

The BGA - Alper Integrity IndexSM

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THE BGA - ALPER INTEGRITY INDEX OVERALL RANKING

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State	FOI	Whistleblower Protection	Campaign Finance	Open Meetings	Conflict of Interest	Total Percentage (out of 500)	Percent Achieved	Overall Rank
New Jersey	88.00%	71.00%	53.00%	39.00%	76.00%	327.0%	65.40%	1
Rhode Island	66.00%	68.00%	50.00%	61.00%	72.00%	317.0%	63.40%	2
Hawaii	44.00%	61.00%	66.00%	50.00%	90.50%	311.5%	62.30%	3
Washington	56.00%	71.00%	42.00%	48.00%	93.50%	310.5%	62.10%	4
Louisiana	78.00%	82.00%	46.00%	58.00%	43.00%	307.0%	61.40%	5
Nebraska	88.00%	57.00%	59.00%	46.00%	54.00%	304.0%	60.80%	6
Texas	53.00%	79.00%	37.00%	44.00%	88.00%	301.0%	60.20%	7
Arkansas	72.00%	64.00%	46.00%	35.00%	75.00%	292.0%	58.40%	8
Maryland	63.00%	75.00%	51.00%	34.00%	68.50%	291.5%	58.30%	9
Colorado	72.00%	75.00%	41.00%	40.00%	63.00%	291.0%	58.20%	10
Arizona	22.00%	57.00%	74.00%	55.00%	82.00%	290.0%	58.00%	11
West Virginia	66.00%	79.00%	52.00%	48.00%	45.00%	290.0%	58.00%	11
Illinois	59.00%	86.00%	36.00%	54.00%	55.00%	290.0%	58.00%	11
Connecticut	53.00%	57.00%	60.00%	45.00%	72.00%	287.0%	57.40%	14
Minnesota	53.00%	64.00%	62.00%	54.00%	53.50%	286.5%	57.30%	15
Florida	53.00%	57.00%	67.00%	46.00%	63.00%	286.0%	57.20%	16
Wisconsin	41.00%	64.00%	65.00%	43.00%	70.00%	283.0%	56.60%	17
Kansas	47.00%	79.00%	43.00%	33.00%	78.00%	280.0%	56.00%	18
California	53.00%	82.00%	34.00%	29.00%	78.50%	276.5%	55.30%	19
Massachusetts	31.00%	61.00%	72.00%	34.00%	73.50%	271.5%	54.30%	20
Oklahoma	41.00%	79.00%	52.00%	38.00%	55.50%	265.5%	53.10%	21
Missouri	41.00%	79.00%	34.00%	38.00%	70.50%	262.5%	52.50%	22
North Carolina	34.00%	68.00%	51.00%	39.00%	70.00%	262.0%	52.40%	23
Michigan	75.00%	71.00%	50.00%	65.00%	0.00%	261.0%	52.20%	24
Pennsylvania	53.00%	75.00%	45.00%	31.00%	56.00%	260.0%	52.00%	25
Iowa	53.00%	68.00%	35.00%	55.00%	48.00%	259.0%	51.80%	26
Georgia	41.00%	46.00%	39.00%	51.00%	81.00%	258.0%	51.60%	27
Kentucky	47.00%	57.00%	47.00%	35.00%	70.50%	256.5%	51.30%	28
Indiana	59.00%	54.00%	34.00%	49.00%	59.50%	255.5%	51.10%	29
South Carolina	59.00%	50.00%	34.00%	50.00%	59.50%	252.5%	50.50%	30
Ohio	34.00%	50.00%	48.00%	51.00%	67.00%	250.0%	50.00%	31
Oregon	47.00%	57.00%	40.00%	34.00%	67.50%	245.5%	49.10%	32
Maine	41.00%	64.00%	72.00%	21.00%	46.00%	244.0%	48.80%	33
Nevada	41.00%	68.00%	38.00%	44.00%	49.50%	240.5%	48.10%	34
North Dakota	44.00%	61.00%	33.00%	44.00%	58.50%	240.5%	48.10%	34
New York	41.00%	46.00%	37.00%	39.00%	73.50%	236.5%	47.30%	36
Utah	78.00%	75.00%	36.00%	38.00%	9.50%	236.5%	47.30%	36
Virginia	78.00%	0.00%	27.00%	66.00%	59.50%	230.5%	46.10%	38
Mississippi	41.00%	61.00%	32.00%	40.00%	55.50%	229.5%	45.90%	39
Alaska	3.00%	75.00%	46.00%	16.00%	86.00%	226.0%	45.20%	40
New Hampshire	41.00%	71.00%	43.00%	46.00%	24.00%	225.0%	45.00%	41
New Mexico	47.00%	0.00%	41.00%	54.00%	74.50%	216.5%	43.30%	42
Delaware	31.00%	43.00%	33.00%	40.00%	64.50%	211.5%	42.30%	43
Idaho	50.00%	75.00%	41.00%	30.00%	0.00%	196.0%	39.20%	44
Wyoming	16.00%	68.00%	46.00%	23.00%	40.00%	193.0%	38.60%	45
Montana	9.00%	50.00%	46.00%	33.00%	54.00%	192.0%	38.40%	46
Tennessee	16.00%	57.00%	37.00%	16.00%	57.50%	183.5%	36.70%	47
Alabama	0.00%	39.00%	25.00%	33.00%	77.50%	174.50%	34.90%	48
Vermont	63.00%	0.00%	66.00%	45.00%	0.00%	174.0%	34.80%	49
South Dakota	0.00%	39.00%	38.00%	25.00%	60.00%	162.0%	32.40%	50

OVERVIEW

The BGA - Alper Integrity Index is a measure of the relative strength of existing laws that promote integrity in each of the fifty states. The higher each state's score, the stronger its laws are and the better its citizens are protected. The BGA - Alper Integrity Index was conceived as a tool to describe the extent to which each state has protected itself against possible corruption and made its processes open and accountable to its citizens. It is hoped that the Index will increase the awareness of the importance of strong laws and help states foster a robust environment of integrity. Furthermore, the BGA - Alper Integrity Index provides concrete examples of states that have taken a tough line on promoting integrity and passed laws to protect the governmental process and citizens.

The purpose of the BGA - Alper Integrity Index is not to expose individual cases of corruption or brand certain states as lacking in integrity. Instead, the BGA - Alper Integrity Index is an effort to encourage and foster a high degree of integrity in state governments and encourage the reform of state laws that fall short in fully protecting transparency, accountability and strong limits.

CORE PRINCIPLES

Three key concepts are the basis for the BGA - Alper Integrity Index:

- **TRANSPARENCY** – “Blue skies” or “Sunshine” laws that require openness in government. The more open the operations of government are required to be the more likely its operations will be conducted with integrity.
- **ACCOUNTABILITY** – Penalty provisions for violations of statutory limits or transparency requirements give those laws teeth. Without tough penalties, transparency requirements and limits are merely aspirational.

- **LIMITS** – Limits are the only way to stop or minimize activity that undercuts the independence of governmental officials such as campaign contributions, gifts and honoraria. The likelihood of unethical behavior increases with the size of contributions, gifts and honoraria. Transparency, Accountability and Limits (“TAL”) provide the underlying logic for the rankings of each of the integrity measures. This method is both simple and supportable: states with lower limits for gifts and contributions, tougher accountability provisions and broader transparency requirements have a heightened ability to combat and prevent corruption.

WHAT IS THE BETTER GOVERNMENT ASSOCIATION?

The Better Government Association (“BGA”) is an eighty-five year old Chicago based civic watchdog group that fights waste, corruption and inefficiency in government. Over the years the BGA has exposed and fought against governmental corruption on the national, state and local level. To help achieve its goals of a cleaner, more ethical and efficient government the BGA utilizes investigative exposes, litigation and public policy studies to change public policy and spur changes in legislation so that government will better serve its citizens.

HISTORY: WHY DID WE CREATE THE BGA - ALPER INTEGRITY INDEX?

As a civic watchdog group the BGA has frequently utilized Illinois’ Freedom of Information law (“FOI”) requests to further its investigative endeavors. However, over the years the BGA came to the conclusion that Illinois’ FOI law was much less effective than it could be because the law was so weak in terms of what it required out of state government.

In the summer of 2001 the BGA decided to test its assumption. Two BGA researchers found every FOI law in all fifty states. After reading all the statutes, the BGA research team selected measurable elements common to the vast majority of the laws that were critical in giving the law meaning and validity. Within each element or criteria we created a scoring

system, since modified slightly, and scored all the states. Unsurprisingly, Illinois received a rather low score. Surprisingly, a low score placed Illinois in the middle of the pack.

We started out with the fairly focused intention of comparing our state’s FOI law with those of other states, in order to determine how our own might be improved, i.e., how to best increase transparency in state government. Having completed that task, however, we apprehended that we had created a tool that might be beneficial to those in other states who have goals similar to ours. At the same time, we began to discuss other fundamental values that are critical to the creation of an environment in which integrity is more likely and corruption less likely. To the concept of transparency, we added accountability and limits.

The BGA - Alper Integrity Index, then, gathers together those laws that have the potential to create an environment in which integrity is the rule. The assumption which underlies the BGA - Alper Integrity Index is that, where state laws create transparency, accountability and limits, such an environment is more likely to promote integrity and prevent corruption. The Index should provide a ready source of research for those wishing to quickly find laws that can be compared to laws in their own states.

WHICH LAWS ARE RANKED?

- **FREEDOM OF INFORMATION LAWS** – mandate public access to most government records and information. We ranked these laws based on response times to requests, appeals processes, that mandate expedited treatment for such cases and provisions for attorneys fees and penalties.
- **WHISTLEBLOWER LAWS** – provide protection to government employees who expose mismanagement, waste and corruption in their workplace. We ranked these laws based on the scope of whistleblowing activities protected, prohibitions on retaliatory conduct, scope of employee coverage, penalties, damages, posting of rights and appeals process.

- **CAMPAIGN FINANCE LAWS** – place limits on campaign contributions, mandate disclosure of contributions and sometimes provide for public funding. We ranked these laws based on: limits on campaign contributions to candidates from individuals, candidates, family members, national political parties, PACs, corporations, labor unions and regulated entities; limits on campaign contributions to state political parties by individuals, PACs, corporations and labor unions; limits on solicitation for campaign contributions during legislative sessions; limits on solicitation and contributions by government employees; limits on anonymous contributions, contributions in another’s name; strength of penalties for disclosure violations and contribution violations; and the availability of public funding of campaigns.

- **OPEN MEETINGS LAWS** – mandate that government boards meet and make the majority of their decisions in public as opposed to behind closed doors. We ranked these laws based on posting requirements for notice and minutes, the time frame for filing lawsuits, and penalties.

- **CONFLICT OF INTEREST DISCLOSURE LAWS** – mandate that lawmakers publicly disclose their financial interests so the public can be aware if they have possible conflicts of interest in legislation they are voting on. This element of the BGA - Alper Integrity Index was borrowed from the Center for Public Integrity with their permission. The Center for Public Integrity ranked these laws based on their scope, accessibility to the public and penalty provisions.

WHY WERE THESE LAWS SELECTED FOR ANALYSIS?

The laws that were selected certainly do not represent all the laws that have an impact on integrity in state government. However, the BGA believes that the laws that were selected go to the heart of transparency, accountability and limits. The laws selected most directly

represent efforts by the states to empower citizens to keep an eye on their government, keep influence peddling to a minimum and protect those who speak out and expose government mistakes and mismanagement.

METHODOLOGY

First, the BGA identified several types of laws that are critical to creating and maintaining a high level of integrity in state government. Next, all the relevant information about the laws in all the states was analyzed to determine content. After the analysis, the BGA identified the critical elements of the laws selected. Within each critical element the BGA surveyed the contents of the various state laws and created a scoring system based on the toughest provisions to the weakest provisions based on TAL. Laws that encouraged transparency, provided for meaningful accountability and called for strict limits scored higher than laws that discouraged transparency, provided for minimal accountability and loose limits.

Individual state's laws were scored depending on how strongly they correlate to best practices based on TAL. Best practices are defined as those existing state laws with the strongest/quickest disclosure requirements, the toughest penalties for non-compliance and the lowest limits for contributions/non-disclosure. Each measure and each state was ranked independently, and then a composite ranking was created to measure overall performance.

For all but one of the laws selected, the BGA researched the relevant laws, created a scoring system, scored each state's law and ranked the states based on the results. The scoring systems were constructed by the BGA.¹

All rankings are based on existing laws that allow for comparison from state to state. Furthermore, by using state laws, the states' efforts can be measured longitudinally, taking into account that over time states will hopefully strengthen their laws and thus move up the rankings.

ANALYSIS/RANKING

The scoring scale that the BGA chose to use is a five level system: 0, 1, 2, 3, 4. Occasionally, we used a five level system that rose to 1 or 2 at quarter point or half point intervals. In the analysis of a particular type of law, the elements measured were often equally weighted, meaning no element was viewed as more important than any other element, and when that was not the case the different weighting was indicated by the different point total for a particular category or sub-category (i.e. the element was worth only two points instead of four).

For each individual type of law the states were ranked from highest to lowest based on their point totals. The point total for each state was then converted to a percentage grade by taking the points scored and dividing by the maximum possible points.

For the overall BGA - Alper Integrity Index, each state's percentage scores in the five areas analyzed were added together and divided by five to give an average score. All the laws were weighted equally. The states were then ranked from best to worst based on their composite percentage score.

CHANGES FROM THE 2002 INTEGRITY INDEX

There were two major changes in this edition of the Integrity Index from the 2002 version. First, the BGA added a new law to its analysis, Open Meetings laws. Many readers of the 2002 Index suggested that an analysis of Open Meetings laws be added because it directly impacts on the transparency of government. We agreed with the readers and thus included it into this year's edition of the Index.

Second, we dropped an analysis Gift, Trip and Honoraria laws. In reviewing those laws for this edition of the Index the BGA came to the conclusion that due

to a multitude of exceptions and loopholes in Gift, Trip and Honoraria laws that our scoring system was too subjective. Alternative scoring systems we contemplated were less subjective, but were so imprecise as to lump all states in a very narrow scoring range and make any meaningful ranking impossible.

The changes did make a difference in the overall rankings, some states fell and some rose. Further, some changes in overall rankings or scores can also be attributed to changes in state laws that cause scores to rise or fall and the correction of previous scoring errors.

CONCLUSION

The top five states in our survey were New Jersey, Rhode Island, Hawaii, Washington and Louisiana. The bottom five states were Montana, Tennessee, Alabama, Vermont and South Dakota. The top five states tended to do well relative to their sister states across all the laws while the bottom five under-performed or failed miserably across all the laws we reviewed.

The top performing states are commended for their high performance relative to the rest of the states, but the BGA - Alper Integrity Index revealed a troubling trend, all states performed poorly in an absolute sense. The best state, New Jersey, managed to come out first with an average score of 65.4%. When even the best state has such a low score it indicates that there is a lot of room for improvement all across the United States when it comes to laws that promote integrity and fight corruption.

