



M U L T I S T A T E

[Kevin Rennie: A state senator asks lobbyists for donations to her employer. It shows a gaping hole in state ethics laws.](#)

"We must expect more from our elected officials. We must set the example," proclaimed state Sen. Mae Flexer, D-Killingly, in 2018.

Flexer made her declaration when she was among the first to call upon former U.S. Rep. Elizabeth Esty to [resign](#) her office after Esty had been slow to act when she heard reports that her chief of staff had abused a subordinate.

By virtue of her office, Flexer enjoys a platform to examine and judge the actions of others. She can move to raise those standards as the co-chair of the legislature's Government Administration and Elections Committee (GAE). That position allows Flexer to enjoy crucial authority over ethics laws and the rules that lobbyists must follow. It is there that Flexer falls far short of the standard she voiced in the Esty scandal.

Flexer serves as executive director of Emerge Connecticut, the state affiliate of Emerge America, an organization dedicated to recruiting and training Democratic women to run for public office. According to federal tax records available through 2019, Flexer is paid by Emerge America, although she did not respond to questions asking how much she is paid. Registered lobbyists in Connecticut (the ones Flexer has considerable authority over) have been generous contributors to Emerge America – sometimes because Flexer solicits them for money.

Squeezing money out of lobbyists has been on Flexer's mind since she applied for the Emerge Connecticut job in 2017. That year, Flexer had a lawyer on the staff of the Senate Democrats request an opinion on whether she could hit up lobbyists for money.

The state's ethics agency provided an opinion to Flexer that allowed her to seek contributions from lobbyists for the organization that pays her salary. Because Flexer does not own a stake in non-profit Emerge America or its Connecticut affiliate and is not legally an "officer," as defined in state ethics laws, she falls through a gaping hole in the state's ethics protections. Flexer is

permitted to solicit money for her organization from lobbyists who may need her support on the wide range of issues that come before the legislature each year.

Lobbyists have not disappointed. How could they? They had, according to IRS filings, contributed thousands to Emerge America through 2018. Flexer wrote in an email Wednesday that she abides by the law but declined to disclose how many lobbyists she has asked to contribute to her employer.

In a statement emailed Thursday, she said: “During my time as a state Senator, I have always fought against the special interests – especially in the last few weeks and months – in order to stand up for the people of northeastern Connecticut and our entire state. I have vigorously advocated for transparency and ethics across state government. As Executive Director of Emerge Connecticut, I am pleased that hundreds of people across our state share our goal of electing more Democratic women, and I am proud to work for such a transparent organization. These two goals are never in conflict.”

Requesting anonymity to avoid retribution, lobbyists confirmed to me that Flexer has made direct requests for money and supplies for at least one event. Flexer also declined to say if she has asked lobbyists to solicit their colleagues for contributions.

How much Flexer’s public office and private job have become intertwined is apparent in a startling January 16, 2019, email to her from then Office of State Ethics lawyer and now executive director Peter J. Lewandowski. GAE, the committee Flexer co-chairs, you will recall, has jurisdiction over the state’s ethics agency and laws it administers.

His email notes that Flexer met with him and others at the beginning of the 2019 session “to discuss the Office of State Ethics legislative proposals.” But Flexer had something else on her agenda. “During our meeting you asked whether your employment with Emerge Connecticut would be in any way affected if you were to pursue a leadership position in the State Senate, e.g., as a Majority Leader and/or Senate President.” Bad news for Flexer. If she were to win one of those positions, “you would be precluded from soliciting contributions from those Connecticut lobbyists who have pending business before the State Senate.”

The rich vein of lobbyist contributions that Flexer mines would be off-limits during the annual legislative session if she were to become one of the two leaders of the state Senate. Subtlety is not one of Flexer’s gifts. To use a meeting about the ethics agency’s 2019 budget proposals as an opportunity to discuss of her dodgy practice reveals her unsavory priorities.

Flexer's ongoing enterprise of deploying her public trust as a device for private advantage reminds us that in Connecticut, it's what the law allows, not what it prohibits, that continues to shred our trust in government.

[Lobbyists navigate lawmakers' bad behavior, professional relationships](#)

In 2018, at the height of the Me Too movement, investigators for the House of Representatives dismissed a lobbyist's allegations of harassment against a state representative because the lobbyist sent friendly text messages after the alleged incident occurred.

The mental calculations she described in a sworn deposition made public earlier this month are all too familiar: Looking past an offensive comment or off-color joke, because the fight wasn't worth it. Pretending an unwanted romantic advance never happened. Marshalling colleagues and meeting in public places to avoid being alone.

