

**Written Testimony of Jay Young**  
**Executive Director, Common Cause Illinois**  
**Before the Joint Commission on Ethics and Lobbying Reform**  
**February 6, 2020**

Chairperson Simms, Chairperson Harris, and honorable members of this Joint Commission on Ethics and Lobbying Reform, thank you for inviting me to share my views on ethics reform. My name is Jay Young, and I am the Executive Director of Common Cause Illinois. Common Cause is a nonpartisan grassroots organization with more than one million members across this country, including 33,000 in Illinois.

We welcome the opportunity to express our ideas for reform relating to the Legislative Ethics Commission and the Legislative Inspector General. The Joint Commission on Ethics and Lobbying Reform is considering many reforms to our state's ethical laws, from banning paid lobbying by lawmakers to closing the revolving door. Yet, even the toughest ethics laws mean little unless our state adopts a corresponding robust enforcement framework. By strengthening the independence and powers of the Legislative Ethics Commission and the Legislative Inspector General, we can begin to have truly impactful oversight of the General Assembly.

### **Recommended Reforms**

#### **COMPOSITION OF THE LEGISLATIVE ETHICS COMMISSION**

Currently, the Commission is comprised of members of the General Assembly. We agree with former Legislative Inspector General Julie Porter that "even if you appoint people with the very best ethics and interest of the public in mind...they have inherent conflicts of interest. When people have inherent conflicts of interest that gets messy and complicated."<sup>1</sup> Common Cause Illinois believes there is great value in having members of the general public included on the Commission. Several states have seen the value in this approach. In New York, for example, "[e]ach of the

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<sup>1</sup> <https://news.wttw.com/2019/04/25/former-illinois-legislative-inspector-general-says-office-broken>

four legislative leaders appoints one legislative and one non-legislative member,” and an additional non-legislative member is appointed so that the balance weighs in favor of the general public.<sup>2</sup> Several other states, including Alaska and Pennsylvania, include members of the general public on ethics commissions or committees.<sup>3</sup>

### **EMPOWERING THE LEGISLATIVE INSPECTOR GENERAL**

Under the State Officials and Employees Ethics Act, “[t]he Legislative Inspector General may serve in a full-time, part-time, or contractual capacity.” 5 ILCS 430/25-10. We believe that, given the landscape in Illinois and the urgent need to restore trust in government, the Legislative Inspector General should statutorily be a full-time position. Declaring the position a full-time endeavor underscores the priority our state places on ethics and enforcement, and would send a powerful message to lawmakers and the public that our state takes the responsibility of ethics investigations and enforcement seriously.

But empowering the Legislative Inspector General goes beyond a change in employment status. At its core, the Legislative Inspector General must function as a powerful and neutral investigator, armed with the tools necessary to follow the facts, wherever they may lead. As such, Common Cause Illinois believes that the Legislative Inspector General must be empowered to unilaterally open investigations across the ethical spectrum, from harassment claims to allegations of fraud or bribery. The Legislative Inspector General must also be empowered to issue subpoenas and – most importantly – publish founded summary reports. The work of the office of the Legislative Inspector General should not be filtered through a commission, especially when the Legislative Ethics Commission, in its current form, is composed of members of the General Assembly.

In short, the Legislative Inspector General’s office and duties must be independent, not simply an appendage of the Legislative Ethics Commission.

As an additional reform, while there are already prohibitions on the Legislative Inspector General becoming a candidate, holding any elected public office, or holding any appointed office for one year after service, we would recommend expanding the prohibitions in section (e-1) to explicitly prohibit the Legislative

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<sup>2</sup> <https://legethics.ny.gov/site-page/about-legislative-ethics-commission>

<sup>3</sup> <https://www.ncsl.org/research/ethics/table-of-legislative-ethics-committees.aspx>



Inspector General from becoming a registered lobbyist for at least two years upon leaving office.

### **GIVE THE LEGISLATIVE ETHICS COMMISSION ENFORCEMENT AUTHORITY**

Combined, the Legislative Inspector General and the Legislative Ethics Commission, through their subpoena powers, have a unique ability to uncover egregious conduct by lawmakers and issue reports on the same. Currently, the Legislative Ethics Commission submits its report and recommendations to an agency head or ultimate jurisdictional authority. It is that agency head or ultimate jurisdictional authority that can simply refuse the Legislative Ethics Commission's recommendation, no matter how well-supported by the evidence that may be.

Illinoisians must have faith that the Legislative Ethics Commission's investigations won't end with a whimper at the hands of political appointees. The Legislative Ethics Commission must be empowered to wield the type of enforcement authority that will sufficiently deter unethical conduct, from substantial civil fines and penalties to criminal referrals.

### **MAKE REPORTING ALLEGED ETHICAL VIOLATIONS EASIER**

Currently, it takes too much effort to blow the whistle on unethical conduct in Illinois. It is impossible to file a claim via an online form, and locating and downloading the PDF complaint form is an endeavor on the current website, which is difficult to navigate. We recommend that Illinois adopt a framework similar to that in New York,<sup>4</sup> where there is an option to file both anonymous tips as well as formal claims online. In addition, New York also has an ethics tip hotline: 1-800-87-ETHICS. We recommend that Illinois adopt a similar approach of making the filing of ethical complaints or the reporting of anonymous tips easy and accessible.

Thank you for the opportunity to submit our suggested reforms, and I look forward to answering any questions that you might have.

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<sup>4</sup> <https://jcope.ny.gov/report-misconduct>