Overall, the BGA - Alper Integrity Index reveals that states have taken a patchwork approach towards promoting integrity which indicates a lack of the proper amount of concern regarding integrity and corruption. The BGA hopes that this study will help spark a renewed focus and debate on these issues in all the states and ultimately lead to the improvement of the laws we reviewed.

1. The BGA adopted the Center for Public Integrity's research and ranking of conflicts of interest laws with their permission. For information on campaign finance laws the BGA relied on the Federal Election Commission's research into the issue. The BGA primarily relied on independent research in analyzing freedom of information laws, open meetings law and whistleblower laws. Except for conflicts of interest, the BGA created all the scoring systems.

State	Total Points (out of 16)	Percent Achieved	RANK
Nebraska	14	88%	1
New Jersey	14	88%	1
Louisiana	12.5	78%	3
Utah	12.5	78%	3
Virginia	12.5	78%	3
Michigan	12	75%	6
Arkansas	11.5	72%	7
Colorado	11.5	72%	7
Rhode Island	10.5	66%	9
West Virginia	10.5	66%	9
Maryland	10	63%	11
Vermont	10	63%	11
Illinois	9.5	59%	13
Indiana	9.5	59%	13
South Carolina	9.5	59%	13
Washington	9	56%	16
California	8.5	53%	17
Connecticut	8.5	53%	17
Florida	8.5	53%	17
Iowa	8.5	53%	17
Pennsylvania	8.5	53%	17
Texas	8.5	53%	17
Minnesota	8.5	53%	17
Idaho	8	50%	24
Kentucky	7.5	47%	25
Kansas	7.5	47%	25
New Mexico	7.5	47%	25
Oregon	7.5	47%	25
Hawaii	7	44%	29
North Dakota	7	44%	29
Wisconsin	6.5	41%	31
Mississippi	6.5	41%	31
New Hampshire	6.5	41%	31
Georgia	6.5	41%	31
Maine	6.5	41%	31
Nevada	6.5	41%	31
New York	6.5	41%	31
Missouri	6.5	41%	31
Oklahoma	6.5	41%	31
Ohio	5.5	34%	40
North Carolina	5.5	34%	40
Massachusetts	5	31%	42
Delaware	5	31%	42
Arizona	3.5	22%	44
Tennessee	2.5	16%	45
Wyoming	2.5	16%	45
Montana	1.5	9%	47
Alaska	0.5	3%	48
Alabama	0	0%	49
South Dakota	0	0%	49

FREEDOM OF INFORMATION (FOI) LAWS IN THE USA

DETAILED METHODOLOGY

PURPOSE STATEMENT

Each of the fifty states have passed an open records or freedom of information act giving citizens access to public records. The opening provision of most of these acts provides that an open government is a critical element in achieving a successful democracy and that it is only when the public is given free access to government documents that the public can effectively oversee the activities of its elected leaders. Thus, the states have made it policy to promote a more open and better government by giving the public access to public records. The BGA has undertaken a comprehensive study analyzing the open records statutes of each of the fifty states in order to examine the effectiveness of each statute in promoting this policy.

THE ANALYSIS

The BGA, in conducting this study, has analyzed the freedom of information acts in every state. There has been no analysis of case law or Attorney General Opinions. By assessing only the statutory language, very little interpretation of the law had to be conducted by BGA researchers in order to complete this study. This allowed the BGA to keep the analysis as objective as possible. In addition, as the primary source of law, citizens seeking to invoke their rights to examine public records will look to the statute for guidance, not secondary sources such as case law or Attorney General Opinions.

METHODOLOGY

The states were compared against each other. Each state was assessed against five criteria. The five criteria were broken into two categories— three procedural criteria and two penalty criteria. In each criterion there was a five level scoring system, usually a zero thorough four scale with one point intervals, but in some instances a zero thorough two scale with half point intervals. After each criterion was examined and scored, the scores were totaled for each

state. Each state was then ranked according to its point total. The total possible points were 16.

THE CRITERIA

The BGA used five criteria to assess each state. The criteria were chosen as an effort to conduct the most objective analysis of the law in each state. The procedural criteria are designed to assess the procedural guidelines in each state for obtaining public records, while the penalty criteria examine the punishment, if any, which is levied against an agency that wrongfully denies access to a public record.

The procedural criteria are as follows: (1) The amount of time a public agency or department has to respond to a citizen's request for a public document; (2) the process a citizen must go through to appeal the decision of an agency to deny the request for the public record; and (3) whether an appeal is expedited when it reaches the court system. The penalty criteria weigh: (1) whether the complaining party, upon receiving a favorable judgment in court, is awarded attorney fees and costs; and (2) whether the agency that has wrongfully withheld a record is subject to any civil or criminal punishment.

Three of the criteria, Response Time, Attorney's Fees & Costs and Sanctions were worth four points each. Two of the criteria, Appeals and Expedited Process, were assigned a value of two points each. Response Time, Attorney's Fees & Costs and Sanctions were assigned a higher value because of their greater importance. They determine how fast a requestor gets an initial answer, thus starting the process for an appeal if denied, and provide the necessary deterrent element to give FOI laws meaning and vitality. Appeals and Expedited Process, although important, are not as critical in vindicating the rights of citizens and journalists who are trying to keep a close eye on government operations.

THE PROCEDURAL CRITERIA

The first three criteria that the BGA studied in assessing the strength of each state's open records act

are procedural. The three criteria involve the process the requesting party must use to gain access to public records. The BGA's concern with these procedural requirements is that a lengthy and burdensome process is likely to discourage citizens from making requests and seeking enforcement of the statute, which will result in less disclosure of public information. Such a result would frustrate the policy of creating a better democracy through a more open government. The procedural criteria are as follows:

RESPONSE TIME (4 POINTS)

Response time is the period of time that an agency has to make an initial response to a request for a public record. A major area of concern is requests for time sensitive documents. The more time an agency has to respond to a citizen's request, the less effective the statute becomes. For instance, statutes that provide for very long response times, or do not provide a stated response time at all, do not create any statutory assurances for a requestor, such as a journalist, who is seeking a time sensitive document. Statutes in these states may allow an agency to stall in handing over the requested materials so that they are no longer useful, or the requestor simply gives up on the request. Either result frustrates the purposes of the open records act. Thus, state statutes received more points for quicker response times. Note: The BGA only examined the time an agency has to make an initial response to a request for documents. In many states, an agency can receive an extension of time to consider a request. Our analysis did not factor in possible time extensions.

States that failed to provide for a response time received a score of 0. A state received one point if its statute simply provided that response to a request must be made within a reasonable amount of time, or language similar to that effect. This ambiguous language may lead to excessive delays in processing a request. The lack of an explicitly defined response time is of concern to the BGA. Receiving two points are states that have passed statutes requiring a response between 16 and 30 days. These states explicitly provide a response time, so that the requesting party is assured recognition of the request during a specified time period. However, 16 to 30 days

is too broad of a response time. A state received three points if its statute required a response between 8 and 15 days. Four points were awarded if a state's statute required a response between 1 to 7 days.

APPEAL (2 POINTS)

The next procedural criteria used by the BGA to weigh the strength of each state's open records act was the appeals process a citizen can go through after being denied access to a record that is covered by the statute. If citizens are able to appeal in a cost and time efficient manner, in the forum of their choice, citizens are more likely to challenge an agency's denial. The BGA's method of grading this criterion is based on three elements: choice, cost and time. A petitioner should be able to choose the body that hears the appeal. The appeal process should also provide for administrative remedies to control the costs and time of appealing.

States with statutes that do not provide for an appeals process received a score of 0. These states fail to inform citizens that the denial may be reviewed, and may be reversed, by a higher authority. The law must explicitly explain the appeal process in order to fully inform citizens of their rights. State which require a citizen to appeal directly to a court of law, with no administrative remedy, receive a half point. Under these statutes, citizens are not able to choose the forum of their appeal. In addition, these states do not provide remedies that might reduce the cost of an appeal. Appealing directly to a court will assuredly be the most expensive and consume the most time. Citizens facing several years of litigation costing thousands of dollars are less likely to challenge a denial.

One point was awarded to states that require petitioners to first appeal to the director of the agency that denied them access, then to an ombudsman and only then to court. By requiring a petitioner to exhaust both administrative remedies before allowing access to the court system, these states provide the petitioner no choice of forum. Furthermore, appealing to both bodies may be burdensome on the petitioner. However, these states do provide for administrative remedies that may

reduce the cost of the appeal if a favorable ruling can be achieved before resorting to court. By appealing first to the agency head and then to an ombudsman, there is a chance of getting a favorable decision in a cost and time efficient manner.

Statutes requiring the petitioner to appeal to a legislatively designated entity, either the head of the agency or an ombudsman or a choice of the two and then to court earned states one and a half points. These states only require the petitioner to exhaust one round of administrative remedies before entering the court system, which is less burdensome. Furthermore, by seeking some administrative remedy, there is the potential for a favorable ruling on the appeal before getting to court.

Finally, the states allowing citizens to pursue the channel of appeal of their choice received two points. These states pass each prong of the BGA's analysis. First, citizens have total control over the forum in which their appeal will be heard. Furthermore, these states provide for administrative remedies, which may result in a favorable ruling in the least expensive and time-consuming manner.

EXPEDITED PROCESS (2 POINTS)

Expedited Process means that a case's priority on a court's docket will be put in front of other matters because of time concerns. The BGA examined each state statute to determine if a petitioner's appeal, in a court of law, would be expedited to the front of the docket so that it would be heard immediately. The focus was on the expedited process in courts, not in administrative hearings.

Expedited Process is a procedural feature that allows petitioners to have their grievances heard in a timely manner. Without an expedited process, it may be months or years before an appeal is heard and resolved in a congested court docket. As a result, the enormous costs of a lengthy court battle may prevent a citizen from challenging a denial. Furthermore, lengthy court battles will render time sensitive documents useless. Absent an expedited process, litigation may serve as tool to stall the

production of records until the records are no longer of use, or until the citizen simply gives up on the request.

States that do not provide for an expedited process in their public record statute received a score of 0. These states do not provide any mandate to avoid the inherent problems that are associated with lengthy and costly litigation. Requiring a showing of special circumstances for an appeal to be expedited scored a half point. Such a requirement puts the burden of proof on the Petitioner rather than mandating an expedited process. Requiring an appeal to be expedited and heard 'as soon as practicable' earned states one point. While these states address the issue of an expedited process, and seemingly recognize its importance, they provide no meaningful mandate. Because these states leave the issue of an expedited process to the judge's discretion, an appeal still may not be heard for months.

States requiring a case to be heard within 11 to 30 days after filing received one and a half points. These states explicitly mandate a time limit and provide the petitioner with assurance of a speedy appeal. States received two points if they required a case to be heard within 11-20 days after filing.

PENALTIES

In the penalty category, the two criteria the BGA used to weigh the strength of each state's public records act focus on the penalties that are levied against an agency that has been found by a court of law to have violated the statute. The two penalty criteria are: (1) whether the court is required to award attorney's fees and court costs to the prevailing requestor; and (2) what sanctions, if any, the agency may be subject to for failing to comply with the law. These criteria are designed to assess the enforceability of a public records act. Penalties and sanctions provide incentives for agencies to comply with the law as well as a deterrent for violations. Without penalties, the procedural provisions mean very little.

ATTORNEY'S FEES & COSTS (4 POINTS)

The first penalty criteria the BGA used was whether petitioners were entitled to attorney's fees and court

costs in the event they prevail in their action. Allowing for such an award serves two purposes. First, it assures petitioners that their expenses will be covered in the event they are successful in their appeal, encouraging people to challenge an agency's denial. Second, awarding fees and costs to the prevailing petitioner will provide a deterrent to agencies and promote compliance with the law.

The BGA's grading scale for fees and costs contains phrases that warrant explanation. The first is the difference between 'may' and 'shall.' 'May' means that fees and costs are to be awarded at the judge's discretion. 'Shall' means that fees and costs must be awarded to the prevailing petitioner. A statute that states fees and costs 'shall' be awarded will be stronger than a statute that provides fees and costs 'may' be awarded. The second is the difference between 'prevail' and 'substantially prevail.' 'Prevail' refers to a situation where the petitioner wins on all points, and is given access to all the records requested.

'Substantially prevail' refers to a situation where the petitioner wins on only some points, and loses on other points and the petitioner is only given access to some of the requested records. States that award fees and costs to petitioners that only substantially prevail will be stronger than those that require the petitioner to completely prevail in order to get fees and costs.

State statutes that do not provide that a prevailing petitioner could collect fees and costs received no points. These states provide little incentive for an agency to comply with the law. Furthermore, the citizens denied access to a record are less likely to appeal that denial to a court if they know that they will have to shoulder the burden of paying for the litigation.

Allowing recovery of fees and costs in the event the agency acted in an arbitrary and capricious manner and/or bad faith in denying the record earned states one point. To prove either is an extremely high burden of proof, and will only be discernable in the most extreme circumstances. Thus, for a majority of cases, fees and costs will not be available to the petitioner if this standard is applied.

States allowing an award of attorney fees and costs at the judge's discretion when the petitioner prevails received two points. These states provide no assurance that the fees will be awarded, however they leave the option open. Furthermore, these states require the petitioner to win on all points before a judge will even consider awarding fees and costs. States receiving three points also leave awarding fees and costs to the discretion of the judge, however the petitioner must only substantially prevail before a judge may consider the awarding attorney fees and costs.

Four points were awarded to states that require an award of fees and costs to a prevailing petitioner. These states assure petitioners from the outset that they will have their expenses covered in the event that they win. Parties in these states are more likely to challenge a denial because they know their costs will be covered.

SANCTIONS (4 POINTS)

The final criterion the BGA examined in assessing the strength of each state's open record act was sanctions. We looked to see whether there were provisions in the statutes that levied penalties against a state employee who was found by a court to be in violation of the statute. Without a sanctions provision, a public records statute means very little. By holding out the possibility that individuals will be held accountable for undermining the statute the law is more likely to achieve compliance.

States that do not specifically punish an agency for non-compliance with the statute received no points. These states lack a serious commitment to the policy underlying an open records act. One point was awarded to states with statutes that provide for either criminal or civil sanctions in the event there is a violation of the law. These states provide some incentive for compliance. The BGA gave two points for statutes that provided for both criminal and civil sanctions. These states exhibit a heightened commitment to enforcing their laws. Receiving three points are states that provide for criminal and/or civil sanctions and increase those sanctions for multiple offenses. These states recognize the problems

with continued non-compliance. Finally, states that allowed for termination of an employee who violates the statute received four points. These states provide for the individual employee who has violated the statute to be held directly responsible for his or her wrongful conduct. While fines may be paid out of the agency budget, this provision mandates direct accountability and is most likely to result in compliance.

BEST PRACTICES

The BGA has read all 50 statutes that have been graded in this study. The five criteria and grading scale that has been used to rank the states have been derived directly from those 50 statutes. Among all 50 statutes, the BGA found provisions it feels would best promote the policy of requiring open government records. However, the BGA was unable to find a statute that exhibited all five of these provisions. The following is an example of a model statute:

RESPONSE TIME:

An agency that receives in writing a request to examine any public records shall respond to such a request within seven working days. The response shall either communicate that access to the record will be granted or that access is denied.