At the Capitol, where relationships are everything and the caprice of a single lawmaker can derail months of policy work, lobbyists must balance representing clients and fighting for policy positions with the costs of not calling out bad behavior.

And as women at the Capitol and across the country grow more empowered to speak out about behavior that would have been ignored in years past, some male lawmakers have responded by doubling down on a boys' club mentality, granting greater access to male lobbyists than their female counterparts out of a stated wish to avoid even a whiff of impropriety.

In some instances, lobbyist Tory Roberg said, lobbying for issues she cares about means putting up with a lot in the hopes that it will someday get a bill across the finish line.

"In order to serve our clients, we have to build up relationships," Roberg said. "I have to weigh whether keeping this relationship is worth it to pass a bill."

Mental math

Not only lobbyists but also female lawmakers have to manage balancing acts.

Other representatives often don't listen to Rep. Isela Blanc, D-Tempe, when she speaks on the floor of the House. On the evening of February 26, a few of her Republican colleagues went further than simply ignoring her, instead joking and guffawing over a sexual innuendo they perceived in her remarks.

Blanc ignored them and continued speaking. She said later that it was another example of an uneven power dynamic she can't stop thinking about.

"I'm continuously reminded that it's a power dynamic, and my colleagues across the aisle have all the power," she said. "If I feel this way and I'm an equal, I cannot imagine what it would be like to be a lobbyist — a female or a male lobbyist — in this power dynamic."

Marilyn Rodriguez, a lobbyist at the progressive firm Creosote Partners, said she thinks often of a piece of advice Supreme Court Justice Ruth Bader Ginsburg shared: It helps sometimes to be a little deaf.

Ginsburg's mother-in-law advised her on her wedding day to tune out small thoughtless or unkind words, and it's a strategy she used in the workplace as well. Tuning out offensive jokes and comments helps at the Capitol, Rodriguez said.

"There are definitely things that I don't laugh off, but that I have to pretend not to hear," she said.

For lobbyists representing clients whose issues don't align with the prevailing view at the Capitol, finding votes often means putting up with unacceptable behavior, Roberg said. Roberg represents the Secular Coalition of Arizona and often advocates for issues unpopular with the GOP majority.

"It's just really hard when you're already the underdog in a fight," she said. "If you have an opportunity to get into someone's office, you have to take it."

"I've never crossed any lines," she quickly added.

Blurred lines

High-profile scandals involving lawmakers and lobbyists — from the seemingly consensual relationship between Rep. David Cook and an agricultural industry lobbyist who supported his bills, to accusations of harassment levied against Sen. Michelle Ugenti-Rita and former Rep. Don Shooter — draw attention to the uneven power dynamic between lobbyists who push for bills and the lawmakers who control their fate.

Barry Aarons, the de facto dean of the Arizona lobbying corps, said those incidents are the exception, not the rule.

“Every year or couple of years, there’s an incident or two that pops up unfortunately and all of us [lobbyists] tend to take the spatter on it,” he said. “Basically, the ethical level of the Arizona Legislature and all of us involved in it is relatively high, with the exception of a couple of lapses that have occurred over time.”

Aarons said he teaches his staff to be “extremely cautious when socializing” with lawmakers and their staff, and prohibits romantic relationships between his employees and lawmakers. The employees also aren’t allowed to drink with lawmakers “on company time,” he said, but he rejected a suggestion that lobbyists stop buying drinks for lawmakers.

“I think it’s unfortunate that we think that we can’t have a casual meal and refreshments,” Aarons said. “If you want to ban [drinking], ban it. It’s not a lobbying technique.”

Complicating matters is a lack of clear, industrywide ethical standards for lobbyists, paired with the Legislature’s lack of a formal code of conduct.

The American League of Lobbyists has a [code of ethics](#) it urges members to comply with, but the code doesn’t get into murky matters like relationships between lawmakers and lobbyists. Other states, including Colorado, have their own professional lobbyist associations that regulate lobbying ethics and seek to prevent harassment at state capitols.

Matt Benson, a former Arizona Republic reporter who now lobbies for Veridus, said lobbyists and reporters have similar difficulties navigating ethical boundaries with lawmakers. Both reporters and lobbyists operate more casually than people in most jobs, he said.

Reporters have relationships with sources they talk to during regular business hours and after hours over dinner or drinks, he said.

“Being a lobbyist isn’t so much different,” Benson said. “Lobbyists interact with other lobbyists, with staff members, and with legislators during the day and sometimes off hours, and there’s nothing inappropriate about that, provided that you stay between the bright lines.”

