

**Ethics Commission Procedural Requirements in Statutes and State Constitutions
Kansas, Nearby States, and CSG Midwest States**

	Kansas	Arkansas	Colorado	Illinois	Indiana	Iowa	Michigan	Minnesota	Missouri	Nebraska	North Dakota	Ohio	Oklahoma	South Dakota	Wisconsin
Notice of Complaint to Respondent	KSA 46-255, KSA 46-256 (ethics, lobbying); KSA 25-4164, notice if complaint dismissed (campaign finance)	A.C.A. § 7-6-218		25 ILCS 170/11 (lobbying)	IC 2-7-7-3 (lobbying); IC 2-2.2-3-6 (legislative ethics)	I.C.A. § 68B.32B (ethics, campaign finance)	M.C.L.A. 4.424 (lobbying) (also to complainant); M.C.L.A. 169.215 (campaign finance)	M.S.A. § 10A.022	V.A.M.S. 105.95	Neb.Rev.St. § 49-14, 124 (also to complainant)	NDCC, 54-66-06	R.C. § 102.06 (ethics)		SDCL § 12-27-47 (campaign finance)	W.S.A. 19.49
Confidentiality	KSA 46-256, until finding of probable cause (ethics, lobbying); KSA 25-4161; KSA 25-4165, applies to Commission only (campaign finance)	A.C.A. § 7-6-218; may disclose for law enforcement purposes	Colorado Constitution Article XXIX	5 ILCS 430/25-90, by Legislative Inspector General (legislative ethics)	IC 2-7-7-7 (lobbying), if complaint is dismissed and records of preliminary investigation; IC 2-2.2-3-6 for preliminary investigation (legislative ethics); IC 2-7-4-6 (lobbying), documents used for verification during audits	I.C.A. § 68B.32B (ethics, campaign finance), applies to board, law enforcement exception		M.S.A. § 10A.022	V.A.M.S. 105.959, 105.961	Neb.Rev.St. §§ 49-14, 124.01, 49-14, 124.02	NDCC, 54-66-12	R.C. § §102.06, 102.07 (ethics)			W.S.A. 19.50
Verification or Investigation of Complaint	KSA 46-256 (ethics, lobbying); KSA 25-4161; by Commission (campaign finance)	A.C.A. §§ 7-6-217, 21-8-303	Colorado Constitution Article XXIX	5 ILCS 430/25-10, 430/25-20a (legislative ethics); 25 ILCS 170/1 (lobbying); 10 ILCS 5/9-18 (campaign finance)	IC 2-2.2-3-6 (legislative ethics), by ethics committee	I.C.A. § 68B.32B (ethics, campaign finance)	M.C.L.A. 4.424, 4.427 (lobbying); M.C.L.A. 169.215 (campaign finance); M.C.L.A. 15.345 (ethics, executive branch)	M.S.A. § 10A.022, within available resources	V.A.M.S. 105.955, 105.959, 105.961	Neb.Rev.St. § 49-14, 124	NDCC, 54-55-08; NDCC, 16.1-08.1-05 (SoS, campaign finance)	R.C. § 102.06 (ethics); R.C. § 101.79 (lobbying)	Constitution Section XXIX, § 4	SDCL § 3-24-3 (ethics); SDCL §§ 12-27-35, 12-27-40, 12-27-40, 12-27-47.1 (campaign finance)	W.S.A. 19.49
Complaint signed under penalty of perjury		A.C.A. § 7-6-218				I.C.A. § 68B.32B (ethics, campaign finance)	M.C.L.A. 4.424 (lobbying)		V.A.M.S. 105.957			R.C. § 3517.153		SDCL § 12-27-47 (campaign finance)	W.S.A. 19.49