APPEALS:

Upon any denial of access to a government record, the requestor may appeal that denial to any of the following: court of competent jurisdiction, an open records commission, the Attorney General or the head of agency that has denied access.

EXPEDITED PROCESS:

A matter on appeal to a district court from a denial of access to a record shall be expedited on the court's docket and heard within seven days.

ATTORNEY FEES & COSTS:

A petitioner who prevails or substantially prevails in a court of law against an agency that has denied access to an open record shall be awarded the costs of litigation and attorney fees.

SANCTIONS:

Any person who is found in a court of law to have violated the statute may be subject to: A civil fine of \$1,000 for the first offense, increasing with each subsequent offense; and shall be guilty of a misdemeanor punishable by a fine or 90 days in jail or both, and may be subject to termination.

State	Total Score (out of 28)	Percentage Achieved	Rank
Illinois	24	86%	1
California	23	82%	2
Louisiana	23	82%	2
Kansas	22	79%	4
Missouri	22	79%	4
Oklahoma	22	79%	4
Texas	22	79%	4
West Virginia	22	79%	4
Alaska	21	75%	9
Colorado	21	75%	9
Idaho	21	75%	9
Maryland	21	75%	9
Pennsylvania	21	75%	9
Utah	21	75%	9
Michigan	20	71%	15
New Hampshire	20	71%	15
New Jersey	20	71%	15
Washington	20	71%	15
Iowa	19	68%	19
Nevada	19	68%	19
North Carolina	19	68%	19
Rhode Island	19	68%	19
Wyoming	19	68%	19
Arkansas	18	64%	24
Maine	18	64%	24
Minnesota	18	64%	24
Wisconsin	18	64%	24
Hawaii	17	61%	28
Massachusetts	17	61%	28
Mississippi	17	61%	28
North Dakota	17	61%	28
Arizona	16	57%	32
Connecticut	16	57%	32
Florida	16	57%	32
Kentucky	16	57%	32
Nebraska	16	57%	32
Oregon	16	57%	32
Tennessee	16	57%	32
Indiana	15	54%	39
Montana	14	50%	40
Ohio	14	50%	40
South Carolina	14	50%	40
Georgia	13	46%	43
New York	13	46%	43
Delaware	12	43%	45
Alabama	11	39%	46
South Dakota	11	39%	46
New Mexico	0	0%	48
Vermont	0	0%	48
Virginia	0	0%	48

WHISTLEBLOWER PROTECTION LAWS IN THE USA

DETAILED METHODOLOGY

PURPOSE STATEMENT

Most of the fifty states have passed whistleblower laws that protect courageous public employees who publicly point out waste and fraud in government. Whistleblower laws were created largely as a response to retaliatory job actions such as discharge and transfers that were inflicted upon would be whistleblowers. From state to state the scope and level of protection vary considerably, but the beliefs underlying the laws are common and clear: the public interest is upheld by protecting whistleblowers, punishing those that retaliate against whistleblowers and compensating whistleblowers for any harm they suffer for protecting the public. The BGA has undertaken a comprehensive study analyzing the whistleblower protection laws in each of the fifty states in order to examine the strength of each statute.

THE ANALYSIS

The BGA, in conducting this study, has analyzed the whistleblower statutes in every state. There has been no analysis of case law or Attorney General opinions. By assessing only the statutory language, very little interpretation of the law had to be conducted by BGA researchers to complete this study. This allowed for an analysis that is as objective as possible. In addition state employees seeking to protect their rights will look to the statute for guidance, not secondary sources such as case law or Attorney General opinions.

THE CRITERIA

The states were compared against each other. Each state was assessed against seven criteria—the scope of whistleblowing activities protected, prohibited retaliatory actions, posting of whistleblower rights, damages, penalties, scope of employees protected, and avenues for relief. The criteria were chosen as an effort to conduct the most objective analysis of the law in each state and based on the laws themselves.

METHODOLOGY

The BGA used the seven criteria to assess the strength of the laws in each state. Points were awarded based on a zero through four scoring system. The seven criteria were weighted equally. After each criterion was examined and points awarded, the scores were totaled for each state. Each state was then ranked according to its overall score. The total possible points were 28.

WHISTLEBLOWING ACTIVITY COVERED (4 POINTS)

The theory underlying whistleblower statutes is that citizens are ultimately benefited by protecting public employees that come forward to report instances of governmental waste or wrongdoing, thereby leading to the correction of the problems exposed by the whistleblower. States that protect the widest range of whistleblowing, reports to official agencies and the public generally through the press, received the highest scores.

States that had no provisions regarding whistleblowing activity that is protected or were silent on the issue received a score of 0. Statutes that restricted protection to whistleblowers that report problems to state agencies or law enforcement officials received a score of 2. Statutes that granted protection to any type of whistleblowing activity, including going directly to the press, received a score of 4.

POSTING OF NOTICE REQUIREMENT (4 POINTS)

Statutes that require employers to notify their employees of their statutory whistleblower protection rights serve both to legitimize whistleblowing and, more importantly, to inform employees of available courses of action should their rights be violated.

States that had no whistleblower protection statute or failed to provide for posting received a score of 0. Statutes that had a posting requirement received a score of 4.

EMPLOYEES PROTECTED (4 POINTS)

The scope of employees protected by whistleblower protection laws is very important. Statutes that cover a wide range of state employees score better than those with narrow protections. Employees not covered by whistleblower statutes are less likely to expose waste and fraud in government if they are not protected from retaliatory measures. An ideal statute should cover all state employees, from part-time workers to independent contractors. The more comprehensive the group, the greater the number of people protected by the statute.

States that had no whistleblower protection statute or failed to provide for the scope of employees covered received a score of 0. Statutes that limited coverage to a state agency and/or political subdivisions received a score of 1. Statutes that covered multiple state agencies and political bodies received a score of 2. Statutes that covered all state employees received a score of 3. Statutes that covered all state employees and contractors received a score of 4.

PROHIBITED RETALIATION (4 POINTS)

This criterion refers to the range of a state employer's retaliatory measures which whistleblower protection statutes prohibit. The more protective statutes protect whistleblowers by prohibiting the broadest possible range of retaliatory measures (i.e. discharge, transfer, etc.). The broader the range of prohibitions, the less likely it is the employer will not retaliate against a whistleblower, and if the employer does so, the greater the likelihood that the aggrieved whistleblower will be able to vindicate his or her rights in court.

States that did not have a whistleblower statute or failed to define prohibited conduct received a score of 0. Statutes that only prohibit specific job actions received a score of 1. Statutes that only have a "catch-all" provision received a score of 2. "Catch-all" refers to generalized language such as "otherwise discriminate against the employee." Although "catch-all" provisions are broad, the lack of specifics can make it unclear what adverse job actions are prohibited and which are not. Statutes that prohibit specific job actions and have a "catch-all" provision

received a score of 3. Statutes that prohibit specific job actions, have a “catch-all” provision and prohibit even threatening whistleblowers received a score of 4.

APPEAL PROCESS (4 POINTS)

If a whistleblower has been retaliated against there should be some explicit guidance on the how the whistleblower can challenge the retaliatory job action, usually by seeking administrative review and/or going to court. Furthermore, statutes that provide for administrative relief are superior to statutes that only provide for going to court, because many employees may not be able to afford an attorney and it gives the responsible state agency a chance to correct its mistakes before rising to the level of litigation. Accordingly, a statute that requires whistleblowers to exhaust administrative remedies prior to filing their claim in court received a higher grade.

A state that had no whistleblower statute or failed to provide for an appeal process received a score of 0. A statute that only provided for resort to court received a score of 2. A statute that provided for administrative relief and/or resort to a court of law received a score of 4 out of 4.

DAMAGES AND REMEDIES (4 POINTS)

Damage awards serve the purpose of compensating the aggrieved whistleblower for damage suffered for exercising their rights and protecting the public. In addition to making an aggrieved whistleblower whole, an ideal statute should also penalize the state agency for engaging in retaliatory measures against a whistleblower. Larger damage awards provide the whistleblower with incentive to bring forth his/her claim and further legitimize whistleblowing. In addition, the possibility of higher damage awards may dissuade state agencies from retaliating in the first place against whistleblowers.

States that had no whistleblower statute or did not specifically provide for damages received as score of 0. Statutes that provided only for normal civil damages and remedies (lost wages, benefits, reinstatement, etc.) received a score of 1. Statutes that provided for normal

civil damages and remedies plus punitive damages received a score of 2. Punitive damages are damages that are not awarded to compensate the plaintiff for harm suffered but to punish the defendant for particularly egregious conduct. Statutes that provided for normal civil damages and remedies plus attorneys fees received a score of 3. Statutes that provided for normal civil damages and remedies plus punitive damages and attorneys fees received a score of 4.

PENALTIES (4 POINTS)

Penalties imposed upon individual government employees who intentionally commit prohibited retaliation job actions against whistleblowers, above and beyond damage awards against the government agency, serve to provide even greater protection for whistleblowers and encourage them to vindicate their rights. The possibility of personal penalties provides another disincentive for managers in state agencies to punish whistleblowers. By specifically penalizing a violator, a statute should deter infractions of a whistleblower’s rights. The more severe the penalty, the better the statute is scored.

A state that had no whistleblower statute or provided for no penalty received a score of 0. A statute that simply provided for internal disciplinary action received a score of 1. A statute that provided for suspension up to 30 days and/or a fine up to \$5,000 received a score of 2. A statute that provided for suspension in excess of 30 days and/or a fine greater than \$5,000 received a score of 3. A state that provided for criminal penalties received a score of 4.

BEST PRACTICES

The BGA has read all the statutes that have been graded in this study. The seven criteria and grading scales that have been used to rank the states have been derived directly from those statutes. Among all statutes, the BGA found provisions it feels would best promote the policy of protecting whistleblowers. However, the BGA was unable to find a statute that exhibited all of these provisions. The following is an example of a statute that would contain all the best practices:

WHISTLEBLOWING ACTIVITY COVERED:

No supervisor or appointing authority of any state agency shall prohibit a state employee from or take any disciplinary action whatsoever against a state employee for the disclosure of any alleged prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes evidences: (1) a violation of any law, rule or regulation; or (2) mismanagement, a gross waste of funds or abuse of authority, or a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law. No supervisor or appointing authority of any state agency shall require any such employee to give notice to the supervisor or appointing authority prior to making any such disclosure.

POSTING OF NOTICE:

Every agency of state government shall post notice in the agencies place of business a notice that informs employees of their protections and obligations under the Whistleblower Act. The notice provided by the agency shall include: (1) a summary of the Whistleblower Act in concise and plain language; (2) a telephone number at the department or agency that employees may call if they have questions or wish to report a violation, condition or practice; and (3) the name of the person or person the department or agency has designated to receive written notifications.

EMPLOYEES PROTECTED:

“Employee” means a person who performs services for, and under the control and direction of, or contracts with, an agency or independent contractor for wages or other remuneration.

PROHIBITED RETALIATION:

A public employer may not discharge, threaten or otherwise discriminate against an employee regarding the employee’s compensation, terms, conditions, location, or privileges of employment because of any actions undertaken by an employee pursuant to this statute.

APPEAL PROCESS:

Any employee who is discharged, threatened or otherwise discriminated against by his employer in violation of the provisions of this act may, after exhausting all available administrative remedies, bring a civil action, within ninety days of the date of the final administrative determination.

DAMAGES AND REMEDIES:

All remedies available in common law tort actions shall be available to prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided by this act or any other statute. The court may also order: (1) an injunction to restrain continued violation of this act; (2) the reinstatement of the employee to the same position held before the retaliatory action, or to an equivalent position; (3) the reinstatement of full fringe benefits and seniority rights; (4) the compensation for lost wages, benefits and other remuneration; (5) the payment by the employer of reasonable costs, and attorney’s fees; and (6) punitive damages.

PENALTIES:

Any person who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against a state employee or applicant for state employment for having made a protected disclosure, is subject to a fine not to exceed then thousand dollars and imprisonment for a period not to exceed one year.

State	Total Points (out of 16)	Percent Achieved	RANK
Arizona	11.81	74%	1
Massachusetts	11.53	72%	2
Maine	11.44	72%	2
Florida	10.75	67%	4
Vermont	10.61	66%	5
Hawaii	10.61	66%	5
Wisconsin	10.39	65%	7
Minnesota	9.94	62%	8
Connecticut	9.67	60%	9
Nebraska	9.42	59%	10
New Jersey	8.57	53%	11
West Virginia	8.33	52%	12
Oklahoma	8.25	52%	12
North Carolina	8.19	51%	14
Maryland	8.08	51%	14
Rhode Island	8.00	50%	16
Michigan	7.94	50%	16
Ohio	7.67	48%	18
Kentucky	7.50	47%	19
Wyoming	7.39	46%	20
Louisiana	7.39	46%	20
Alaska	7.33	46%	20
Montana	7.31	46%	20
Arkansas	7.31	46%	20
Pennsylvania	7.28	45%	25
Kansas	6.92	43%	26
New Hampshire	6.81	43%	26
Washington	6.72	42%	28
Colorado	6.64	41%	29
New Mexico	6.61	41%	29
Idaho	6.53	41%	29
Oregon	6.33	40%	32
Georgia	6.19	39%	33
Nevada	6.08	38%	34
South Dakota	6.06	38%	34
Tennessee	5.94	37%	36
Texas	5.92	37%	36
New York	5.86	37%	36
Illinois	5.83	36%	39
Utah	5.69	36%	39
Iowa	5.53	35%	41
Indiana	5.50	34%	42
California	5.50	34%	42
South Carolina	5.47	34%	42
Missouri	5.36	34%	42
North Dakota	5.28	33%	46
Delaware	5.25	33%	46
Mississippi	5.08	32%	48
Virginia	4.39	27%	49
Alabama	4.06	25%	50

CAMPAIGN FINANCE LAWS IN THE USA

DETAILED METHODOLOGY

PURPOSE STATEMENT

All fifty states have passed laws regulating monetary contributions to political campaigns as they may create conflicts of interest that prevent politicians from exercising their best/most honest judgment with regards to their duties. From state to state the regulations vary significantly, but the beliefs underlying the laws are common and clear: banning or limiting private campaign contributions and requiring disclosure where they are allowed will prevent certain abuses of authority, particularly with regards to undue influence by lobbyists.

THE ANALYSIS

The BGA, in conducting this study, has analyzed the limits and disclosure thresholds in every state as compiled by the Federal Election Commission (“FEC”)². There has been limited analysis of the underlying statutes where the FEC’s language was unclear, and no analysis of case law or Attorney General Opinions. By assessing only the statutory language, very little interpretation of the law had to be conducted by BGA researchers to complete this study. This allowed for an analysis that is as objective as possible. In addition interested parties seeking to protect their rights will look to the statute for guidance, not secondary sources such as case law or Attorney General opinions.