Veridus follows a code of common sense, Benson said, adding that formal enforced ethical guidelines regulating lawmaker-lobbyist relationships are hard to imagine. And trying to craft rules will only muddy waters, he said.

“What would that look like? One drink is OK, but three and you cross the line?” he said.

If anyone on his team feels uncomfortable with a specific lawmaker they have to meet, another employee will tag along, Benson said.

“Clearly there have been some incidents that have come to light – not just this session, but in past sessions. I don’t know that that necessarily means the system is broken. What it speaks to is the fact that we’re dealing with human beings and they make mistakes and I don’t know that you eliminate that by putting a set of rules on paper.”

Former Republican lawmaker Maria Syms acknowledges people are flawed and said doing nothing about it at all won’t solve the problem. When Syms was in the House, she was one of the most outspoken members calling for a formal code of conduct in the wake of Shooter’s expulsion and asking to “get the frat house out of the state House.”

Syms said she even provided examples from another state legislature that could be used as a starting point, but nothing ever happened.

Syms said the longer the rules governing relationships, which need to be as objective and ethical as possible, continue to be vague or non-existent, the worse the problem could get.

“Lawmakers and lobbyists are saying we can self-regulate, but that’s not enough,” Syms said. “It’s a lot easier to not have a code of conduct for that when these things come up because you can pick and choose whose actions and what actions are appropriate or inappropriate depending on the political climate at the time. These scandals keep coming up and we have some work to do.”

The Pence policy

Longshot Mississippi gubernatorial candidate Robert Foster found an Arizona fan in Sen. Vince Leach last summer, when Foster told a female reporter she couldn’t accompany him on a day of campaign events unless she brought along a male colleague.

“I’m not going to ever put myself in a position where a female could come back and say that I made advances on her, I tried to assault her and there’s no witness there to say that did not happen,” Foster [told NPR](#).

Leach shared a version of the story on his campaign Facebook page, adding that he agreed totally with Foster’s position.

“This has been my policy going back probably 20 years,” Leach said via text. “Have forgotten the mentor that gave me this advice. Same policy for constituents and lobbyists and others I meet with. It seems to have worked well so far and see no reason to change.”

Foster and Leach follow the “Billy Graham rule,” named for the late evangelical preacher, which prohibits spending time alone with anyone of the opposite gender other than a spouse. Another notable adherent is Vice President Mike Pence, who refuses to dine alone with a woman or attend events with alcohol unless his wife is with him.

Leach’s announcement last summer surprised some of his female colleagues and lobbyists, who couldn’t recall if they had met alone with him. And knowing that a male lawmaker treats women differently because of their gender is really uncomfortable, Rodriguez said.

“Now every time I see him I wonder, ‘how do you view me?’” Rodriguez said.

Leach is far from alone in refusing to meet alone with female lobbyists, Senate President Karen Fann said. She even had a male representative, who she declined to name, who turned down a woman who asked to catch a ride with him to Tucson but told Fann he would have readily agreed if a man had asked him.

Other male lawmakers make sure to have an assistant come in to meetings with female lobbyists, or keep the door open during those conversations out of “self-preservation,” Fann said.

“It is sad that we have gone so far with trying to be careful about not being perceived as anything that, yes I do believe that some of the female lobbyists are unfortunately not getting the same equal (treatment) as a male because of the fact they are female,” she said.

Slow changes

Discussions of sexual harassment at the Legislature, as in the nation at large, reveal generational differences between the Baby Boomers and older Gen-Xers who entered a male-dominated arena and the younger women who expected a more equal playing field. Fann, who also owns a highway construction business, noted that she has been dealing in a male-dominated world her entire life.

“You just get in and you roll up your sleeves and you do it,” Fann said. “Those of us in our generation, our whole lives we’ve had to work a little harder just to show that women can do as good a job — if not better — than men in some areas.”

When Stacey Morley started working as an intern at the Senate in the mid-90s, there was an unwritten rule that female interns shouldn’t go into certain male members’ offices alone.

“We all knew what happened, but no one ever really said anything,” she said. “And there were a lot more affairs between lobbyists and members. All that kind of stuff used to be a lot more common and accepted, whereas now it’s very hush hush.”

Morley, now the government affairs director for Stand for Children, said she has never been put in a position where she felt harassed — something she attributes in large part to her own brash personality and inappropriate sense of humor. For instance, Morley said, she loved Shooter, the former lawmaker who was ejected from office.

“He was like a dirty old man,” Morley said. “He never made me feel uncomfortable, but that’s probably because my standards are way lower than most people.”

She said she could see where younger or more sheltered lobbyists, who come from a different background than she did, could feel very uncomfortable at the Legislature.