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Burden of Proof	KSA 46-256, probable cause (ethics, lobbying); KSA 25-4161, probable cause (campaign finance)	A.C.A. § 7-6-218, probable cause before hearing	Colorado Constitution Article XXIX (disclosure), preponderance of the evidence		IC 2-7-7-5 (lobbying); IC 2-2.2-3-6 reasonable cause (legislative ethics)	I.C.A. § 68B.32B, clear and convincing evidence (ethics), preponderance of the evidence (campaign finance)	M.C.L.A 4.424 (lobbying), probable cause	M.S.A. § 10A.022, probable cause	V.A.M.S. 105.961, probable cause	Neb.Rev.St. § 49-14,125, probable cause		R.C. § 102.06 (ethics), preponderance of evidence; R.C. § 3517.155 (campaign finance), clear and convincing evidence or preponderance of evidence, depending on violation			W.S.A. 19.49, probable cause
Deadline for Hearing	KSA 46-256, within 30 days of finding (ethics, lobbying); KSA 25-4161 (campaign finance)				IC 2-7-7-5, 30 days (lobbying); IC 2-2.2-3-6 reasonable cause (legislative ethics)				V.A.M.S. 106.966, 90 days to complete most complaint investigations; V.A.M.S. 106.961, exception			R.C. §§ 102.06 (ethics), 3517.155, 90 days after complaint filed			
Respondent May Examine and Copy Evidence	KSA 46-257 (ethics, lobbying); KSA 25-4163 (campaign finance)				IC 2-2.2-3-6 (legislative ethics)					Neb.Rev.St. § 49-14,125	NDCC, 54-66-09				
Inform about Rights	KSA 25-4158 (campaign finance)									Neb.Rev.St. § 49-14,125					
Right to Counsel	KSA 46-258 (ethics, lobbying); KSA 25-4163 (campaign finance)				IC 2-2.2-3-6 (legislative ethics)		M.C.L.A. 15.346 (ethics, executive branch)		V.A.M.S. 105.961	Neb.Rev.St. § 49-14,125	NDCC, 54-66-09, may be accompanied by counsel	R.C. § 102.06 (ethics)			
Right to Appointed Counsel	KSA 25-4158 (campaign finance)									Neb.Rev.St. § 49-14,125		R.C. § 102.06 (ethics)			
Right to Call and Examine Witnesses	KSA 46-258 (ethics, lobbying); KSA 25-4163 (campaign finance)				IC 2-2.2-3-6 (legislative ethics)					Neb.Rev.St. § 49-14,125		R.C. § 102.06 (ethics)			

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Right to Cross-Examination	KSA 46-258 (ethics, lobbying); KSA 25-4163 (campaign finance)				IC 2-2.2-3-6 (legislative ethics)					Neb.Rev.St. § 49-14,125		R.C. § 102.06 (ethics)			
Right to Introduce Exhibits	KSA 46-258 (ethics, lobbying); KSA 25-4163 (campaign finance)				IC 2-2.2-3-6 (legislative ethics)					Neb.Rev.St. § 49-14,125		R.C. § 102.06 (ethics)			
Recusal for Conflicts of Interest	KSA 46-255, if commissioner files complaint (ethics, lobbying)				IC 2-2.2-3-7 (legislative ethics)		M.S.L.A 169.215 (campaign finance) if violation involves SoS								
Statute of Limitations		A.C.A. § 7-6-218, 4 years	Colorado Constitution Article XXVIII, § 9 (specified aspects of campaign finance), 180 days	10 ILCS 5/9-26, 18 months (campaign finance)		I.C.A. § 68B.32B (ethics, campaign finance), 3 years		M.S.A. § 10A.022, 4 years (campaign finance)		Neb.Rev.St. § 49-14,136, 3 years		R.C. § 3517.157 (campaign finance), 2 years or 1 year after discovery if after those 2 years			W.S.A. 19.49, 3 years
May Issue Subpoenas		A.C.A. § 7-6-217	Colorado Constitution Article XXIX (disclosure); C.R.S.A. § 24-18.5-101 (disclosure); Constitution Article XXVIII, administrative law judge (campaign finance); may examine lobbyist records, C.R.S.A. § 24-6-304.5	5 ILCS 430/25-20a, Attorney General (ethics of state officials); 10 ILCS 5/9-18, State Board of Elections (campaign finance); 4 ILCS 430/25-15, Legislative Ethics Commission (ethics)	IC 2-2.2-3-5, ethics committee may compel ("subpoena" not used) (legislative ethics); IC 3-6-4.1-19, election commission (campaign finance)	I.C.A. § 68B.32B (ethics, campaign finance)		M.S.A. § 10A.022 (campaign finance)	V.A.M.S. 105.955 (testimony, records)	Neb.Rev.St. §§ 49-14,124, 49-14,125	NDCC, 54-66-08	R.C. § 102.06 (ethics); R.C. § 3517.153 (campaign finance)	Constitution Section XXIX, § 4	SDCL § 3-24-3 (ethics)	W.S.A. 19.49, 13.74