METHODOLOGY

The states were compared against each other. Each state was assessed against four main categories—disclosure, solicitation and contribution limits, provisions for public financing of campaigns, and penalties for violation of disclosure or limitations provisions. Two of the four main categories were ranked based on a single criterion, the third main category was ranked across eighteen sub-categories, and the fourth category was ranked across four sub-categories. Points were scored on a five level coring system, usually at one point intervals,

but sometimes at smaller intervals. After each criterion was examined and awarded points, the scores were totaled for each state. Each state was then ranked according to its overall score. The total possible points were 16.

THE CRITERIA

The BGA used four categories to assess each state. The categories were chosen as an effort to conduct the most objective analysis of the law in each state and are based on the laws themselves. Each category was graded from zero to four, with four being the highest score. The four main categories are weighted equally. The sub-categories are each weighted equally within their respective categories.

DISCLOSURE (4 POINTS)

The first category is “disclosure”, which ranks disclosure thresholds for contributions to public officials. This category is the most widely adopted of any standard; it is most often used to identify conflicts of interest, though it cannot reveal the donor’s specific intention (i.e. a favorable vote on important legislation) and routinely allows for long gaps in required disclosure reports.

States that did not require disclosure received a score of 0. Statutes that required simple disclosure of contribution greater than \$100 received a score of 1. Statutes that required simple disclosure of contributions \$100 or less received a score of 2. Statutes that required itemized disclosures of contributions greater than \$100 received a score of 3. Statutes that required itemized disclosure of contributions \$100 or less received a score of 4.

PUBLIC FINANCING (4 POINTS)

The second category is public financing, which ranks states according to the level to which they have provided the opportunity for state level candidates to primarily rely on public funds for their campaign efforts instead of private contributions. To the extent that a candidate can rely on public funding he or she will be less likely to feel any pressure, real or perceived, to vote or govern in a way that does not reflect their true views. Candidates that can rely on public funds will neither be called on to perform favors for large private contributors nor “give them access”

superior to other constituents. The scoring model was based on four main criteria, public funding of elections, scope of coverage of the public funding, prohibiting further private fundraising after receiving public funds and directing the public funds directly to the candidates. For purposes of our scoring system “state level candidates” means candidates for any state office (i.e. governor, attorney general, auditor, state legislator, etc.). “Statewide candidate” means governor and/or lieutenant governor. “Substantial public funding” means a system of public funding that does not provide for full public funding and/or does not have a ban on private fundraising after public funds have been received.

A state that did not provide for any sort of public funding or directed any public funding to political parties as opposed to candidates received a score of 0. Statutes that provided for substantial public funding for statewide candidates received a score of 1. Statutes that provided for substantial public funding for all state level candidates received a score of 2. Statutes that provided for full public funding, prohibition on any private fundraising after a candidate has received public funds and allows for statewide candidate participation received a score of 3. Statutes that provided for full public funding, prohibition on any private fundraising after a candidate has received public funds and allows for state level candidate participation received a score of 4.

CONTRIBUTION & SOLICITATION LIMITS (4 POINTS)

The third category is contribution and solicitation limits which ranks eighteen sub-categories. This category and its sub-categories are the most scattered from state to state. It seeks to analyze how well a state does in trying to impose limits on the methods by which candidates raise funds and how contributions are regulated, if at all. The stricter the limits are on solicitation the more likely candidates or incumbents will not use, or not be able to use, the power of their office to coerce contributions for fear of retaliation. Stricter limits on contributions limit the ability of wealthy individuals, unions or businesses from exerting influence over the decision making process of candidates and incumbents that is disproportionately large relative to the representation of the voting public.

2. The BGA relied primarily on the FEC’s compilation of each state’s statutes and regulations that govern campaign finance issues. The FEC’s website is located at www.fec.org. Excerpts from the FEC’s publication Campaign Finance Laws 2002 are available at the website.

• **CONTRIBUTIONS BY INDIVIDUALS (TYPE A)**

This area covers four sub-categories that measure contribution limits based on the status of the individual making the contribution. The four sub-categories are: 1) Contributions by individuals to candidates; 2) contributions by candidates to themselves; 3) contributions by family members, usually defined as a candidate's immediate family, to a candidate; and 4) contributions by individuals to state political parties. All four of these sub-categories are scored by the same grading system. Scores increase as the maximum limit for contributions decreases.

States that had no limits received a zero. Statutes that provided for limits higher than \$2,500, but not unlimited, received a 1. Statutes that provided for limits of \$1,001 to \$2,500 received a score of 2. Statutes that provided for limits of \$501 to \$1,000 received a score of 3. States that provided for limits of \$500 or less received as score of 4.

• **CONTRIBUTIONS BY ORGANIZATIONS (TYPE B)**

This area covers seven sub-categories that measure contribution limits based on the type of entity (non-natural person) making the contribution and in some instances the recipient of the contribution. The seven sub-categories are: 1) Political action committee ("PAC") contributions to candidates; 2) union contributions to candidates; 3) corporate contributions to candidates; 4) national party contributions to state parties; 5) PAC contributions to state parties; 6) union contributions to state parties; and 7) corporate contributions to state parties. All seven of these sub-categories are scored by the same grading system. Scores increase as the maximum limit for contributions decreases.

States that have no limits received a zero. States that provided for limits of more than \$2,500, but not unlimited, received a score of 1. Statutes that provided for limits of \$1,001 to \$2,500 received a score of 2. Statutes that provided for limits up to \$1,000 received a score of 3. Statutes that prohibited contributions outright received a score of four.

• **CONTRIBUTIONS BY PARTIES (TYPE C)**

This area covers one sub-category, contributions by state political parties to candidates. Scores increase as the maximum limit for contributions decreases.

States that have no limits received a score of zero. Statutes that provided for limits greater than \$5,000, but not unlimited, received a score of 1. Statutes that provided for limits of \$1,001 to \$5,000 received a score of 2. Statutes that provided for limits up to \$1,000 received a score of 3. Statutes that prohibited such contributions received a score of four.

• **CONTRIBUTIONS BY REGULATED INDUSTRIES (TYPE D)**

This area covers one sub-category, contributions by regulated industries. Regulated industries are those businesses that are specifically regulated by the state to an extent greater than the normal business community. Regulated businesses are inherently more prone to feel pressure, real or perceived, when candidates, who may exert regulatory authority over them, solicit them for campaign contributions. Therefore, strict limits help protect these particularly vulnerable businesses from possible exploitation.

States that have no limits received a score of zero. Statutes provided limitations for specific regulated industries but not all received a score of 1. Statutes that provided for limits for all regulated industries received a score of 2. Statutes that prohibited contributions for specific regulated industries and limits for all others received a score of 3. Statutes that flatly prohibited contributions by all regulated industries received a score of 4.

• **CONTRIBUTIONS DURING LEGISLATIVE SESSION (TYPE E)**

This area covers one sub-category, contributions to state level legislators or statewide office holders during a legislative session. The reason behind regulating or prohibiting such contribution activity is that it results in or gives the appearance of resulting in quid pro quo exchanges of contributions for votes.

States with no limits received a score of zero. Statutes that provided for some sort of limits received a score of 1. Statutes that generally prohibited such contributions with limited exceptions received a score of 2. Statutes that prohibited such contributions by lobbyists and employers received a score of 3. Statutes that flatly prohibited all such contributions, regardless of source, received a score of 4.

• **SOLICITATION BY STATE EMPLOYEES / ANONYMOUS CONTRIBUTIONS / CONTRIBUTIONS IN ANOTHER'S NAME (TYPE F)**

This area covers three sub-categories, solicitation of state government employees by state government employees, anonymous contributions and contributions in another's name. State government employees may either be in a position to exert considerable pressure on those they solicit (i.e. chief of staff soliciting filing clerk for donations to incumbent governor's campaign) or conversely, they may be particularly vulnerable to solicitation (i.e. previous example from the file clerk's point of view). Accordingly, many states have attempted to remedy such situations by regulating or eliminating some or all solicitation by government employees from other government employees. Anonymous contributions are disfavored because the public will not be able to discern the identity of financial supporters of a particular candidate. Contributions in another's name are similarly frowned upon.

States that had no restriction on solicitation/anonymous contributions/contributions in another's name received a score of zero. States that allowed some such solicitation/anonymous contributions/contributions in another's name received a score of two. States that flatly prohibited such solicitation/anonymous contributions/contributions in another's name received a score of four.

• **CONTRIBUTIONS BY STATE EMPLOYEES (TYPE G)**

This area covers one sub-category, contributions by state employees. Some states have enacted restrictions on contributions by state employees so they are somewhat

insulated from possible solicitation by higher ranking state employees, political appointees or campaign representatives for the officeholder under whom they serve.

States with no limits received a score of zero. Statutes that prohibit outright coercion of contributions received a score of one. Statutes that prohibited contributions by judges and their employees received a score of two. Statutes that prohibited contributions by judges, their employees and other select employees received a score of three. Statutes that flatly prohibited such contributions received a score of four.

A state's final score was computed by adding all the sub-category scores together and dividing by 18 for the average score across all sub-categories.

PENALTIES (4 POINTS)

The fourth category is penalties, which contains four sub-categories. Each sub-category was worth one point. The total of all the sub-categories created the states overall category score. All the sub-categories were based on a five level scoring system that went from zero to one in quarter point intervals. The sub-categories were late filing fees, civil penalties, criminal penalties for disclosure violations and criminal penalties for contribution violations.

• **FILING FEES (1 POINT)**

Virtually every state requires that a candidate's political committee submit some sort of report to a state agency that contains records of contributions to and expenditures by the committee. Accordingly, most states have provisions in their campaign finance statutes that penalize committees and/or candidates for late filings. Many states have a per-day penalty that is theoretically unlimited and others have a penalty that is capped at a definite amount. Because of this difference, scoring in this sub-category was based on a filing being 30 days late so the amount of the potential fee could be measured across all the states. Further, all potential filing penalties were based on the maximum possible penalty (i.e. using the higher to two possible amounts such as \$250 per day over \$100 per day) for states that had a

range of possible per day penalties. Finally, the analysis was limited to candidate political committees and excluded PACs and other types of committees.

A state that had no explicit penalty for late filing received a score of 0. A statute that provided for a penalty between \$1 to \$1,000 or a variable amount received a score of .25. Variable amount refers to the situation where a statute does not call for a specific dollar amount for the penalty but a percentage of funds in a committee or some other non-determinate amount. A statute that provided for a penalty of \$1001 to \$7,500 received a score of .5. A statute that provided for a penalty of \$7501 or more received a score of .75. A statute that provided for a misdemeanor conviction received a score of 1.

• **CIVIL PENALTIES (1 POINT)**

Most states provide for civil penalties for violations of their campaign finance laws. Civil penalties are separate and distinct from criminal sanctions, although both can be in the form of a fine. This sub-category covered civil penalties for disclosure and/or contribution violations. If a state had different levels of civil penalties depending on the type of violation the harsher sanction was measured. No criminal sanctions were scored in this sub-category.

A state that did not specifically provide for civil penalties received a score of 0. A statute that provided for civil penalties of \$1 to \$500 or a variable amount received a score of .25. A statute that provided for civil penalties of \$501 to \$5,000 received a score of .5. A statute that provided for civil penalties of \$5001 to \$10,000 received a score of .75. A statute that provided for civil penalties in excess of \$10,000 received a score of 1.

• **CRIMINAL PENALTIES FOR DISCLOSURE VIOLATIONS (1 POINT)**

This sub-category measured the strength of criminal sanctions that a state imposes on those who knowingly and intentionally violate the state's law on campaign disclosure. The stronger the criminal penalty, both in

terms of designation (i.e. felony versus misdemeanor) and the size of a possible fine, the higher a state scored.

A state that did not provide for a criminal sanction or limited the penalty to a fine only received a score of 0. A statute that provided for a misdemeanor conviction only received a score of .25. A statute that provided for a misdemeanor conviction or a fine or both received a score of .5. A statute that provided for a felony conviction only received a score of .75. A statute that provided for a felony conviction or a fine or both received a score of 1.

• **CRIMINAL PENALTIES FOR CONTRIBUTION VIOLATIONS (1 POINT)**

This sub-category measured the strength of criminal sanctions that a state imposes for those who knowingly and intentionally violate the state's law on campaign contributions. The stronger the criminal penalty, both in terms of designation (i.e. felony versus misdemeanor) and the size of a possible fine, the higher a state scored. This sub-category did not analyze criminal penalties for solicitation violations (i.e. prohibition on soliciting government workers, etc.), only violations of contribution limits and/or donations in another's name, and/or other contribution violations. If different criminal penalties were available for different types of contribution violations the harshest sanction was scored.

A state that did not provide for a criminal sanction or limited the penalty to a fine only received a score of 0. A statute that provided for a misdemeanor conviction only received a score of .25. A statute that provided for a misdemeanor conviction or a fine or both received a score of .5. A statute that provided for a felony conviction only received a score of .75. A statute that provided for a felony conviction or a fine or both received a score of 1.

BEST PRACTICES

The BGA has read all of the Federal Election Commission's research into state level campaign finance laws. The four main criteria, the sub-criteria and grading

scale that has been used to rank the states have been derived directly from the 50 states. Among all 50 states, the BGA found provisions it feels would best promote the policy of fair and open elections. However, the BGA was unable to find a state that contained all the best practices. The following is an example of a statute that contains all the best practices:

DISCLOSURE:

All campaign contributions, including in-kind contributions, will be disclosed. All contribution disclosures will be itemized.

PUBLIC FINANCING:

All candidates for elected office are eligible to receive public funding for their primary and general election campaigns. To qualify for public funds, prospective candidates must raise the requisite number of qualifying contributions for the office they seek to obtain. Once candidates have raised the required number of qualifying contributions, they will be eligible for public funding of their primary and general election campaigns on the condition that they agree to forgo any further private fundraising.

CONTRIBUTION LIMITS:

• **BY INDIVIDUALS:**

Contributions by individuals to state candidates and state political parties are limited to \$500.

• **BY ORGANIZATIONS:**

Contributions by non-natural persons to state candidates and state political parties are prohibited.

• **BY STATE POLITICAL PARTIES:**

Contributions by state political parties to state candidates are limited to \$1,000.

• **BY REGULATED INDUSTRIES:**

Contributions by regulated industries are prohibited.

• **DURING LEGISLATIVE SESSION:**

All state legislators and officers are prohibited from accepting contributions during legislative sessions.

• **SOLICITATION BY STATE EMPLOYEES:**
State employees are prohibited from soliciting campaign contributions from other state employees.

• **ANONYMOUS CONTRIBUTIONS:**
Anonymous contributions are prohibited.

• **CONTRIBUTIONS IN ANOTHER'S NAME:**
Contributions in another's name are prohibited.

• **CONTRIBUTIONS BY STATE EMPLOYEES:**
Judges, judicial employees and board of ethics officers and employees are prohibited from making campaign contributions.

PENALTIES:

• **FILING FEES:**

A late filing fee of \$200 per day shall be assessed for required reports that are not filed by the designated time. Further, the treasurer of an organization required to file is subject to a misdemeanor conviction if the filing is 30 days or more overdue.