“Not to say that I haven’t flirted with members to get my bills passed, but I never felt like anything was expected of me,” she said. “I’ve just had a different experience about it.”

Sen. Lela Alston, D-Phoenix, said she’s dismayed that the Legislature hasn’t yet solved the problem of sexual harassment. Everyone at the Capitol should be able to do their jobs without fear, she said.

“Whether you’re a lobbyist or a reporter or you’re a page or you’re a staffer, you should be able to pursue your careers free from any kind of that expectation and you should have no concerns about members’ behavior,” Alston said. “I’m particularly offended if young women are compromised in their ability to do their jobs, perfect their professional skills, be able to rise to their highest level of potential in their chosen career. That should not be hampered by gender.”

After the AzScam scandal in 1991, the Legislature brought a nationally recognized expert on ethics to train lawmakers on ethical behavior. It might be time to do that again, Alston said, or at least adopt and enforce a code of conduct.

“We’re not a court of law by any stretch of the imagination, but we do have the ability to say what should and should not go on in our own little realm right here,” Alston said. “And we should all have the expectation that those rules of conduct should be maintained, that there’s no wink-wink, nod-nod going on, that we have these rules but we don’t really mean it.”

\$50M state no-bid IT deal raises objections

In signing a \$50 million contract for a new cloud-based computer system, the state of Iowa sidestepped traditional competitive bidding procedures and chose a company with little state government experience whose lobbyist is Gov. Kim Reynolds’ former chief of staff.

As one of the first state governments to hire California-based Workday to provide software to execute all its major functions — including payroll, expenses, inventory, financials, recruiting and grants management — Iowa is something of a guinea pig.

And the jury’s still out on whether previous Workday projects at Iowa State University and the Iowa Department of Transportation will be successful. Both still are not fully implemented after rollout delays.

What concerns some lawmakers is the way Iowa chose Workday.

Instead of seeking proposals from multiple companies to see which best met Iowa’s needs and was most affordable, state officials chose a generic contract Workday had signed in 2015 with a for-profit procurement organization in Texas.

Workday got this multimillion dollar deal after Jake Ketzner, Reynolds’ chief of staff for more than a year, left her office and became a lobbyist for the company. A spokesman said Ketzner had no role in Workday’s contracts, but there have been further questions.

“You have to admit, it does raise some eyebrows,” said Sen. Pam Jochum, D-Dubuque. “To me, that is something for government oversight. They need to pull him (Ketzner) in and look at the OCIO’s contract and ask some really serious questions to make sure it was all on the up and up.”

What is Workday?

Workday, founded in 2005 and headquartered in Silicon Valley, lists thousands of customers on its website, including Amazon, Netflix, Bank of America, Kohl’s, Overstock and Panera. It also serves school districts and universities, as well as some large cities and counties, but few state governments.

The state of Colorado is a Workday customer, but on a smaller scale than Iowa.

That state has spent nearly \$10 million so far to implement some human resources functions, said Doug Platt, communications manager for the Colorado Department of Personnel & Administration. Officials there plan to add a new component each year — paying as they go — to make sure each phase works before spending more money, he said.

“Our mission is to make sure we get things right and we don’t get ourselves locked into a path that might be many years down the road,” Platt said. “What this type of development does is keep all of our options open ahead of us.”

Iowa chose Workday to replace two outdated computer systems for human resources and financial operations. Workday offers software-as-a-service, which means Iowa will get regular updates instead of having to plan ahead for a costly upgrade.

“That gives us a predictable cost cycle,” said Paul Trombino, Reynolds’ chief operating officer who’s helping coordinate the Workday deal.

Iowa will pay nearly \$28 million for deployment of the new systems, which will be implemented in summer 2021 for HR and 2022 for financials. The ongoing software costs are about \$21 million over five years.

Iowa is optimistic the system will be simpler, more agile and more affordable over time.

Similar transitions elsewhere haven’t always gone smoothly.

The Sacramento City Unified School District sued Workday and another company in 2018, saying they didn’t provide a modernized system to increase efficiency and save money, as promised when the district paid \$5.2 million for a new computer system, the Sacramento Bee reported in August 2018.

“For approximately two years the project flailed, then ultimately failed,” the district said in a 2018 statement. “While Workday and Sierra-Cedar got paid, in the end, they put the district right back where it started with nothing to show after over two years.”

The district alleged the companies used the Sacramento contract to market themselves to other districts as experts in K-12 education technology, the Bee reported. That lawsuit continues in San Joaquin County Superior Court.

Workday did not respond to an email or phone messages seeking comment for this article.

