

Rep. Mathew Wilson's comments on DeKalb ethics referendum

Referendum: Shall the Act be approved which revises the Board of Ethics for DeKalb County?

- I voted **NO** on the proposed changes in DeKalb Delegation, on the House floor, and will do so again at the ballot box. I believe the changes will significantly weaken the power of the Ethics Board as explained more fully below. Read the full Act [here](#).

- History – In 2018, [the Supreme Court of Georgia held](#) the makeup of the Board was unconstitutional because a majority of members were appointed by non-elected entities, such as the DeKalb Bar Association, DeKalb Chamber of Commerce, Leadership DeKalb, and DeKalb universities. The makeup process had been amended to include these non-governmental appointments after a successful countywide referendum in 2015. The lawsuit that ultimately reached the Supreme Court of Georgia was brought by then-DeKalb Commissioner Sharon Barnes Sutton after she was charged with ethics violations in 2015. Based on the Supreme Court's ruling, a new law is needed to correct the appointment process.

- Major changes that would go into effect if the referendum passes:

- Appointments to the Board: The new law would provide that all appointments be made by elected officials in DeKalb County, to be made as follows:

- 2 members appointed by DeKalb legislative delegation in the Georgia House of Representatives;
- 2 members appointed by the DeKalb legislative delegation in the Georgia Senate;
- 1 member appointed by the DeKalb CEO;
- 1 member appointed by the DeKalb Probate Court Judge;
- 1 member appointed by the chief judge of the DeKalb Superior Court;
- 2 alternate members appointed by DeKalb legislative delegation in the Georgia House of Representatives; and
- 2 alternate members appointed by the DeKalb legislative delegation in the Georgia Senate.

- Board-member terms: The length of terms for ethics board members is reduced from three years to two — members can continue to serve two consecutive terms, meaning four years instead of six.

- No more Ethics Officer: The Board is no longer required to hire an ethics officer to help facilitate complaints and investigations — instead an ethics administrator role was created that is more clerical in nature.

- HR as intermediary for County employees: County employees must exhaust all remedies through DeKalb's human resources department before filing a complaint to the ethics board.

- Former County employees/elected officials exempted: Former county employees and former elected officials (e.g. former Commission Sharon Barnes Sutton) can no longer be the subject of an investigation.

- CEO/Commission have approval power over Board policies/procedures: The Board must adopt policies and procedures to operate but these would be subject to review by the CEO and must be approved by a majority vote of the Commission. After submitting the proposed policies/procedures to the CEO, the Commission would be required to vote on their approval within 30 days.

- **Why I'm Opposed:**

- The Supreme Court of Georgia presented the Legislature with one constitutional problem: to fix the appointment process for Board members. Rather than merely address that single issue, various elected officials in the County have attempted to make *significant* tweaks to other areas of the current Ethics law, in a clear attempt to weaken the power of the Ethics Board.

- Dr. Paul Root Wolpe, director of the Emory University Center for Ethics, reviewed the proposed changes and wrote a letter detailing his *significant concerns*, which you can find [here](#).

- Dr. Wolpe's coup de grace:

- *"The bottom line is that this bill is clearly meant to weaken and dilute the excellent policy passed in 2015, without any convincing reasons to weaken the bill. DeKalb is slipping back to a former posture that got it in trouble in the first place. I would agree that this bill should be strongly opposed."*

- DeKalb Citizens Advisory Council has formed to oppose the Referendum. You can learn more about their efforts [here](#).