• **CIVIL PENALTIES:**

Any person or organization found to have violated any of the laws regulating campaign finance and ethics is subject to a penalty not to exceed \$25,000.

• **CRIMINAL PENALTIES FOR DISCLOSURE VIOLATIONS:**

Any person who intentionally and willfully violates any provision of law regarding campaign finance disclosures is subject to a fine not to exceed \$10,000 or a felony or both.

• **CRIMINAL PENALTIES FOR CONTRIBUTION VIOLATIONS:**

Any person who intentionally and willfully violates any provision of law regarding campaign contribution limitations is subject to a fine not to exceed \$10,000 or a felony or both.

State	Total Points (out of 20)	Percent Achieved	RANK
Virginia	13.25	66%	1
Michigan	13	65%	2
Rhode Island	12.25	61%	3
Louisiana	11.5	58%	4
Arizona	11	55%	5
Iowa	11	55%	5
Minnesota	10.75	54%	7
New Mexico	10.75	54%	7
Illinois	10.75	54%	7
Ohio	10.25	51%	10
Georgia	10.25	51%	10
Hawaii	10	50%	12
South Carolina	10	50%	12
Indiana	9.75	49%	14
Washington	9.5	48%	15
West Virginia	9.5	48%	15
Florida	9.25	46%	17
Nebraska	9.25	46%	17
New Hampshire	9.25	46%	17
Vermont	9	45%	20
Connecticut	9	45%	20
North Dakota	8.75	44%	22
Nevada	8.75	44%	22
Texas	8.75	44%	22
Wisconsin	8.5	43%	25
Mississippi	8	40%	26
Delaware	8	40%	26
Colorado	8	40%	26
New Jersey	7.75	39%	29
New York	7.75	39%	29
North Carolina	7.75	39%	29
Missouri	7.5	38%	32
Oklahoma	7.5	38%	32
Utah	7.5	38%	32
Arkansas	7	35%	35
Kentucky	7	35%	35
Oregon	6.75	34%	37
Massachusetts	6.75	34%	37
Maryland	6.75	34%	37
Kansas	6.5	33%	40
Montana	6.5	33%	40
Alabama	6.5	33%	40
Pennsylvania	6.25	31%	43
Idaho	6	30%	44
California	5.75	29%	45
South Dakota	5	25%	46
Wyoming	4.5	23%	47
Maine	4.25	21%	48
Alaska	3.25	16%	49
Tennessee	3.25	16%	49

OPEN MEETINGS LAWS IN THE USA

DETAILED METHODOLOGY

PURPOSE STATEMENT

Each of the fifty states have passed open meetings act giving citizens the ability to observe meetings of public bodies. Many of the open meetings laws state that the purpose of such a law is to ensure that the actions of public bodies are taken openly and that their deliberations are conducted openly. Thus, the states have made it a policy to make the operations of public bodies more transparent and accessible. The BGA has undertaken a comprehensive study analyzing the open records laws of each of the fifty states in order to examine the effectiveness of each statute in promoting this policy.

THE ANALYSIS

The BGA, in conducting this study, has analyzed the open meetings act in every state. There has been no analysis of case law or Attorney General Opinions. By assessing only the statutory language, very little interpretation of the law had to be conducted by this study. This allowed the BGA to keep the analysis as objective as possible. In addition, as the primary source of law, citizens seeking to invoke their rights to monitor public meetings will look to the statute for guidance, not secondary sources such as case law or Attorney General Opinions.

METHODOLOGY

The states were compared against each other. Each state was assessed against eight criteria. The eight criteria were broken down into three categories – four public information criteria, two procedural criteria and two penalty criteria. In each criterion there was a five level scoring systems, usually a zero-through-four scale, with one point intervals, although sometimes the intervals were a quarter or half points. After each criterion was examined and scored, the scores were totaled for each state. Each state was then ranked according to its point total. The total possible points were 20.

THE CRITERIA

The BGA used eight criteria to assess each state. The criteria were chosen as an effort to conduct the most objective analysis of the law in each state. The public information criteria were designed to assess how well and how much information the public has access to in regards to notices of meetings and minutes of meetings. The procedure criteria were designed to measure time frames for lawsuits filed to uphold the law. The penalty criteria measured the punishment, if any, which is levied against a public body that violates the law.

The public information criteria are as follows: (1) Whether a public body must post annual notice of its meetings; (2) the time frame for notices of individual meetings; (3) the amount of content required in a notice; and (4) the time frame for the publication of meeting minutes. The procedural criteria weigh: (1) how soon a lawsuit alleging a violation of the law must be filed; and (2) whether such a lawsuit is expedited once filed. The penalty criteria focus on: (1) whether attorneys fees are awarded to successful plaintiffs; and (2) the sanctions against a public body for violating the law.

Annual Notice and the Timing of Regular Notice were worth 1 point each. Notice Content, Time frame for Lawsuits and Expedited Process were worth 2 points each. Time frame for Publication of Minutes, Sanctions and Attorneys Fees were worth 4 points each. The more important criteria were given more points to reflect their greater importance. The Penalty criteria received 4 points each because stronger penalties are more likely to produce strong compliance. The Time frame for Publication of Minutes received 4 points because meeting minutes are critical to understand what happened at a minute if an interested party was not at the meeting when it occurred. Notice Content, Time frame for Lawsuits and Expedited Process were worth 2 points each because the vague notices may not put members of the public on notice of what the public body will vote on at a particular meeting, short time frames to file a lawsuit may deprive concerned citizens the opportunity to context violations of the law and fast

tracking litigation will result in swifter resolution of any legal dispute. Annual Notice and Timing of Regular Notice received 1 point each because both inform the public when meetings will occur.

PUBLIC INFORMATION CRITERIA:

The first four criteria that the BGA studied in assessing the strength of each state’s open meetings act are related to what public bodies must tell the public and when they must do so. The BGA’s concern with these criteria is that vague notices and/or minutes that are released in a less than expeditious manner will severely undercut the public’s ability to understand what public bodies are doing in a timely fashion. The public information criteria are as follows:

ANNUAL NOTICE (1 POINT)

Annual notice is a notice that lists the dates of a public body’s regularly meetings for the upcoming year. Such notice is important because it gives the public advance knowledge of the schedule for meetings and thus increases the likelihood that they will be able to attend or monitor the meetings of a public body.

For this particular criterion we adopted a two point scale, a 0 or a 1. States either specified the need for an annual notice requirement or they didn’t. States that fail to provide for any annual notice receive a score of 0. States that provide for an annual notice receive one point.

TIMING OF REGULAR MEETING NOTICE (1 POINT)

Generally most Open Meetings Acts require that public bodies publish a notice in advance of each individual meeting. By posting the notice in advance of the meeting it gives the public another opportunity to make plans to attend the meeting if they are interested in observing the conduct of the public body. The earlier the notice must be published gives the public more time to make plans to attend. A late notice decreases the likelihood of public attendance and thus diminishes the transparency of a public body’s actions.

States that provide no time frame for notice receive a score of 0. Public bodies have no incentive to inform the public in a timely fashion of when they are going to meet. States that require notice to be posted in a “reasonable” amount of time before a meeting receive .25 points. “Reasonable” is a vague term that allows for relatively short notice and thus undercuts the usefulness of Open Meetings Acts. States that provide for notice to be provided up to twenty-four hours or less before a meeting received .5 points. Although the time frame is brief, it provides a explicit standard. States that provide for notice to be provided between twenty-four to seventy-two hours before a meeting received .75 points. The longer time frame means members of the public will be more likely to adjust their personal schedules to attend a meeting if they are interested. States that provide for notice in excess of seventy-two hours before a meeting received 1 point.

CONTENT OF REGULAR MEETING NOTICE (2 POINTS)

While the timing of notice for a regular meeting is important, the content of the regular meeting notice is even more important. A comprehensive notice will inform the public of critical information about the time and location of the meeting along with a firm idea of the items that will be discussed at the meeting. A through notice provides the public with enough information to determine if the meeting is worth attending depending on an individual’s interests. Vague and imprecise notices allow for the possibility for public bodies to vote on controversial matters without the public being aware the matters are coming up for a vote.

For this criterion the BGA adopted a cumulative point system. Various elements of notice, time, place, date and agenda, were worth .5 points apiece. The more elements a notice is required to have the higher its point total. Less information makes it harder to determine when and where the meeting will occur and what will be discussed. More information makes it easier to determine the same.

TIMING OF MINUTES PUBLICATION (4 POINTS)

Generally most Open Meetings Acts require that public bodies publish minutes of each individual meeting.

Publishing minutes allows a citizen who was unable to attend the meeting to review what happened at the meeting, determine how members of a public body voted and any find out which policies or procedures were adopted. The sooner the minutes are published the sooner a citizen can find out what happened. A long delay in publication limits the public’s ability to respond in a meaningful way if they are concerned by a public body’s actions.

States that did not provide for the publication of minutes received 0 points. States that provide for publication of minutes but do not provide a time frame received 1 point. The lack of a definitive measurement can result in excessive delay in publishing minutes. States that provide for publication of minutes more than seven days after approval by the public body received 2 points. States that provide for publication of minutes more than three days but less than seven days after approval received 3 points. States that provide for publication of minutes in three or less days after approval received 4 points.

PROCEDURAL CRITERIA:

The BGA focused on two criteria: (1) what is the time frame for a person to sue if they believe an Open Meetings Act has been violated; and (2) how fast any such litigation will be heard by a judge. Many Open Meetings Acts have very short statute of limitations. The statute of limitations sets the time period in which a person can sue. Once the statute of limitations is expired no lawsuit can be brought no matter how meritorious. The journey through the legal system itself can be very slow, but some Open Meetings Acts allow for an expedited process. The BGA is generally concerned that short statute of limitations combined with the lack of an expedited process will discourage litigation because potential plaintiffs will not be able to go to court by the time they realize the law is broken or that they don’t have the time to wait for the normal legal process to work.

TIME FRAME FOR LAWSUITS (2 POINTS)

Usually, a person wanting to file a lawsuit has at least one

year from the time of their injury or dispute to file the lawsuit. Many Open Meetings Acts have much shorter statute of limitations. The BGA is concerned that overly short statute of limitations will make enforcement very difficult because only hyper vigilant citizens will be able to react in time to potential violations of the law.

States that don’t explicitly allow for a lawsuit to enforce the law receive 0 points. States that require a lawsuit to be filed within 30 days of a violation receive .25 points. States that require a lawsuit to be filed within 31 to 90 days of a violation receive .5 points. States that require a lawsuit to be filed within 91 days to a year receive .75 points. States that require a lawsuit to be filed within two years receive 1 point.

EXPEDITED PROCESS (2 POINTS)

Expedited Process is a procedural feature that allows petitioners to have their grievances heard in a timely manner. Without an expedited process, it may be months or years before a case is heard and resolved in a congested court system. Lengthy court battles will render time sensitive violations moot. Absent an expedited process, litigation may practically be of little use to potential plaintiffs.

Because there wasn’t much diversity in the types of time frames for an expedited process among the states the BGA omitted a standard for the second lowest possible score, .5 in this instance. Accordingly, no state received a .5 in this category.

States that don’t have any expedited process receive 0 points. States that call for a hearing as soon as practical or used similar language receive 1 point. Although it is better than silence on the issue, the lack of specificity may delay a hearing. States that call for a hearing more than 14 days after filing a lawsuit receive 1.5 points. States that call for a hearing within 14 days or less receive 2 points.

PENALTIES:

The final area the BGA examined was penalties for failing to follow the law. Without strong penalties

an Open Records Act is of limited usefulness. By holding out the possibility that there will be stiff penalties for non-compliance it is more likely that the law will be followed.

ATTORNEY’S FEES & COSTS (4 POINTS)

The BGA looked to see whether petitioners were entitled to attorney’s fees and courts costs in the event they prevail in their action. Allowing for such an award serves two purposes. First, it assures petitioners that their expenses will be covered in the event they are successful in their lawsuit, encouraging people to vindicate their rights in court. Second, awarding fees and costs to the prevailing party will provide a deterrent to agencies and promote compliance with the law.

Because there wasn’t much diversity in for how courts can determine the appropriateness of fees and costs among the states the BGA omitted a standard for the fourth highest possible score, 3 in this instance. We wanted to maximize the value of the top score, mandatory fees and costs for the prevailing petitioners. As a result, no state received a 3 in this category.

States that do not provide that a prevailing party can collect fees and costs received no points. States that provide for fees and costs but only if the prevailing party can show willful misconduct on the part of the public body receive 1 point. Although such a system allows for fees, it will be difficult for petitioners to prove willful misconduct. States that provide for fees and costs at the discretion of the judge receive 2 points. Although this is a lesser threshold than willful misconduct, it still holds out the possibility that a prevailing petitioner will not get any fees or cost. States that mandate fees and cost for a prevailing petitioner received 4 points. Such a system ensures a victorious plaintiff can recover all the money spent on vindicating this important public right.

SANCTIONS (4 POINTS)

The BGA looked to see whether each state’s Open Meetings Act contained provisions that levied penalties against government employees who have been found to be in violation of the law. Without a sanctions provision

individual government employees will be less motivated to follow the law because they will not personally be held responsible. By holding out the possibility of accountability compliance is more likely.

States that do not specifically punish a public body or member of a public body for non-compliance receive 0 points. States that provide for either criminal or civil sanctions for a violation receive 1 point. States that provide for criminal and civil sanctions receive 2 points. States that provide for criminal or civil sanctions along with increase penalties for multiple violations receive 3 points. States that provide for removal of a member of a public body for a violation receive 4 points.

State	Percent Achieved	RANK
Washington	93.5	1
Hawaii	90.5	2
Texas	88	3
Alaska	86	4
Arizona	82	5
Georgia	81	6
California	78.5	7
Kansas	78	8
Alabama	77.5	9
New Jersey	76	10
Arkansas	75	11
New Mexico	74.5	12
Massachusetts	73.5	13
New York	73.5	13
Connecticut	72	15
Rhode Island	72	15
Kentucky	70.5	17
Missouri	70.5	17
North Carolina	70	19
Wisconsin	70	19
Maryland	68.5	21
Oregon	67.5	22
Ohio	67	23
Delaware	64.5	24
Colorado	63	25
Florida	63	25
South Dakota	60	27
Indiana	59.5	28
South Carolina	59.5	28
Virginia	59.5	28
North Dakota	58.5	31
Tennessee	57.5	32
Pennsylvania	56	33
Mississippi	55.5	34
Oklahoma	55.5	34
Illinois	55	36
Montana	54	37
Nebraska	54	37
Minnesota	53.5	39
Nevada	49.5	40
Iowa	48	41
Maine	46	42
West Virginia	45	43
Louisiana	43	44
Wyoming	40	45
New Hampshire	24	46
Utah	9.5	47
Idaho	0	48
Michigan	0	48
Vermont	0	48

CONFLICT OF INTEREST LAWS IN THE USA

DETAILED METHODOLOGY

With the permission of the Center for Public Integrity, a Washington D.C. based public interest group that promotes honesty and openness in government, the BGA utilized their 2006 analysis to rank those laws. The Center's entire report on this area of law can be found at <http://www.publicintegrity.org/oi/>. The following is a reproduction of their methodology for ranking financial disclosure forms for state legislators. Some explanations of the scoring rationale have been left out to cut down the length of this section. The Center always gives higher scores for more complete and detailed disclosures.