ISU, Iowa DOT

Iowa law requires competitive bidding for most public purchases to get the best deal for taxpayers and to provide an open, accountable process. Exceptions exist, such as occasions when a desired product or service is produced only by one vendor or when an emergency requires faster purchasing.

Before ISU signed a \$17.7 million, five-year contract with Workday in September 2016, university officials sought competitive bids from companies to provide a cloud-based human resources and finance system as well as a new student platform that includes course registration, grade viewing and on-campus job searches.

“This contract was competitively bid,” Cory Harms, ISU procurement director, said in an email. “We sent (a solicitation) to 10 companies and posted publicly on our website. We received three bids. Two were chosen for finalist demonstrations.”

The Workday software was supposed to be implemented in fall 2018, but the HR and finance portions were launched July 1, 2019. The student platform rollout schedule has not been announced.

When the Iowa DOT hired Workday in 2017, it piggybacked its \$9.4 million, six-year contract on ISU’s deal, avoiding competitive bidding.

The system was supposed to go live in fall 2018, but HR and payroll systems started in May 2019 and the finance portion is scheduled to be implemented July 1, said Jon Makovec, director of Iowa DOT’s Budget and Business Systems.

“Once I got to see the product, prior to the project starting, I was pretty impressed by what it offers the DOT,” he said.

Outsourced bidding

With new Workday systems going online at ISU and the Iowa DOT, state officials wanted to see if Workday could provide a statewide enterprise solution.

Instead of issuing a request inviting companies to apply, the Office of the Chief Information Officer, led since July 30 by Annette Dunn, used a provision of Iowa Code allowing the office to “cooperate with other governmental entities in the procurement of information technology.”

“The OCIO utilized a national competitive RFP conducted and awarded by the National Cooperative Purchasing Alliance,” Dunn wrote in an email.

The alliance is a for-profit organization in Houston, Texas, that solicits bids and signs contracts for governmental agencies — like the state of Iowa — to join.

The organization meets the requirement it be a governmental entity by paying the Region 14 Education Service Center in Abilene, Texas, about \$840,000 a year to be its “lead public agency” for the purpose of securing contracts.

The alliance solicited bids for “cloud administrative solutions” in 2015, advertising in USA Today and on the alliance’s website, according to the group. Four companies, including Workday, submitted proposals and the alliance chose two companies — Workday and SHI, a company headquartered in New Jersey.

Co-op purchasing

Matthew Mackel, the alliance’s director of business development, said it makes sense for government agencies to use cooperative purchasing groups.

“Most agencies, unless they are pretty large, can’t leverage this kind of volume,” Mackel said. “I don’t think they (government purchasing departments) were doing a very good job keeping up with procurement. They were recycling contracts. They didn’t have time to do the process like they should have done properly.”

Mackel said he got the sense Iowa officials wanted to use Workday. By joining the alliance contract, they were able to get a competitively-bid contract without state politics coming into play.

“They get to use that vendor that they wanted to use. It saves them a lot of time and effort,” he said.

Karam Kang, a Carnegie Mellon University associate professor of economics who studies competition in procurement, notes there may be a conflict of interest.

The alliance makes 2 percent of annual sales up to \$30 million for the cloud administrative solutions contracts, and 1.5 percent for \$30 million to \$50 million, documents show. So the group's profit from the Iowa contract is about \$900,000.

"The larger the contract is, the more fee the alliance will receive," Kang said. "It may be more profitable to broker high-cost contracts than low-cost ones."

Information technology contracts tend to be long-lasting and lucrative for the firm that secures the deal.

"Once you have an IT system built, it is costly to build a new IT system, so you just tend to improve what you have," Kang said. "Once you have a contract with one contractor you may have to keep going with that one contractor."

Ex-staffer lobbyist

Ketzner worked for former Gov. Terry Branstad's campaigns in 2010 and 2014 and served in the Branstad-Reynolds administration as a policy adviser and legislative liaison, according to a 2017 news release. Reynolds brought Ketzner back from the private sector in May 2017.

He served as chief of staff until June 2018 when Reynolds said he was leaving to "pursue opportunities outside state government."

While former state elected officials are prohibited by law from working as a lobbyist for two years after leaving office, public employees — even the governor's top aide — do not have the same rules.

Ketzner was registered to represent Workday by October 2018, a year before the chief information officer signed the first contract. He represents 16 other clients now, including Adventureland amusement park in Altoona, IBM, Juul Labs, Kwik Trip and Molson Coors, according to his online disclosure.

Reynolds' office says Ketzner did not have a role in helping Workday secure the state contract.

