

## Ethics Reform in Reverse?

*Major ethics bills are moving in both House and Senate. Each hides provisions that would explicitly legalize unethical conduct on the part of politicians, and punish citizens for challenging elected officials.*

- Both [S.1](#) and [H.3722](#) (omnibus bills in the Senate and House, respectively) would **seriously abridge the First Amendment rights** of nonpolitical, nonpartisan groups that openly discuss what politicians do with their power. Specifically, these organizations – groups that have nothing to do with elections and campaigns – would be required in some circumstances to disclose the names of their top financial supporters, thus affording politicians the opportunity to cajole and intimidate those supporters.
  - ▶ **CURRENT LAW:** Nonpolitical groups that take no government money can protect the privacy of their supporters. **NEW PROPOSAL:** Nonpolitical groups that take no government money would be required to reveal the names of their supporters.
- Both House and Senate bills (and both versions of the Senate bill) would **preserve lawmakers' power over investigating and punishing each other's criminal and ethics violations.**
  - ▶ **CURRENT LAW:** Lawmakers police their own ethics violations, including some potential criminal violations. **NEW PROPOSALS:** Apart from outside agency conducting “preliminary investigation,” lawmakers still investigate/punish their own violations.
- The House bill (H.3722) would actually **loosen the laws limiting what politicians can spend campaign money on.** Former House Speaker Bobby Harrell was indicted for, among other things, using campaign money to take his family on high-dollar vacations. The House bill would legalize such uses.
  - ▶ **CURRENT LAW:** Lawmakers aren't permitted to put campaign money to personal uses. **NEW PROPOSAL:** Lawmakers would be permitted to put campaign money to all but the most egregious personal uses.

- Both House and Senate bills would bar lawmakers from using campaign funds to pay fines as a result of criminal violations, but **would *not* bar using campaign funds to pay for criminal defense**.
  - ▶ CURRENT LAW: Unclear, but lawmakers use campaign funds to defend themselves in criminal matters all the way up to conviction. NEW PROPOSALS: The practice is legalized.
- Both bills contain provisions requiring the disclosure of personal income. Both, however, **relax reporting requirements on government income** – essentially taking the current lax, loosely enforced law and making it even weaker.
  - ▶ CURRENT LAW: Lawmakers are required to, but often don't, report all government income. NEW PROPOSAL: Lawmakers would only have to report government income if they received direct payments.
- A bill passed by the House, [H.3191](#), purports to crack down on agencies that stonewall Freedom of Information requests. A closer look reveals that it would **allow state agencies to take citizens to court** for filing “unduly burdensome, overly broad, or otherwise improper requests” (*terms undefined*).
  - ▶ CURRENT LAW: Agencies can drag their feet and charge exorbitant fees for fulfilling citizen requests for information. NEW PROPOSAL: Agencies couldn't stonewall and gouge citizens over FOIA requests any longer, but *could* take you to court for submitting burdensome requests.
- Another bill passed by the House, [H.3184](#), would make it a **criminal offense to file “groundless” complaints against state judges**. Hundreds of such complaints are filed every year, and virtually no known disciplinary action has been taken against any judge in recent years.
  - ▶ CURRENT LAW: Complaints may be filed against judges but are almost never acted on. NEW PROPOSAL: Jail time for complaints that are “groundless, willful and without just cause, or with malice” (*terms undefined*).