watchdog over the legislative branch of government and investigate any matters that might seem to violate the State Officials and Employees Ethics Act. It defies common sense, then, that the Legislative Inspector General must seek approval from some of the very lawmakers the office is charged with investigating -- the Legislative Ethics Commission -- before launching an investigation or issuing a subpoena in most instances. The fact that we learned last year that lawmakers on the Legislative Ethics Commission refused to allow publication of a founded report clearly illustrates the problem: Adding to the perception that this system was created to allow conflicted lawmakers to protect their colleagues.

The Legislative Inspector General should be fully empowered to launch any investigation of the legislative branch, issue subpoenas, complete its duties and publish the results of all founded investigations without interference by lawmakers or other government officials.

As you have heard today, this recommendation long has been supported by two former Legislative Inspector Generals, Julie B. Porter and Thomas J. Homer. In Homer's 2014 recommendations, he suggested that founded reports should be published automatically without prior permission from the Legislative Ethics Commission. He described the current rules requiring permission from lawmakers as unfair to "other legislative employees, nor is it in the

public interest.” We agree. In previous commission meetings, we talked about the “code of silence” and the fact that people are not coming forward when they witness bad behavior. An independent and fully empowered Legislative Inspector General will assure lawmakers and employees that reports of questionable behavior will indeed be taken seriously and investigated thoroughly.

The State Officials and Employees Ethics Act should be amended so that no rules can be made that require the Legislative Inspector General to win approval from the Legislative Ethics Commission prior to starting an investigation or issuing subpoenas. The Legislative Inspector General needs to have the autonomy to fulfill her or his duty and the power to investigate any allegations about the legislative branch that is brought to the attention of the office.

Additionally, we encourage this ethics commission to expand the ban on fundraising on session days. That statute was created with the good intent to attempt to remove any conflicts of interest or impropriety between fundraising and votes. Since the law was enacted, political fundraisers have been moved to Monday nights to circumvent the law since session days typically start on Tuesdays. Yet, there are still instances where votes are being cast within 12 hours of a fundraiser being held down the street. We shouldn’t have a system that allows donations to elected officials the night before votes are taken.

We need to create more distance between dollars donated and votes cast. A simple solution would be to expand the prohibition on fundraising in Sangamon County to within two days of a session day or prohibiting fundraising in the county during months that have session dates scheduled.

These improvements will boost accountability, trust and confidence in the legislative branch and result in much more ethical operations.

Thank you for taking my testimony. I am happy to answer any questions.

Ryan Tolley
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CHANGE Illinois