“Jake Ketzner no longer works for the state of Iowa and has not been involved in the state’s Workday contracts,” governor’s spokesman Pat Garrett said.

When asked Ketzner why he decided to lobby for Workday after leaving the governor’s office, he said, “I’m not authorized to speak on behalf of the company so I’m going to decline comment.”

When asked whether Ketzner could see why some people might feel it suspicious Workday secured a \$50 million state contract after he left the governor’s office and started lobbying for the company, Ketzner hung up.

Based on Sen. Jochum’s recommendation that the Government Oversight Committee investigate Ketzner’s involvement in the Workday contract, the Gazette called Sen. Amy Sinclair, R-Allerton, who chairs the committee.

Sinclair said Tuesday she had requested information from the state about the Workday contract, but didn’t want to comment until after she received those materials.

Seventh District residents find common ground on campaign finance reform, national issues

At a time when the chasm between political parties seems too wide to breach, 7th Congressional District residents appear to be closer on several issues than one might expect.

Area Democrats and Republicans found mutual understanding on several matters related to money in politics, campaign finance, gerrymandering and lobbying in a recent survey conducted by the Program for Public Consultation at the University of Maryland in conjunction with national nonprofits Common Ground Solutions and Voice of the People.

Survey respondents discussed the results at a Saturday, Feb. 29, “Citizen Panel Forum” in Berkeley Heights with Rep. Tom Malinowski, D-7. The survey results were revealed to the congressman and the crowd of about 40 people for the first time at the forum.

Money In Politics

The survey of 478 district residents found bipartisan majorities to be most in agreement on campaign finance reform.

In four separate questions, majorities of at least 69 percent of Republicans and at least 81 percent of Democrats called for greater transparency in campaign finance disclosures by large donors, corporations and federal contractors.

Sixty-six percent of respondents (83 percent of Democrats and 58 percent of Republicans) said they would support a Constitutional Amendment to overturn the Supreme Court's 2010 Citizens United decision, which lifted restrictions on corporate spending to benefit political campaigns.

Some 59 percent of respondents (70 percent of Democrats and 57 percent of Republicans) said they would support a 50 percent tax credit incentivizing campaign contributions from small donors giving up to \$50.

The 40 or so respondents in attendance at the Citizen Panel Forum, who discussed the survey in small groups before viewing and discussing the results with Malinowski, were surprised by the findings.

Westfield resident Steven Gorelick said he was "stunned" to find broad consensus on the issue of campaign finance reform. The results, he said, revealed just how much partisan divisions can obscure commonalities across political affiliations.

"My bubble apparently still has to pop," he said.

Adding to the residents' surprise was the fact that support for the reforms, including the overturning of Citizens United, was even higher at the national level. Voice of the People and Common Ground Solutions found 75 percent of Americans (85 percent of Democrats and 66 percent of Republicans) would support a Constitutional Amendment allowing Congress to directly regulate campaign financing and treat corporations differently than individuals.

The unaffiliated, nonprofit groups have held similar surveys and panel discussions in several states on issues from immigration to rank-choice voting. The initiative grew out of a desire to connect residents with their representatives, and to inform representatives what their residents truly think about the issues, according to Common Ground Solutions Founder Howard Konar.

"On topic after topic," Konar said, "citizens and voters are not nearly as polarized as their representatives."

Rep. Malinowski noted he has supported various campaign finance reform bills in the House of Representatives and has pledged not to accept any campaign funding from corporate PACs (Political Action Committees).

He said American citizens are even more united on proposals to mandate criminal background checks for gun buyers and regulations to rein in out of control prescription drug prices. Efforts by the House to address both issues, however, have been shut down in the Senate, despite “overwhelming support” from the public, he said.

“If a significant majority of the American people want a particular outcome, then that’s what we should get,” he said, “unless it’s unconstitutional or there’s some very good reason why Congress can’t act on the will of the people. But we see that that’s not happening on a lot of the issues that many people in our community care about.”

He said action must be taken to reduce the influence of special interest groups and large donors on elections, and to boost the influence of small donors.

“This is a critical, critical issue facing our democracy,” Malinowski told the crowd, noting the influence of dark money and special interest groups is a central contributor to why the American government has failed to act on issues that a majority of its constituents support.

Regarding the options posited in the survey, the congressman said he was more inclined to support one of the propositions that was less popular among survey-takers than the tax credit program for small donors.

Just 41 percent of respondents (44 percent of Democrats and 39 percent of Republicans) said they would support a proposal banning candidates from accepting any donations more than \$1,000, and have the government match all donations up to \$150.