Center researchers developed this comprehensive state-by-state analysis of personal financial disclosure laws by fine-tuning its first-ever ranking, "Hidden Agendas," published in 1999. Here is how our researchers did it.

The first step was to develop a series of questions that addressed four key areas of disclosure for state legislators' personal financial disclosure statements:

- Filing – how often are lawmakers required to file complete reports?
- Extent – what information and level of detail are lawmakers required to report on the forms?
- Access – how much access do the state agencies provide to the information?
- Enforcement – what type of audit authority does the state have?

Most questions had a yes or no answer (some had a third option), with each answer assigned a weighted numerical value. The answers with the highest values reward full disclosure, public access and accountability. The maximum number of points a state could receive was 100.

Center researchers determined answers to each of the 43 questions by studying active statutes current as of May 2004, codes of ethics, disclosure forms and Web sites. Most questions required the researchers to find the information in the state statute and then interview public officials in charge of ethics agencies for confirmation. Each answer underwent a thorough fact-checking process and a number of consistency checks to ensure uniformity across the states.

Because only a few states scored an 80 or above, scores of 70 and higher are considered relatively satisfactory. Scores of 60 to 69 are considered marginal. Scores below 60 are considered failing.

FILING (TOTAL 4 POINTS MAXIMUM):

1. Requires financial disclosure filing?
No – 0
Yes – 1
2. Requires complete financial disclosure filing (no update filing allowed)?
No – 0
Yes – 1

Update filings are short (usually one page) forms that lawmakers are allowed to file in years when their personal financial interests have not changed or changed very little. For the purposes of this survey, update forms do not qualify as complete filings. For example, Tennessee—which requires an initial complete filing, followed yearly by an “update” form on which lawmakers disclose only the changes that have occurred—would not receive a point.

3. Requires financial disclosure filing annually?
No – 0
Yes – 1
4. Requires financial disclosure filing for candidates?
No – 0
Yes – 1

EXTENT (TOTAL 83 POINTS MAXIMUM):

EMPLOYMENT (TOTAL 29 POINTS MAXIMUM):

5. Employment information required?
No – 0
Yes – 5

States requiring legislators to report employment information received full points for this question.

6. Employment information not narrowly defined?
No – 0
Yes – 5

In some states, lawmakers are required to report sources of income over a certain threshold or income received from a state agency only—or another requirement that is so narrow many things could be left off the form.

States received full points for this question if the trigger for reporting employment income was \$5000 or less. States did not receive points for this question if the trigger for reporting employment income was higher than \$5000 or if large categories of potential employers were excluded. In Louisiana, for example, lawmakers are only required to report income from governmental agencies and gambling-related interests; while in California, legislators are not required to report any income from governmental agencies.

7. Employer/business name required?
No – 0
Yes – 5

8. Employment job title required?
No – 0
Yes – 2

9. Employer description required?
No – 0
Yes – 2

10. Value range/income amount required?
No – 0
Yes – 5

A state received full points for this question if lawmakers are required to disclose their income amount from each employment interest. In some states an exact amount is required, but in others a value range and letter key is provided (i.e., A=less than \$1,000; B=\$1,000 to \$9,999; C=\$10,000 or more). In either case, a state received full points.

11. Spouse employment information required and clear?
No – 0
If required and not clear – 2.5
Yes – 5

A state received 5 points for this question if a spouse’s employment information is required AND clearly labeled on the form. States that require lawmakers to

report their spouse’s information but do not explicitly require a lawmaker to designate which interests are held by the lawmaker and which are held by the spouse received 2.5 points for this question.

In addition, a state received partial points for this question when any of the disclosure requirements required of the filer for this section are NOT required of the spouse. For example, in Maine, only a description of spouse’s employer is required, whereas both a description AND the name are required of the filer’s employer. Maine was assigned half points for this question. Any discrepancies between filer and spouse reporting requirements are reflected in this question.

OFFICER/DIRECTOR (TOTAL 18 POINTS MAXIMUM):

12. Officer/director information required?
No – 0
Yes – 4

States requiring legislators to report positions held as officers or directors received full points for this question.

13. Officer/director information not narrowly defined?
No – 0
Yes – 4

In some states, lawmakers are required to report compensated officer/director positions or positions with for-profit entities only—or another requirement that is so narrow many things could be left off the form. States received full points for this question if all compensated and uncompensated positions were required to be reported, including positions in for-profit and nonprofit entities. For example, in Virginia only paid positions are reported and in Mississippi only for-profit positions are reported. States with such narrowly defined requirements did not receive points for this question.

14. Officer/director entity name required?
No – 0
Yes – 4

15. Officer/director entity description required?
No – 0
Yes – 2

States received full points for requiring legislators to provide a description of the entity where they serve as an officer or director. The description could be very specific or a general category assignment. In either case, a state received full points.

16. Spouse officer/director information required and clear?
No – 0
If required and not clear – 2
Yes – 4

A state received 4 points for this question if a spouse’s employment information is required AND clearly labeled on the form. States that require lawmakers to report their spouse’s information but do not explicitly require a lawmaker to designate which interests are held by the lawmaker and which are held by the spouse received 2 points for this question.

In addition, a state might have been allocated partial points for this question in the event that any of the disclosure requirements required of the filer for this section (Q14-Q15) are NOT required of the spouse. Any discrepancies between filer and spouse reporting requirements are reflected in this question.

INVESTMENTS (TOTAL 17 POINTS MAXIMUM):

17. Investment information required?
No – 0
Yes – 3

States requiring legislators to disclose any investment information received full points for this question. Investment information includes stock holdings, closely held businesses and other ownership interests. States that require legislators to report any of these investment interests received full points.

18. Investment information not narrowly defined?
No – 0
Yes – 3

In some states, lawmakers are required to report investment information over a certain threshold only—or another requirement that is so narrow many things could be left off the form.

States received full points for this question if the trigger for reporting investment holdings was a value/income amount of \$5000 or less, or 1% ownership or less. Many states have two thresholds (for example, Washington requires reporting of investment holdings valued at more than \$1500 or with ownership of at least 10%). For states such as this, the question is scored using the lower value (Washington receives full points because the value trigger of \$1500 is less than \$5000). But states where neither criterion is low enough, such as Kentucky which requires only investments valued more than \$10,000 or with ownership of 5%, did not receive points for this question.

19. Investment entity name required?

- No – 0
- Yes – 3

20. Investment entity description required?

- No – 0
- Yes – 2

States received full points for this question if filers were required to include an investment entity description. The description might be very specific or a general category assignment. In either case, a state received full points. Some states allow lawmakers to report stock interests (e.g., stocks, mutual funds) and closely-held personal business interests (e.g., sole proprietors, partnerships) under two different reporting requirements. Half-points were awarded for this question in states that require an investment entity description for closely-held personal business interests only and not for general stock interests.

21. Investment value range/holding amount required?

- No – 0
- Yes – 3

22. Spouse investment information required and clear?

- No – 0
- If required and not clear – 1.5
- Yes – 3

A state received 3 points for this question if a spouse's investment information is required AND clearly labeled on the form. States that require lawmakers to report their spouse's information but do not explicitly require a lawmaker to designate which interests are held by the lawmaker and which are held by the spouse received 1.5 points for this question.

In addition, a state might have been allocated partial points for this question in the event that any of the disclosure requirements required of the filer for this section (Q19-Q21) are NOT required of the spouse. Any discrepancies between filer and spouse reporting requirements are reflected in this question.

CLIENTS (TOTAL 8 POINTS MAXIMUM):

23. Client information required?

- No – 0
- Yes – 2

States received full points for requiring client information of any type. Some states allowed lawmakers to identify clients by checking a box on the form that corresponded to a specific industry; others were required to disclose the exact names of their clients. Both requirements satisfied this question and received full points.

24. Client name required?

- No – 0
- Yes – 2

25. Client value range/income amount required?

- No – 0
- Yes – 2

26. Spouse client information required and clear?

- No – 0
- If required and not clear – 1
- Yes – 2

A state received two points if a spouse's client information is required AND clearly labeled on the form. States that require lawmakers to report their spouse's information but do not explicitly require a lawmaker to designate which interests are held by the

lawmaker and which are held by the spouse received only 1 point for this question.

In addition, a state might have been allocated partial points for this question in the event that any of the disclosure requirements required of the filer for this section (Q24-25) are NOT required of the spouse. Any discrepancies between filer and spouse reporting requirements are reflected in this question.

REAL PROPERTY (TOTAL 8 POINTS MAXIMUM):

27. Real-property information required?

- No – 0
- Yes – 2

States requiring legislators to report real property information received full points for this question. In states where real estate interests were not explicitly required to be reported in the language of the statutes, interviews were conducted to determine the final answer for this question. For example, legislators in North Dakota are required to disclose secondary sources of income, including rental income. North Dakota received full points for this question.

28. Real-property information not narrowly defined?

- No – 0
- Yes – 2

In some states, filers are required to report only real property producing income—or another requirement that is so narrow many things could be left off the form. States received full points for this question if the trigger for reporting real property was a value of \$10,000 or less and there were no other limiting circumstances. States did not receive points for this question if the trigger for reporting real property involved the production of income. For example, in Kansas only land used for income with a value more than \$5000 is required to be reported, while in Pennsylvania only real property interests with which the state or a political subdivision is involved are required to be reported. States with narrowly defined requirements such as these did not receive points for this question. Several states

limit real property reporting to holdings within that state; this was not a factor in determining points for this question.

29. Real-property value range/amount required?

- No – 0
- Yes – 2

30. Spouse real-property information required and clear?

- No – 0
- If required and not clear – 1
- Yes – 2

A state received two points if a spouse's real-property information is required AND clearly labeled on the form. States that require lawmakers to report their spouse's information but do not explicitly require a lawmaker to designate which interests are held by the lawmaker and which are held by the spouse received only 1 point for this question.

In addition, a state might have been allocated partial points for this question in the event that any of the disclosure requirements required of the filer for this section (Q29) are NOT required of the spouse. Any discrepancies between filer and spouse reporting requirements are reflected in this question.

FAMILY (TOTAL 3 POINTS MAXIMUM):

31. Spouse name required?

- No – 0
- Yes – 2

32. Dependent name required?

- No – 0
- Yes – 1

PUBLIC ACCESS (TOTAL 8 POINTS MAXIMUM):

33. Financial disclosure filings in central office?

- No – 0
- Yes – 1

34. Lawmakers not forwarded reviewer information?

- No – 0
- Yes – 1

35. In-person appearance not required to obtain filings?
No – 0
Yes – 1
36. Copy fees less than 50 cents per page?
No – 0
Yes – 1
37. Blank disclosure form available on Web?
No – 0
Yes – 1
38. Disclosure filings available electronically or on the Web in any format?
No – 0
Yes – 3

**ENFORCEMENT
(TOTAL 5 POINTS MAXIMUM):**

States handle the enforcement of financial disclosure in very different ways. Sometimes the state agency in charge of collecting forms also performs the audit. In other states, there is an entirely separate audit authority (such as the state attorney general).

39. Late-filing penalties on the books?
No – 0
Yes – 1
40. Misfiling penalties on the books?
No – 0
Yes – 1
41. State has auditing authority?
No – 0
Yes – 1

States received a point for this question if at least one state agency has the authority in the statute to conduct an official audit of the disclosure filings. Authority could rest with any state agency—the secretary of state, an ethics board, the attorney general or any other governmental body—in order to receive a point.

This question captures the issue of whether or not any state entity—either on its own initiative OR in response to a complaint—has the authority to audit these documents. For the purposes of this survey, an audit is defined by whether the state has the power to subpoena or compel a lawmaker to produce additional documents (such as bank statements), hold hearings, or any other activities that allow the state agency to determine whether the disclosure reports are complete and accurate. States that are limited to conducting an informal review process did not receive full points.

42. State routinely reviews filings for accuracy and completeness, either through formal audit process or informal review process?
No – 0
Yes – 1

States received a point for this question if the oversight agency routinely reviews the filings to ensure they are properly completed. This question captures the issue of whether or not the state has the authority to review the filings on their own initiative, and not just in response to a complaint. For the purposes of this review, it does not matter if the review is a formal audit or something informal.

Researchers scored this question on the basis of an expert interview (and sometimes a statute provided confirmation). States where experts answered “No” to the question or said they did a “ cursory ” review, where they checked if filings came in, but did nothing further, did not receive points for this question.

