**Ethics Agency FAQ’s**

**What are state ethics agencies?**

State ethics agencies are government departments that enforce a variety of ethics laws and encourage ethical behavior by government officials and employees. They do this in many different ways, such as adopting codes of conduct, conducting training programs, providing advisory opinions and sanctioning misconduct. The jurisdiction and powers of state ethics agencies vary widely from state to state.

**What makes an ethics agency “independent”?**

Independent ethics agencies are those that are free from political interference as much as is practicable. For an ethics agency to be truly independent, its governing body should be shielded from arbitrary, retaliatory or unfounded removal. The governing body should not be composed of “peers.” For example, the governing body of an ethics agency overseeing the legislative branch is not independent if it is made up of legislators.

**What is the jurisdiction of state ethics agencies?**

Jurisdiction of ethics agencies varies from state to state, both in the persons subject to agency oversight and the subject matters of concern. Many states have only one ethics agency with jurisdiction over elected and appointed officials of the legislative and executive branches, as well as employees. In other states, the ethics agency only oversees executive branch officials and employees or a subset of those persons. Other states have two agencies, one overseeing the executive branch and the other the legislative branch. In almost all cases, the judicial branch is governed by a separate ethics agency. Outside of government officials and employees, agencies may have jurisdiction over lobbyists and candidates for office.

Some agencies focus only on ethics, while others oversee laws regarding campaign finance and lobbying in addition to ethics.

**What range of conduct do these agencies cover?**

The ethics laws and regulations of most states govern acceptance of gifts by government officials and employees, avoidance of conflicts of interest, disclosure of financial interests, nepotism, post-government employment, etc. For the purposes of this report, we have focused on conflict of interest, financial disclosure, and gift issues.

**What enforcement powers do state ethics agencies have?**

As described in detail in the report, there is tremendous variation in the enforcement powers of state ethics agencies and how they implement those powers. In some states, agencies have no enforcement powers and are limited to providing ethics training and advice. Other agencies have investigatory powers, including the ability to compel testimony, issue subpoenas, and hold hearings. After the investigatory stage, some agencies can issue punishments for violations, including fines and reprimands, while others can only advise the appropriate government department of the conduct.

**What if there is no state ethics agency or enforcement powers?**

In states without an ethics agency or an agency that does not have enforcement powers, other government offices are charged with enforcement. Depending on the state – and the branch of government – the enforcement power may lie with the state attorney general and prosecutors, the secretary of state or individual agency personnel offices. The issue in these situations is that with the array of responsibilities these offices have, enforcement of ethics violations can fall by the wayside.