Malinowski, however, said a similar program has worked in New York City to have candidates spend more time with ordinary people at \$25 backyard barbecues, rather than with large donors at thousand-dollar plate dinners. The funding for a federal program, he said, could come from the proceeds of anti-corruption prosecutions, which currently go to the FEC.

Of the Citizens United decision, Malinowski said he is an ardent supporter of First Amendment rights, “But I don’t think that the framers of the Constitution sitting in Philadelphia were thinking about protecting the rights of the need to spend \$100 million to get somebody elected.”

He added he is a believer in the free market economy and the important role played by private corporations, but when meeting with representatives from a local pharmaceutical company, for example, he should not have to think about whether their PAC would write him a check.

“I just want to have a conversation about their issues and it should be important enough to me that they’re in my district, and they employ people in my district, and they contribute to the prosperity of my district. That should be my incentive to spend time with them: to listen, rather than think how can they help me on the side to get re-elected.”

Campaign finance reform, according to Malinowski, would help lift a sense of disillusionment among the American people who believe corporations and special interests are pulling the strings, a view espoused during the forum by Robin Reeds, a Glen Gardner resident.

“One of our goals here is to make Americans feel more hopeful about their government and their democracy,” Malinowski said.

Lebanon Township resident Rob Whitely called Citizens United “the most devastating decision ever rendered by the Supreme Court.”

Watchung Borough Council President Wendy Robinson, who was among the survey respondents to attend the panel discussion, noted each topic of discussion from lobbying to gerrymandering returned to the omnipresent issue of money in politics.

Gerrymandering And Lobbying

Survey respondents also found common ground on issues related to gerrymandering and lobbying, though forum attendees agreed the solutions seemed less clear-cut than those pertaining to campaign finance.

Some 66 percent of respondents (75 percent of Democrats and 66 percent of Republicans) said they support having a politically balanced citizen commission to shape congressional districts, rather than the State Legislature.

New Jersey already has such a commission with political appointees chosen by state officials. Though the system has drawn its fair share of criticism, survey respondents still found it preferable to the methods employed elsewhere.

Forum attendee Julia O’Brien of Cranford noted the 7th district itself was gerrymandered to isolate Republicans from Democratic strongholds to the east. Malinowski flipped the traditionally red district in the 2018 election.

Gerrymandered as it may be, the congressman said the district’s politically diverse makeup is a good thing.

Having to appeal to a constituency that is one-third Democratic, one-third Republican and one-third Independent, he said, means he can't take anything for granted and must remain accountable to residents. The congressman said he has held about 35 town hall meetings in his 14 months in office.

Forum attendees said they had slightly more trouble on proposals to tighten limitations on former government officials becoming lobbyists, noting lobbying isn't always a bad thing, but overall supported increasing restrictions.

Respondents were most certain about a proposal to ban former Executive Branch officials from lobbying on behalf of a foreign government for the rest of their lives. Sixty-six percent of respondents (69 percent of Democrats and 70 percent of Republicans) said they supported the proposal.

Fifty-five percent (64 percent of Democrats and 55 percent of Republicans) supported a proposal to ban former senior Executive Branch officials from joining lobbying firms for a minimum five years after leaving office, up from the current one- to two-year restriction.

Sixty-one percent (67 percent of Democrats and 63 percent of Republican) said they would support banning former members of Congress from joining lobbying firms for five years after leaving office, up from the current one-year restriction on former House representatives and two-year restriction on former Senators.

Fifty-nine percent (65 percent of Democrats and 58 percent of Republicans) supported extending the same restriction for Congressional staffers from one year to two years.

Malinowski, echoing comments made by residents in the smaller discussion groups, noted there are different kinds of lobbying, and they're not all bad. He noted he was formerly a lobbyist for Human Rights Watch, persuading representatives to support legislation to ban torture and sanction governments that commit human rights violations.

He said there should possibly be some distinction made between former representatives who wish to lobby for a public interest organization versus those who wish to lobby for a for-profit corporation, but acknowledged it is a difficult question.

Seeing Both Sides

Residents of more than 20 district towns participated in the survey, including Budd Lake, Glen Gardner, Bridgewater, Flemington, Cranford, Harding Township, Hillsborough, Long Hill, Milford, Westfield, Berkeley Heights, Bernardsville, Califon, Clark, Dunellen, Phillipsburg, Pittstown, Springfield, Summit, Warren and Watchung.

Survey questions were designed to put residents in the shoes of lawmakers, educating them on both sides of an issue before asking them to weigh in.

Questions were reviewed by members of Congress and based on bills currently being considered at the national level, according to Steven Kull, director of the Program for Public Consultation at the University of Maryland and founder of Voice of the People.