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	Kansas	Arkansas	Colorado	Illinois	Indiana	Iowa	Michigan	Minnesota	Missouri	Nebraska	North Dakota	Ohio	Oklahoma	South Dakota	Wisconsin
May Apply to Court for Subpoena	KSA 46-257; KSA 46-260 if 3/4 affirmative vote; could be cited for contempt by Shawnee County District Court (ethics, lobbying); KSA 25-4158, apply to court for subpoena (campaign finance) if 2/3 vote (campaign finance)			5 ILCS 430/25-20a, attorney general after notice from Legislative Ethics Commission (ethics)	IC 2-7-7-8 (lobbying), legislative council must approve, court must enforce			M.S.A. § 10A.022	V.A.M.S. 105.961 (special investigator)	Neb.Rev.St. § 49-14,125					
Witness Fees and Mileage	KSA 46-257, paid as for witnesses in civil actions (ethics, lobbying); KSA 25-4158, if subpoena (campaign finance)				IC 3-6-4.1-19, if subpoenaed (campaign finance)					Neb.Rev.St. § 49-14,125					W.S.A. 19.49, commission may order
Costs of Producing Documents for Review	KSA 46-260 (ethics, lobbying); KSA 25-4158; reimburse reasonable costs of subpoenaed documents (campaign finance)														
Public Hearing	KSA 46-258 (ethics, lobbying); KSA 25-4163 (campaign finance)	A.C.A. § 7-6-218	Constitution Article XXIX	10 ILCS 5/9-18											
Reports of Findings are Public Records (see note)	KSA 25-4165 (campaign finance)	A.C.A. § 7-6-218	C.R.S.A. § 24-18.5-101 for Article XXIX opinions or rulings					I.C.A. § 68B.32B	M.S.A. § 10A.022			R.C. § 102.06 (ethics), only when requested by respondent			W.S.A. 19.55 (ethics) (certain reports)

