**Note on Methodology**

The project analyzes how state ethics agencies implement their enforcement and sanctioning powers – and how transparent is that implementation. It provides findings on both the enforcement statistics of the ethics agencies of the 50 states and The District of Columbia with jurisdiction over legislative and executive branch officials, as well as a comparative scorecard, which ranks the states and the independent state agencies on the transparency and availability of information regarding their enforcement actions. The deliverables we produced are:

1. An overall report which contains our findings, recommendations and analyses.
2. An Enforcement Statistics Chart that details enforcement statistics for the independent ethics agencies in the 50 states and DC.
3. A Transparency Scoring Chart that ranks and compares both states and independent state ethics agencies based on transparency and the availability of enforcement statistics.
4. Detailed reports for 50 states and DC with statistics and links to the various sources that answer the following questions for 2016, 2017, and 2018:
5. How many complaints were filed?
6. How many complaints were dismissed?
7. How many cases were resolved with a finding of no ethics violation?
8. How many cases were resolved with a finding of an ethics violations?
9. What sanction was adopted?
10. Are the decisions publicly available?

***The Enforcement Statistics Chart***

Our findings related to enforcement statistics for 2018 are summarized in Table 1 by state agency. The five states that did not have an independent ethics agency in 2018 are listed as “No Agency”.[[1]](#footnote-1) The independent agencies which have no or limited enforcement powers are listed as such.[[2]](#footnote-2) A dash means that no information on the enforcement efforts of the ethics agency is available.

Instead of a ranking, we have compiled statistics on the number of complaints filed, dismissed, resolved with a finding of no ethics violation, resolved with a finding of an ethics violation and the sanctions adopted for 2016, 2017, and 2018. This information elucidates what an ethics agency is doing, how it resolves complaints and how it exercises its sanctioning powers.

***The Transparency Scoring Chart***

The Transparency Scoring Chart scores and ranks both states and also the independent ethics agencies in the 50 States and the District of Columbia based on the transparency and availability of enforcement statistics. Some states have multiple ethics agencies that we have scored, and others do not have any independent agency. The ranking scores each agency on following six questions and all questions are answered for the years 2016, 2017, and 2018:

1. Is an annual or biennial report produced by the agency publicly available?
2. Can we determine the number of complaints filed?
3. Can we determine the number of complaints that were dismissed?
4. Can we determine the number of cases resolved with a finding of no ethics violation?
5. Can we determine the number of cases resolved with a finding of an ethics violation?
6. Are the decisions including sanctions adopted publicly available?

Each state agency is scored individually with a per year maximum possible score for each question of 3, a maximum possible score of 18 per year, and a maximum total possible agency score of 54. Complete information on scoring can be found in the Scoring Rubric, which also explains the possible scores for each question.

Overall, we gathered information on 57 state agencies spanning 46 states.[[3]](#footnote-3) Of these 57 agencies, 7 were excluded from our final ranking because the agencies’ investigative or sanctioning powers are statutorily limited in ways that would make it impossible for them to generate information for one or more of our questions. For example, Virginia’s Conflict of Interest and Ethics Advisory Council does not have the authority to investigate or issue any sanctions, therefore, it is not possible for the agency to be transparent about the number of complaints filed, dismissed, or resolved. After excluding these seven agencies the ranking analyzes 50 independent state ethics agencies spanning 43 states.

We did provide scores for these 7 agencies based solely on the questions that they could theoretically generate information on, however, we did not include these states in our overall ranking. The information on the scores for these agencies is located in the Transparency Scoring Chart in the sheet titled ‘Excluded State Scores’.

As mentioned, we have not scored any states that did not have an operational independent ethics agency at any point during the period analyzed (Arizona, Idaho, New Mexico, North Dakota, Wyoming). However, two states, South Dakota and Vermont, only had operational ethics agencies during a portion of the period analyzed. The agencies in these states were included but their scores are only based on the years in which the agency was operational. This means the scores are out of 18 or 36 instead of 54.

The ‘total agency score’ is the sum of the agency scores for each year and is out of 54 unless the agency became operational after 2016. The agency score is further reported as a percentage for clarity.

In the instance where there is more than one agency within a state the agency scores are averaged to get the ‘final state score’. If there is only one agency the ‘total agency score’ and the ‘final state score’ are the same. Finally, we have expressed the final state score as a percentage for ease of comparison.

***Scoring States on Transparency of Enforcement Actions***

Each independent agency and state was scored using our Scoring Rubric by two team members independently. These scores were compared and reconciled to ensure accurate treatment and consistency. Furthermore, the Transparency Scoring Chart was independently checked by another team member for numeric accuracy.

***Drafting the State Reports***

The research for the state reports began with team members identifying the sources of information available on an agency’s website. These sources include annual reports, meeting minutes, and databases of complaints, violations, and decisions. In instances where information was not available or was unclear team members contacted the respective agencies directly. 25 state agencies responded during the data collection phase. Each state report was standardized to ensure equal treatment and all reports were reviewed by a second team member to ensure accuracy. After this review process, C4I emailed the 51 reports to the relevant agencies in each jurisdiction on May 28, 2019.  Each agency was given two weeks to comment on the report for their jurisdiction and provide any additional information. We received comments back from 21 states once they were sent a final report to review and we incorporated the relevant comments in our state reports. We note that ten state agencies responded both during the data collection phase and also when they were sent a final report.

Finally, we undertook a fourth round of quality control and review of the reports to ensure consistent treatment. Furthermore, we instituted a deadline of June 30th to check all states for any outstanding annual reports that were missed because they were published after our original research was conducted. Any annual or biennial reports published after June 30th were not considered in Transparency Scoring Chart.

1. These five states are Arizona, Idaho, New Mexico, North Dakota, and Wyoming. [↑](#footnote-ref-1)
2. There are seven agencies in four states: the New York Legislative Ethics Commission, Utah Legislative Ethics Commission, Utah Executive Branch Ethics Commission, Vermont State Ethics Commission, Virginia Conflict of Interest and Ethics Advisory Council, Virginia House Advisory Panel, and the Virginia Senate Advisory Panel. [↑](#footnote-ref-2)
3. For ease we refer to D.C. as a state even though it is not a state. [↑](#footnote-ref-3)