43. State published list of delinquent filers on Web or in printed document?
No – 0
Yes – 1

APPENDIX

THE BGA - ALPER INTEGRITY INDEX – DETAILED OVERALL RANKING

State	FOI		Whistleblower		Campaign Finance		Open Meetings		Conflict of Interest		Total (out of 500)	Percent Achieved	Rank
	% Achieved	Rank	% Achieved	Rank	% Achieved	Rank	% Achieved	Rank	% Achieved	Rank			
New Jersey	88.00%	1	71.00%	15	53.00%	11	39.00%	29	76.00%	10	327.0%	65.40%	1
Rhode Island	66.00%	9	68.00%	19	50.00%	16	61.00%	3	72.00%	15	317.0%	63.40%	2
Hawaii	44.00%	29	61.00%	28	66.00%	5	50.00%	12	90.50%	2	311.5%	62.30%	3
Washington	56.00%	16	71.00%	15	42.00%	28	48.00%	15	93.50%	1	310.5%	62.10%	4
Louisiana	78.00%	3	82.00%	2	46.00%	20	58.00%	4	43.00%	44	307.0%	61.40%	5
Nebraska	88.00%	1	57.00%	32	59.00%	10	46.00%	17	54.00%	37	304.0%	60.80%	6
Texas	53.00%	17	79.00%	4	37.00%	36	44.00%	22	88.00%	3	301.0%	60.20%	7
Arkansas	72.00%	7	64.00%	24	46.00%	20	35.00%	35	75.00%	11	292.0%	58.40%	8
Maryland	63.00%	11	75.00%	9	51.00%	14	34.00%	37	68.50%	21	291.5%	58.30%	9
Colorado	72.00%	7	75.00%	9	41.00%	29	40.00%	26	63.00%	25	291.0%	58.20%	10
Arizona	22.00%	44	57.00%	32	74.00%	1	55.00%	5	82.00%	5	290.0%	58.00%	11
West Virginia	66.00%	9	79.00%	4	52.00%	12	48.00%	15	45.00%	43	290.0%	58.00%	11
Illinois	59.00%	13	86.00%	1	36.00%	39	54.00%	7	55.00%	36	290.0%	58.00%	11
Connecticut	53.00%	17	57.00%	32	60.00%	9	45.00%	20	72.00%	15	287.0%	57.40%	14
Minnesota	53.00%	17	64.00%	24	62.00%	8	54.00%	7	53.50%	39	286.5%	57.30%	15
Florida	53.00%	17	57.00%	32	67.00%	4	46.00%	17	63.00%	25	286.0%	57.20%	16
Wisconsin	41.00%	31	64.00%	24	65.00%	7	43.00%	25	70.00%	19	283.0%	56.60%	17
Kansas	47.00%	25	79.00%	4	43.00%	26	33.00%	40	78.00%	8	280.0%	56.00%	18
California	53.00%	17	82.00%	2	34.00%	42	29.00%	45	78.50%	7	276.5%	55.30%	19
Massachusetts	31.00%	42	61.00%	28	72.00%	2	34.00%	37	73.50%	13	271.5%	54.30%	20
Oklahoma	41.00%	31	79.00%	4	52.00%	12	38.00%	32	55.50%	34	265.5%	53.10%	21
Missouri	41.00%	31	79.00%	4	34.00%	42	38.00%	32	70.50%	17	262.5%	52.50%	21
North Carolina	34.00%	40	68.00%	19	51.00%	14	39.00%	29	70.00%	19	262.0%	52.40%	23
Michigan	75.00%	6	71.00%	15	50.00%	16	65.00%	2	0.00%	48	261.0%	52.20%	24
Pennsylvania	53.00%	17	75.00%	9	45.00%	25	31.00%	43	56.00%	33	260.0%	52.00%	25
Iowa	53.00%	17	68.00%	19	35.00%	41	55.00%	5	48.00%	41	259.0%	51.80%	26
Georgia	41.00%	31	46.00%	43	39.00%	33	51.00%	10	81.00%	6	258.0%	51.60%	27
Kentucky	47.00%	25	57.00%	32	47.00%	19	35.00%	35	70.50%	17	256.5%	51.30%	28
Indiana	59.00%	13	54.00%	39	34.00%	42	49.00%	14	59.50%	28	255.5%	51.10%	29
South Carolina	59.00%	13	50.00%	40	34.00%	42	50.00%	12	59.50%	28	252.5%	50.50%	30
Ohio	34.00%	40	50.00%	40	48.00%	18	51.00%	10	67.00%	23	250.0%	50.00%	31
Oregon	47.00%	25	57.00%	32	40.00%	32	34.00%	37	67.50%	22	245.5%	49.10%	32
Maine	41.00%	31	64.00%	24	72.00%	2	21.00%	48	46.00%	42	244.0%	48.80%	33
Nevada	41.00%	31	68.00%	19	38.00%	34	44.00%	22	49.50%	40	240.5%	48.10%	34
North Dakota	44.00%	29	61.00%	28	33.00%	46	44.00%	22	58.50%	31	240.5%	48.10%	34
New York	41.00%	31	46.00%	43	37.00%	36	39.00%	29	73.50%	13	236.5%	47.30%	36
Utah	78.00%	3	75.00%	9	36.00%	39	38.00%	32	9.50%	47	236.5%	47.30%	36
Virginia	78.00%	3	0.00%	48	27.00%	49	66.00%	1	59.50%	28	230.5%	46.10%	38
Mississippi	41.00%	31	61.00%	28	32.00%	48	40.00%	26	55.50%	34	229.5%	45.90%	39
Alaska	3.00%	48	75.00%	9	46.00%	20	16.00%	49	86.00%	4	226.0%	45.20%	40
New Hampshire	41.00%	31	71.00%	15	43.00%	26	46.00%	17	24.00%	46	225.0%	45.00%	41
New Mexico	47.00%	25	0.00%	48	41.00%	29	54.00%	7	74.50%	12	216.5%	43.30%	42
Delaware	31.00%	42	43.00%	45	33.00%	46	40.00%	26	64.50%	24	211.5%	42.30%	43
Idaho	50.00%	24	75.00%	9	41.00%	29	30.00%	44	0.00%	48	196.0%	39.20%	44
Wyoming	16.00%	45	68.00%	19	46.00%	20	23.00%	47	40.00%	45	193.0%	38.60%	45
Montana	9.00%	47	50.00%	40	46.00%	20	33.00%	40	54.00%	37	192.0%	38.40%	46
Tennessee	16.00%	45	57.00%	32	37.00%	36	16.00%	49	57.50%	32	183.5%	36.70%	47
Alabama	0.00%	49	39.00%	46	25.00%	50	33.00%	40	77.50%	9	174.50%	34.90%	48
Vermont	63.00%	11	0.00%	48	66.00%	5	45.00%	20	0.00%	48	174.0%	34.80%	49
South Dakota	0.00%	49	39.00%	46	38.00%	34	25.00%	46	60.00%	27	162.0%	32.40%	50

FREEDOM OF INFORMATION DETAIL

State	Response Time (out of 4)	Appeals Process (out of 2)	Expediency (out of 2)	Fees & Costs (out of 4)	Penalties (out of 4)	Total (out of 16)	Percent Achieved
Alabama	0	0	0	0	0	0	0%
Alaska	0	0.5	0	0	0	0.5	3%
Arizona	0	0.5	0	3	0	3.5	22%
Arkansas	4	0.5	2	4	1	11.5	72%
California	3	0.5	1	4	0	8.5	53%
Colorado	4	0.5	1	4	2	11.5	72%
Connecticut	4	1.5	1	1	1	8.5	53%
Delaware	1	2	0	2	0	5	31%
Florida	1	0.5	1	4	2	8.5	53%
Georgia	4	0.5	0	1	1	6.5	41%
Hawaii	0	2	1	4	0	7	44%
Idaho	4	0.5	1.5	1	1	8	50%
Illinois	4	1.5	1	3	0	9.5	59%
Indiana	4	0.5	1	4	0	9.5	59%
Iowa	0	0.5	0	4	4	8.5	53%
Kansas	4	0.5	1	1	1	7.5	47%
Kentucky	4	1.5	1	1	0	7.5	47%
Louisiana	4	0.5	1	4	3	12.5	78%
Maine	4	0.5	1	0	1	6.5	41%
Maryland	2	2	1	3	2	10	63%
Massachusetts	3	2	0	0	0	5	31%
Michigan	4	2	1	4	1	12	75%
Minnesota	1	0.5	1	2	4	8.5	53%
Mississippi	3	0.5	1	1	1	6.5	41%
Missouri	4	0.5	0	1	1	6.5	41%
Montana	1	0.5	0	0	0	1.5	9%
Nebraska	4	2	1	3	4	14	88%
Nevada	1	0.5	1	4	0	6.5	41%
New Hampshire	4	0.5	1	1	0	6.5	41%
New Jersey	4	2	1	4	3	14	88%
New Mexico	3	0.5	0	4	0	7.5	47%
New York	4	1.5	0	1	0	6.5	41%
North Carolina	1	0.5	1	3	0	5.5	34%
North Dakota	1	2	0	2	2	7	44%
Ohio	1	0.5	0	4	0	5.5	34%
Oklahoma	1	0.5	0	4	1	6.5	41%
Oregon	1	1.5	1	4	0	7.5	47%
Pennsylvania	3	1.5	0	2	2	8.5	53%
Rhode Island	3	2	0.5	4	1	10.5	66%
South Carolina	3	0.5	0	3	3	9.5	59%
South Dakota	0	0	0	0	0	0	0%
Tennessee	0	0.5	1	1	0	2.5	16%
Texas	3	1.5	0	3	1	8.5	53%
Utah	3	1.5	1	3	4	12.5	78%
Vermont	4	2	1	3	0	10	63%
Virginia	4	0.5	2	3	3	12.5	78%
Washington	4	1	0	4	0	9	56%
West Virginia	4	0.5	1	4	1	10.5	66%
Wisconsin	1	0.5	0	4	1	6.5	41%
Wyoming	1	0.5	0	0	1	2.5	16%

WHISTLEBLOWER DETAIL

State	Whistleblowing Protected	Posting of Notice	Employees Protected	Prohibited Retaliation	Appeal Process	Damages and Remedies	Penalties	Total Points (Out of 28)	%
Alabama	2	0	3	3	2	1	0	11	39
Alaska	2	4	4	4	2	2	3	21	75
Arizona	2	0	3	2	4	3	2	16	57
Arkansas	2	4	3	4	2	3	0	18	64
California	4	0	3	4	4	4	4	23	82
Colorado	4	0	3	4	4	3	3	21	75
Connecticut	2	0	4	3	4	3	0	16	57
Delaware	2	0	3	4	2	1	0	12	43
Florida	2	0	4	3	4	3	0	16	57
Georgia	2	0	2	4	2	3	0	13	46
Hawaii	2	0	4	4	2	3	2	17	61
Idaho	2	4	4	4	2	3	2	21	75
Illinois	2	4	3	1	2	4	4	24	86
Indiana	2	0	4	1	4	0	4	15	54
Iowa	2	4	3	1	2	3	4	19	68
Kansas	4	4	3	1	4	3	3	22	79
Kentucky	2	0	4	4	4	2	0	16	57
Louisiana	2	4	4	3	4	3	3	23	82
Maine	2	4	4	4	4	0	0	18	64
Maryland	4	4	3	2	4	3	1	21	75
Massachusetts	2	4	3	3	2	3	0	17	61
Michigan	2	4	3	4	2	3	2	20	71
Minnesota	2	4	3	4	2	3	0	18	64
Mississippi	2	0	3	2	4	3	3	17	61
Missouri	2	4	3	3	4	3	3	22	79
Montana	4	0	3	1	4	2	0	14	50
Nebraska	2	0	3	4	4	3	0	16	57
Nevada	4	4	3	4	4	0	0	19	68
New Hampshire	4	4	3	4	4	1	0	20	71
New Jersey	2	4	3	3	2	4	2	20	71
New Mexico	0	0	0	0	0	0	0	0	0
New York	2	0	3	3	4	1	0	13	46
North Carolina	2	4	3	4	2	4	0	19	68
North Dakota	2	0	4	3	4	0	4	17	61
Ohio	2	0	4	3	2	3	0	14	50
Oklahoma	4	4	3	4	4	0	3	22	79
Oregon	4	0	4	4	4	0	0	16	57
Pennsylvania	2	4	4	4	2	3	2	21	75
Rhode Island	2	4	4	4	2	3	0	19	68
South Carolina	2	0	3	1	4	3	1	14	50
South Dakota	2	0	3	2	4	0	0	11	39
Tennessee	2	0	4	4	2	4	0	16	57
Texas	2	4	3	3	4	3	3	22	79
Utah	2	4	4	4	2	3	2	21	75
Vermont	0	0	0	0	0	0	0	0	0
Virginia	0	0	0	0	0	0	0	0	0
Washington	2	4	3	4	4	1	2	20	71
West Virginia	2	4	4	4	2	3	3	22	79
Wisconsin	2	0	2	4	4	3	3	18	64
Wyoming	2	4	3	3	4	3	0	19	68

CAMPAIGN FINANCE DETAIL

State	Disclosure (Out of 4)	Public Financing Provisions (Out of 4)	Solicitation and Contribution Limits (Out of 4)	Penalties (Out of 4)	Total (Out of 16)	Percent Achieved
Alabama	2	0	1.06	1.00	4.06	25%
Alaska	3	0	2.83	1.50	7.33	46%
Arizona	4	4	2.06	1.75	11.81	74%
Arkansas	4	0	1.56	1.75	7.31	46%
California	3	0	1.00	1.50	5.50	34%
Colorado	4	0	1.39	1.25	6.64	42%
Connecticut	4	0	2.17	3.50	9.67	60%
Delaware	3	0	1.50	0.75	5.25	33%
Florida	3	3	2.00	2.75	10.75	67%
Georgia	3	0	1.44	1.75	6.19	39%
Hawaii	3	4	1.61	2.00	10.61	66%
Idaho	4	0	0.78	1.75	6.53	41%
Illinois	3	0	0.83	2.00	5.83	36%
Indiana	3	0	1.00	1.50	5.50	34%
Iowa	3	0	1.28	1.25	5.53	35%
Kansas	4	0	1.67	1.25	6.92	43%
Kentucky	3	0	2.50	2.00	7.50	47%
Louisiana	4	0	1.39	2.00	7.39	46%
Maine	4	4	1.44	2.00	11.44	72%
Maryland	2	3	1.33	1.75	8.08	51%
Massachusetts	4	4	2.28	1.25	11.53	72%
Michigan	4	1	0.94	2.00	7.94	50%
Minnesota	3	4	1.94	1.00	9.94	62%
Mississippi	3	0	0.83	1.25	5.08	32%
Missouri	3	0	1.11	1.25	5.36	34%
Montana	4	0	2.06	1.25	7.31	46%
Nebraska	3	4	0.67	1.75	9.42	59%
Nevada	3	0	1.33	1.75	6.08	38%
New Hampshire	4	0	1.89	0.75	6.64	42%
New Jersey	3	1	1.56	3.00	8.56	54%
New Mexico	4	0	0.61	2.00	6.61	41%
New York	3	0	1.11	1.75	5.86	37%
North Carolina	3	1	1.94	2.25	8.19	51%
North Dakota	3	0	1.78	0.50	5.28	33%
Ohio	4	0	2.17	1.50	7.67	48%
Oklahoma	4	0	2.00	2.25	8.25	52%
Oregon	4	0	0.83	1.50	6.33	40%
Pennsylvania	4	0	1.78	1.50	7.28	46%
Rhode Island	3	1	2.50	1.50	8.00	50%
South Carolina	3	0	1.22	1.25	5.47	34%
South Dakota	3	0	1.56	1.50	6.06	38%
Tennessee	3	0	1.44	1.50	5.94	37%
Texas	4	0	0.67	1.25	5.92	37%
Utah	4	0	0.44	1.25	5.69	36%
Vermont	3	3	2.11	2.50	10.61	66%
Virginia	3	0	0.39	1.00	4.39	27%
Washington	4	0	1.72	1.00	6.72	42%
West Virginia	4	0	2.83	1.50	8.33	52%
Wisconsin	4	2	1.89	2.50	10.39	65%
Wyoming	4	0	1.39	2.00	7.39	46%