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	Kansas	Arkansas	Colorado	Illinois	Indiana	Iowa	Michigan	Minnesota	Missouri	Nebraska	North Dakota	Ohio	Oklahoma	South Dakota	Wisconsin
Judicial Review	KSA 46-290, action to enjoin, KSA 46-292, person aggrieved may appeal order (ethics, lobbying); KSA 25-4183, KSA 25-4185 (campaign finance)		C.R.S.A. § 24-18.5-101 (disclosure); C.R.S.A. § 24-6-305 (lobbying)	10 ILCS 5/9-22 (campaign finance)		I.C.A. § 68B.33 (ethics, campaign finance)	M.C.L.A. 169.215 (campaign finance)		V.A.M.S. 105.961	Neb.Rev.St. § 49-14,131	NDCC, 54-66-10	R.C. § 102.06 (ethics), of information request; R.C. § 3517.157 (campaign finance)		SDCL § 12-27-29.2 (campaign finance)	
Code of Civil Procedure Applies												R.C. § 3517.157			
Administrative Procedure Act	KSA 46-289 (ethics, lobbying); KSA 25-4161, KSA 25-4163; KSA 25-4182 (campaign finance)		Colorado Constitution Article XXVIII (campaign finance)			I.C.A. § 68B.33 (ethics, campaign finance)	M.C.L.A 15.346 (ethics, executive branch)		V.A.M.S 105.961	Neb.Rev.St. § 49-14,131 (on appeal)		R.C. § 3517.157 (rules of civil procedure) - ??		SDCL § 12-27-29.2 (campaign finance), as first appeal; SDCL § 12-27-47 (campaign finance)	
Specific Authority for Settlement Agreements						I.C.A. § 68B.32B	M.C.L.A. 169.215 (campaign finance)	M.S.A. § 10A.022	V.A.M.S. 105.961		NDCC, 54-66-07	R.C. § 102.06	Constitution Section XXIX, § 4		W.S.A. 19.49
Refer Other Violations to Prosecuting or Law Enforcement Authority	KSA 46-256, to Attorney General if criminal or outside KGEK jurisdiction (ethics, lobbying); KSA 25-4161; KSA 25-4164; KSA 25-4166, reports to House or Senate in certain cases (campaign finance)	A.C.A. § 21-8-303 [ethics], duty of prosecuting attorneys to prosecute ethics violations, citizen may bring action to force compliance		25 ILCS 170/11, Secretary of State Inspector General to county attorney (lobbying)	IC 2-7-4-7 (lobbying), refer to circuit prosecuting attorney or attorney general; IC 3-6-4.1-21 (campaign finance), refer to AG for civil action or prosecuting attorney		M.C.L.A 4.424 (lobbying), secretary of state refers to attorney general; M.C.L.A. 4.427 (lobbying); M.C.L.A. 169.215 (campaign finance)	M.S.A. § 10A.022, criminal only	V.A.M.S. 105.955, 105.959, 105.961	Neb.Rev.St. §§ 49-14,124.02, 49-14,133	NDCC, 54-55-08; NDCC, 54-66-05 (anonymous complaint, criminal conduct)	R.C. § 102.06 (ethics); R.C. § 101.79 (lobbying); R.C. § 3517.155 (campaign finance)	Constitution Section XXIX, § 4 Ethics Commission shall prosecute in district court	SDCL §§ 12-27-35, 12-27-40 (campaign finance)	W.S.A. 19.49, 11.1400
Response to Malicious or Frivolous Complaint	KSA 46-261 (ethics, lobbying); KSA 46-4162 (campaign finance)	A.C.A. § 7-6-218					M.C.L.A 169.215 (campaign finance) if false complainant certification of facts		V.A.M.S. 105.961 (misdemeanor)	Neb.Rev.St. § 49-14,134 (class IV felony)		R.C. § 3517.155 (campaign finance)		SDCL § 12-27-48 (campaign finance) (misdemeanor)	W.S.A. 19.49

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Reporting to Legislature	KSA 25-4166, if state officer or legislator (campaign finance)											R.C. §§ 102.06, 102.07 (ethics)		SDCL § 3-24-10 (ethics)	
Statutory or Constitutional Authority to Determine Own Procedures		A.C.A. § 7-6-217 (ethics)					M.C.L.A. 15.346 (executive branch ethics)	M.S.A. § 10A.022				R.C. §§ 3517.23, 3517.152 (campaign finance)	Constitution Section XXIX, § 3	SDCL § 3-24-3 (ethics)	W.S.A. 19.47
Note: For this purpose, the term "ethics" includes ethics, conflicts of interest, and financial disclosures.															
Note: This table summarizes a review of statutes identified for the KLRD memorandum "Overview of Ethics Commissions in All 50 States," also provided to the Special Committee on Government Ethics Reform, Campaign Finance Law.															
Note: Additional statutes not in law specific to entities involved in enforcing ethics, campaign finance, or lobbying laws may apply, such as to open records requirements.															