In another survey distributed to attendees at the end of the forum, 100 percent of participants said they would recommend similar citizen panel surveys and events to others.

Maddy Goffredo, a Long Hill native and 2019 Watchung Hills Regional High School graduate now studying at Rutgers University, spoke highly of the survey format in a conversation with other survey respondents seated around a small table.

She was joined at the table by Maria Irwin, a Green Brook resident and fellow Watchung Hills graduate, Bridgewater resident Laura Guastella and Hillsborough resident Michael Goldberry.

“I was surprised by how many arguments I actually felt that I somewhat agreed with from both sides,” said Goffredo. “That was something that I did not think would happen going into it, because I feel pretty set in my ways and pretty strong in my opinions. I was able to look at things in a more open-minded light and say that this other argument actually is somewhat convincing.”

Goldberry agreed.

“I think the other side sometimes gets lost in the shouting,” he said.

To view the survey results, visit

http://www.publicconsultation.org/wp-content/uploads/2020/02/nj7_govt_reform_0220.pdf.

To take the survey, visit <https://www.surveygizmo.com/s3/5474317/nj7-public>.

[Addressing prohibited activities for public officials: What is allowed?](#)

The Illinois Joint Commission on Ethics and Lobbying Reform addressed prohibited activities for public officials last week.

Members heard background information on current practices from Lynn Patton of the Illinois Attorney General's Office and Illinois Municipal League Executive Director Brad Cole.

Patton leads the Public Access and Opinions Division and also serves as the Administrative Counsel for the Attorney General. She says her department frequently addresses concerns of compatibility of offices and the [Public Officer Prohibited Activities Act](#). Patton also addressed the [Common Law Doctrine of Incompatibility of Offices](#). The common law principle limits individuals from holding two public offices at the same time if they conflict. As an example, Patton mentioned judges are not allowed to hold office in units of public government, school boards or political party. She also provided a similar conflict related to the state's top ethics group.

"...The State Officials and Employees Ethics Act states that a person is not eligible to serve as the Commissioner of the Executive Ethics Commission if that person is a state officer or employee," said Patton.

But Patton noted the state's Constitution and statutes do not address "every conceivable combination of public offices." That's where things can get complicated for anyone trying to call out individuals holding two offices. Do the duties of both offices conflict so the holder of one cannot fully and faithfully discharge from the other? Patton says this is the issue her department addressed the most when individuals ask office compatibility questions.

Addressing financial interests

She says the most common conflict of interest is seen when individuals work for two public entities with the ability to contract with each other. Section Three of the Public Officer Prohibited Activities Act prohibits elected officials from entering into any contracts or acting upon proposals that they have financial interest in. Patton says Attorney General opinions have consistently found the language in this provision only applies to contracts or agreements for the local government an individual serves or another entity the official is affiliated with. She explained a violation of Section Three of the Act is a Class 4 Felony. Patton mentioned the Attorney General's office can only issue opinions on these cases and it's a tough task to address every office across the state.

"Illinois has more units of local government and school districts than any others in the union. I think at this point we're up to around 8,000 between units of local government and school

districts. For us to monitor the activities of 8,000 units of local government is virtually impossible," Patton explained.

Working as lobbyists

The Commission also heard a further breakdown of dual office holder regulations from the Illinois Municipal League. Brad Cole says there are restrictions on officials also working as lobbyists. He says the [Lobbyist Registration Act](#) provides registered lobbyists may hold elected office. Individuals cannot lobby within their own local government, but Cole explained there are external restrictions that could be subject to challenge.

"That's where we get an issue if you are an elected official, can you be a lobbyist lobbying other entities? Can you be a municipal trustee and have a job as a federal lobbyist," said Cole.

But how many local elected officials in Illinois also work as lobbyists? Cole says there are numerous elected officials registered as state and federal lobbyists.

"You can't really pass a law to make people follow the law. The law is there to be followed. But if you have things that you're concerned about that we may be able to provide guidance or support on, we are most interested in doing that," explained Cole.

Deadline around the corner

The Commission has roughly a month left to compile suggestions they have received from several groups into a report for the Governor and General Assembly. Members know they face a hard task to make solid reforms to the existing ethics laws following constant reports of corruption in Illinois politics.

"We're looking at some laws that sometimes are a little ambiguous of where things fall," said House Majority Leader and Commission Co-Chair Greg Harris. "What falls in this definition? So we're clearing that up so that we know and the public knows when things are right and when things are wrong."

"They should all be designed in a way that allows for ethical government to be the top priority," added Rep. Patrick Windhorst (R-Metropolis).

Members are scheduled to discuss ethics in procurement next week.