CAMPAIGN CONTRIBUTION & LIMITS DETAIL

State	Individuals (A1)	Candidates (A2)	Family (A3)	Individual Contributions to Parties (A4)	PACs (B1)	Labor Unions (B2)	Corporations (B3)	National Party Contributions to State Parties	PAC Contributions to Parties (B5)	Union Contributions to Parties (B6)	Corporation Contributions to Parties (B7)	Contributions by State and Local Parties (C)
Alabama	0	0	0	0	0	0	3	0	0	0	3	0
Alaska	4	0	4	1	3	4	4	1	3	4	4	1
Arizona	3	0	0	0	3	4	4	0	0	4	4	0
Arkansas	3	0	3	0	3	3	3	0	0	0	0	2
California	1	0	1	1	1	1	1	1	1	1	1	0
Colorado	1	1	1	1	1	1	1	1	1	1	1	1
Connecticut	2	0	2	1	1	4	4	0	0	4	4	0
Delaware	2	2	2	1	2	2	2	0	1	1	1	1
Florida	4	0	4	0	3	3	3	0	0	0	0	1
Georgia	1	0	0	0	1	1	1	0	0	0	0	2
Hawaii	1	1	1	1	1	3	3	1	1	1	1	1
Idaho	1	0	1	0	1	1	1	0	0	0	0	1
Illinois	0	0	0	0	0	0	0	0	0	0	0	0
Indiana	0	0	0	0	0	1	1	0	0	1	1	0
Iowa	0	0	0	0	0	0	4	0	0	0	4	0
Kansas	2	0	2	1	2	2	2	1	1	1	1	2
Kentucky	3	0	3	2	3	3	4	0	2	2	4	3
Louisiana	1	0	1	1	1	1	1	0	1	1	1	0
Maine	4	0	0	0	3	3	3	0	0	0	0	2
Maryland	1	0	0	1	1	1	1	1	1	1	1	0
Massachusetts	4	0	4	1	3	3	4	0	1	1	4	0
Michigan	1	0	0	0	1	0	0	0	0	0	0	1
Minnesota	2	0	2	0	2	2	4	0	0	0	4	1
Mississippi	0	0	0	0	0	0	3	0	0	0	3	0
Missouri	2	0	2	0	2	2	2	0	0	0	0	1
Montana	4	0	4	0	3	3	4	0	0	0	4	1
Nebraska	0	0	0	0	1	1	1	0	0	0	0	1
Nevada	1	1	1	0	1	1	1	0	0	0	0	2
New Hampshire	1	0	1	1	3	4	1	0	0	4	4	0
New Jersey	1	0	0	1	1	1	1	1	1	1	1	2
New Mexico	0	0	0	0	0	0	0	0	0	0	0	0
New York	1	0	0	1	1	1	1	0	1	1	1	0
North Carolina	1	0	0	0	1	4	4	0	0	4	4	0
North Dakota	0	0	0	0	0	4	4	0	0	4	4	0
Ohio	2	0	0	1	2	4	4	0	1	4	4	1
Oklahoma	1	0	1	1	1	1	4	0	1	1	4	2
Oregon	0	0	0	0	0	0	0	0	0	0	0	0
Pennsylvania	0	0	0	0	0	4	4	0	0	4	4	0
Rhode Island	2	0	2	3	2	4	4	0	3	4	4	1
South Carolina	1	0	1	1	1	1	1	1	1	1	1	1
South Dakota	3	0	0	1	0	4	4	0	0	4	4	0
Tennessee	2	1	1	0	1	2	4	0	0	0	4	0
Texas	0	0	0	0	0	0	0	0	0	0	0	0
Utah	0	0	0	0	0	0	0	0	0	0	0	0
Vermont	4	0	0	2	3	3	3	2	2	2	2	2
Virginia	0	0	0	0	0	0	0	0	0	0	0	0
Washington	2	0	2	0	2	2	2	1	1	1	1	1
West Virginia	3	3	3	3	3	3	4	1	3	3	4	3
Wisconsin	1	0	1	1	1	4	4	0	1	4	4	0
Wyoming	1	0	1	1	0	4	4	0	0	4	4	0
Average Score	1.48	0.18	1.02	0.58	1.3	2	2.36	0.24	0.56	1.38	2	0.74
Mode	1	0	0	0	1	1	4	0	0	0	4	0

Regulated Industries (D)	Legislative Sessions (E)	Solicitation by Government Employees (F1)	Anonymous (F2)	Contributions in Another Name (F3)	Contributions by Government Employees (G)	Total Points (Out of 72)	Solicitation and Contribution Limits (Out of 4)	Late Filing Penalties	Civil Penalties	Criminal Penalties for Disclosure	Criminal Penalties for Contribution	Penalties (Out of 4)
1	4	4	0	4	0	19	1.06	0.00	0.00	0.50	0.50	1.00
4	2	2	4	4	2	51	2.83	0.50	0.25	0.50	0.25	1.50
4	3	0	4	4	0	37	2.06	0.25	0.50	0.75	0.25	1.75
2	0	2	2	4	1	28	1.56	0.25	0.50	0.50	0.50	1.75
1	0	0	2	4	1	18	1.00	0.25	0.25	0.50	0.50	1.50
2	3	2	0	4	2	25	1.39	0.25	0.25	0.25	0.50	1.25
4	3	2	2	4	2	39	2.17	1.00	0.50	1.00	1.00	3.50
2	0	0	4	4	0	27	1.50	0.25	0.00	0.25	0.25	0.75
2	4	2	4	4	2	36	2.00	0.75	0.25	0.75	1.00	2.75
3	4	2	4	4	3	26	1.44	0.25	0.50	1.00	0.00	1.75
1	0	0	4	4	4	29	1.61	0.50	0.50	0.50	0.50	2.00
2	0	0	2	4	0	14	0.78	0.50	0.25	0.50	0.50	1.75
0	2	2	4	4	3	15	0.83	0.75	0.75	0.50	0.00	2.00
3	2	2	0	4	3	18	1.00	0.25	0.00	0.75	0.50	1.50
1	2	2	4	4	2	23	1.28	0.25	0.50	0.25	0.25	1.25
2	3	2	2	4	0	30	1.67	0.25	0.50	0.25	0.25	1.25
4	3	2	2	4	1	45	2.50	0.00	0.00	1.00	1.00	2.00
3	3	2	4	4	0	25	1.39	0.50	0.50	0.50	0.50	2.00
2	0	2	2	4	1	26	1.44	0.50	0.75	0.50	0.25	2.00
2	4	0	4	4	1	24	1.33	0.25	0.50	0.50	0.50	1.75
3	0	4	4	4	1	41	2.28	0.25	0.00	0.50	0.50	1.25
3	0	2	4	4	1	17	0.94	1.00	0.00	0.50	0.50	2.00
4	4	2	2	4	2	35	1.94	0.25	0.25	0.25	0.25	1.00
4	0	2	0	0	3	15	0.83	0.25	0.00	0.50	0.50	1.25
1	0	2	2	4	0	20	1.11	0.25	0.50	0.50	0.00	1.25
4	0	2	4	4	0	37	2.06	0.00	0.25	0.50	0.50	1.25
2	0	0	4	2	0	12	0.67	0.25	0.50	0.75	0.25	1.75
2	4	4	2	4	0	24	1.33	0.50	0.50	0.00	0.75	1.75
4	0	2	4	4	1	34	1.89	0.25	0.00	0.25	0.25	0.75
3	0	4	4	4	2	28	1.56	0.50	0.50	1.00	1.00	3.00
0	4	4	2	0	1	11	0.61	0.50	0.50	0.50	0.50	2.00
2	0	2	4	2	2	20	1.11	1.00	0.25	0.25	0.25	1.75
4	3	0	4	4	2	35	1.94	0.75	1.00	0.25	0.25	2.25
4	0	2	4	4	2	32	1.78	0.00	0.00	0.25	0.25	0.50
4	0	2	4	4	2	39	2.17	0.50	0.75	0.00	0.25	1.50
4	0	4	4	4	3	36	2.00	0.25	1.00	0.00	1.00	2.25
0	4	2	4	4	1	15	0.83	0.75	0.75	0.00	0.00	1.50
4	0	2	4	4	2	32	1.78	0.25	0.00	0.75	0.50	1.50
4	0	2	4	4	2	45	2.50	0.25	0.25	0.50	0.50	1.50
2	0	2	4	0	3	22	1.22	0.25	0.00	0.50	0.50	1.25
4	0	2	0	0	2	28	1.56	1.00	0.00	0.25	0.25	1.50
4	3	2	0	0	2	26	1.44	0.25	0.75	0.00	0.50	1.50
0	4	0	4	4	0	12	0.67	0.50	0.25	0.25	0.25	1.25
1	3	2	0	0	2	8	0.44	1.00	0.00	0.25	0.00	1.25
2	3	4	0	4	0	38	2.11	0.75	0.75	0.50	0.50	2.50
1	4	0	0	0	2	7	0.39	0.25	0.25	0.25	0.25	1.00
2	4	2	2	4	2	31	1.72	0.25	0.75	0.00	0.00	1.00
4	0	2	4	4	1	51	2.83	0.25	0.25	0.50	0.50	1.50
4	0	2	2	4	1	34	1.89	0.25	0.25	1.00	1.00	2.50
4	0	2	0	0	0	25	1.39	0.25	0.75	0.50	0.50	2.00
2.58	1.64	1.88	2.68	3.28	1.4	27.3	1.52	0.405	0.365	0.45	0.425	1.645
4	0	2	4	4	2	28	1.56	0.25	0.50	0.50	0.50	1.5

OPEN MEETINGS DETAIL

Scoring Scale	Annual Notice (0 to 1)	Notice Time (0 to 1)	Notice Contents (0 to 2)	Minutes Time (0 to 4)	Equity Time (0 to 2)	Expedite (0 to 2)	Penalties (0 to 4)	Costs (0 to 4)	Total (0 to 20)
Alabama	0	1	1.5	1	0.5	1.5	1	0	6.5
Alaska	0	0.25	1.5	0	1.5	0	0	0	3.25
Arizona	0	0.5	0.5	4	2	0	2	2	11
Arkansas	0	0	1	0	0	2	0	4	7
California	0	0.75	1.5	0	0.5	0	1	2	5.75
Colorado	0	0.5	0.5	1	2	0	0	4	8
Connecticut	1	0.5	0.5	3	1	1	0	2	9
Delaware	0	1	2	1	1	0	1	2	8
Florida	0	0.25	0	1	2	0	2	4	9.25
Georgia	1	0.25	2	1	1	0	1	4	10.25
Hawaii	0	1	2	2	1	0	2	2	10
Idaho	1	1	0.5	1	0.5	0	2	0	6
Illinois	1	0.75	2	3	1	0	1	2	10.75
Indiana	1	0.75	1.5	1	0.5	1	0	4	9.75
Iowa	0	0.5	2	1	1.5	0	2	4	11
Kansas	0	0	2	0	0.5	1	1	2	6.5
Kentucky	1	0	1	1	1	1	1	1	7
Louisiana	1	0.5	2	1	1	1	1	4	11.5
Maine	0	0.25	0	0	2	1	1	0	4.25
Maryland	0	0.25	1.5	1	1	0	1	2	6.75
Massachusetts	0	0.75	1.5	1	0.5	2	1	0	6.75
Michigan	1	0.5	1.5	2	1	0	3	4	13
Minnesota	1	0.75	2	1	2	0	2	2	10.75
Mississippi	1	0	1	2	2	0	1	1	8
Missouri	0	0.5	2	1	2	0	1	1	7.5
Montana	0	0	0	1	0.5	0	3	2	6.5
Nebraska	0	0.25	1.5	2	1.5	0	2	2	9.25
Nevada	0	0.75	1.5	2	1.5	0	1	2	8.75
New Hampshire	0	0.25	1	3	2	1	0	2	9.25
New Jersey	1	0.75	2	1	1	0	2	0	7.75
New Mexico	1	0.25	0.5	2	2	0	1	4	10.75
New York	0	0.75	1	2	2	0	0	2	7.75
North Carolina	1	0.75	1	1	1	1	0	2	7.75
North Dakota	1	0.25	1.5	1	1	0	2	2	8.75
Ohio	0	0.25	1	1	2	0	2	4	10.25
Oklahoma	1	0.5	2	1	2	0	1	0	7.5
Oregon	0	0.25	1.5	1	1	0	1	2	6.75
Pennsylvania	1	0.25	1.5	1	0.5	0	1	1	6.25
Rhode Island	1	0.75	2	2	1.5	0	1	4	12.25
South Carolina	1	0.5	2	1	1.5	0	2	2	10
South Dakota	0	0.5	0.5	1	2	0	1	0	5
Tennessee	0	0.25	0	1	2	0	0	0	3.25
Texas	0	0.75	2	1	2	0	1	2	8.75
Utah	1	0.5	2	1	1	0	0	2	7.5
Vermont	0	0.5	1.5	3	2	1	1	0	9
Virginia	0	0.75	1.5	1	2	2	2	4	13.25
Washington	1	0	1.5	0	2	0	1	4	9.5
West Virginia	1	0	2	1	1.5	0	2	2	9.5
Wisconsin	0	0.5	2	1	2	0	1	2	8.5
Wyoming	0	0	1.5	1	2	0	0	0	4.5

CONFLICTS OF INTEREST DETAIL

	Filing (out of 4)	Extent (out of 83)	Public Access (out of 8)	Enforcement (out of 5)	Total (out of 100)	% Achieved
Alabama	4	65.5	4	4	77.5	77.5%
Alaska	4	72.5	5	4.5	86	86.0%
Arizona	4	71	5	2	82	82.0%
Arkansas	4	60	8	3	75	75.0%
California	4	65.5	5	4	78.5	78.5%
Colorado	3	54	4	2	63	63.0%
Connecticut	3	61	4	4	72	72.0%
Delaware	4	50.5	7	3	64.5	64.5%
Florida	4	51	5	3	63	63.0%
Georgia	4	64	8	5	81	81.0%
Hawaii	3	75	8	4.5	90.5	90.5%
Idaho	0	0	0	0	0	0.0%
Illinois	4	41	7	3	55	55.0%
Indiana	4	49	5.5	1	59.5	59.5%
Iowa	4	34.5	7.5	2	48	48.0%
Kansas	4	66	4	4	78	78.0%
Kentucky	4	54.5	8	4	70.5	70.5%
Louisiana	3	29	7	4	43	43.0%
Maine	4	35	4	3	46	46.0%
Maryland	4	57	3.5	4	68.5	68.5%
Massachusetts	4	62.5	3	4	73.5	73.5%
Michigan	0	0	0	0	0	0.0%
Minnesota	3	38	7.5	5	53.5	53.5%
Mississippi	4	43.5	5	3	55.5	55.5%
Missouri	4	57.5	5	4	70.5	70.5%
Montana	3	42	5	4	54	54.0%
Nebraska	3	42	5	4	54	54.0%
Nevada	4	35.5	8	2	49.5	49.5%
New Hampshire	4	12	5	3	24	24.0%
New Jersey	4	63	6	3	76	76.0%
New Mexico	4	58.5	8	4	74.5	74.5%
New York	4	62	3.5	4	73.5	73.5%
North Carolina	3	61	4	2	70	70.0%
North Dakota	3	48.5	4	3	58.5	58.5%
Ohio	4	52	7	4	67	67.0%
Oklahoma	3	42.5	5	5	55.5	55.5%
Oregon	4	55.5	5	3	67.5	67.5%
Pennsylvania	4	40	8	4	56	56.0%
Rhode Island	4	59	5	4	72	72.0%
South Carolina	4	48	3.5	4	59.5	59.5%
South Dakota	3	46	7	4	60	60.0%
Tennessee	3.5	42	8	4	57.5	57.5%
Texas	4	71	8	5	88	88.0%
Utah	0.5	0	6	3	9.5	9.5%
Vermont	0	0	0	0	0	0.0%
Virginia	4	51	1.5	3	59.5	59.5%
Washington	3	78.5	8	4	93.5	93.5%
West Virginia	4	32	5	4	45	45.0%
Wisconsin	4	54	7	5	70	70.0%
Wyoming	3	31	4	2	40	40.0%



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