



November 4, 2025

Chair Ed Harrington and Members  
Commission Streamlining Task Force  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Dear Chair Harrington and Members of the Streamlining Task Force:

Campaign Legal Center (“CLC”) respectfully submits these written comments to the Commission Streamlining Task Force (“Task Force”) regarding proposed changes to how commissioners are removed from the City and County of San Francisco Ethics Commission (“Commission”).<sup>1</sup> Specifically, CLC urges the Task Force to reject the proposed change from “for-cause” to “at-will” removal for commissioners because it will have the unintended consequence of diminishing the Commission’s integrity and independence.

CLC is a nonpartisan, nonprofit organization dedicated to protecting and strengthening American democracy across all levels of government. We are a national leader in advising ethics commissions and legislators on best practices for ethics commissions. Our longstanding and consistent advice is that removing ethics commission leaders at-will puts the ethics commission, and in turn, the public’s trust in government, at serious risk.

The Task Force Memo on Recommendations proposes that “[c]hanging member removal from for-cause to at-will may be appropriate given the Ethics Commission’s broadly distributed appointing structure, which protects against undue influence by any one elected official.”<sup>2</sup> For the reasons detailed below, this

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<sup>1</sup> Commission Streamlining Task Force, *Memo: Criteria-Based Outcomes and Associated Analysis for General Administration and Finance Bodies*, City and Cnty. of San Francisco, 93 (Oct. 24, 2025), <https://media.api.sf.gov/documents/Memo - General Admin and Finance bodies 10-24-2025.pdf> (“Task Force Memo”); See San Francisco Charter, Section 15.105(b) for provisions on removal of Ethics Commission members.

<sup>2</sup> Task Force Memo, *supra* note 1, at 93.

recommendation should not be accepted because ethics commissions: (1) require independence; (2) need for-cause removal to protect that independence; and (3) must defend against increasing threats to their independence.

## **I. Ethics Commissions Require Independence**

First, in light of the general need for ethics commission to have independence and the Task Force's specific understanding of the necessity of the Commission's independence, its recommendation to replace the for-cause termination standard to at-will seems misplaced. Ethics commissions play an essential and often underappreciated role in the stability of our democracy. They provide accountability for public officials by enforcing laws regulating lobbying, requiring campaign finance disclosure, and preventing conflicts of interest. Ethics commissions also uphold transparency principles that inform public officials of the laws that govern their public service. By fulfilling voters' right to know that their elected and appointed officials are working for the good of the public, they help preserve a fundamental building block of a healthy democracy: public trust.

The Task Force itself has acknowledged the Commission's "critical role as an impartial enforcer of the City's ethics and transparency laws" and "recogniz[ed] its unique purpose as a safeguard of integrity and accountability in City government."<sup>3</sup> The Task Force also correctly identified the need to "preserve the Commission's independence from political influence."<sup>4</sup>

Any change to an ethics commission that makes it easier to terminate members of the commission for any reason or no reason at all puts the independence of the commission at risk.

## **II. Ethics Commissions Need For-Cause Removal to Protect Their Independence**

Second, for-cause removal protections are considered a best practice for ethics professionals at all levels of government because it protects their necessary independence. Ethics professionals often enforce the law against high-ranking government officials, and performing that role requires acting independently and objectively, free from political pressure and without fear of reprisal. CLC has long recommended for-cause removal as a best practice for ensuring independence for ethics commissions:

"To further insulate an ethics commission from political meddling and allow commissioners to work independently of the interests of public officials, jurisdictions should provide that commissioners may only be removed for

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<sup>3</sup> Task Force Memo, *supra* note 1, at 93.

<sup>4</sup> *Id.*

cause. This safeguard allows commissioners to do their work without fear of reprisal.”<sup>5</sup>

For example, we explained the necessity of for-cause or equivalent removal protections for the U.S. Office of Government Ethics (“OGE”) Director in 2017, noting that the lack of any requirement for removal only in the case of inefficiency, neglect of duty, or malfeasance in office “exposes OGE’s Director to a risk of political retaliation for carrying out the agency’s mission.”<sup>6</sup> This risk was realized in February 2025, when the OGE Director was removed during the first month of the new administration without cause. This early removal of the OGE Director in the president’s second term allowed him to avoid the public criticism that he experienced during his first term from the prior OGE Director.

Another result of this at-will removal is that the highest office in the executive branch responsible for administering ethics rules has lost credibility as an effective and independent ethics body. A chilling effect also has spread across the federal government: a vast network of ethics officials within the executive branch agencies are now on notice that their jobs and livelihoods can instantly end if their ethics enforcement offends powerful officials.

The Task Force invites a similar appearance of political interference and retaliation by eliminating for-cause removal protections. Appointing authorities will have the power to remove a commissioner they appointed simply because they do not like the Commission’s resolution of an ethics complaint against a friend or colleague. This threatens the independent decision making that ethics commissioners must have to ensure fair, equitable, and impartial enforcement of ethics laws across city government.

### **III. Ethics Commissions Must Defend Against Increasing Threats to Their Independence**

Finally, threats to ethics commissions have proliferated in recent years, and those who wish to undermine the transparency and accountability ethics commissions afford the public have become more creative.

Despite how well insulated a commission may be from political pressures, no ethics commission is completely protected from threats. CLC has conducted a multi-

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<sup>5</sup> *Principles for Designing an Independent Ethics Commission*, Campaign Legal Center (2018), <https://campaignlegal.org/sites/default/files/2018-06/Principles%20for%20Designing%20an%20Independent%20Ethics%20Commission.pdf>.

<sup>6</sup> Walter M. Shaub, *Legislative Proposals for Office of Government Ethics Reform*, Campaign Legal Center, 3 (Nov. 9, 2017), [https://campaignlegal.org/sites/default/files/W%20Shaub%20Legislative%20Proposal%20-%209%20November%202017\\_0.pdf#page=4](https://campaignlegal.org/sites/default/files/W%20Shaub%20Legislative%20Proposal%20-%209%20November%202017_0.pdf#page=4).

year analysis on threats facing ethics commission, culminating in two reports.<sup>7</sup> The picture painted by these reports is disconcerting. Ethics commissions across the country, regardless of their state’s political makeup or geographic location, are facing threats to their enforcement powers, to their subject matter jurisdiction, and to their very existence.

Threats occur through the typical channels of litigation and legislation, but those who wish to limit the accountability and transparency provided by ethics commissions can also seek to interfere in commission operations in other ways. For example, two Missouri governors failed to appoint enough commissioners to ensure a quorum in the Missouri Ethics Commission for more than eight months. Without a quorum, the commission was unable to take any action on ethics complaints.<sup>8</sup> In another example, Louisiana weakened the independence of the state’s ethics commission by increasing the number of members appointed directly by the Governor and requiring a super-majority of votes to initiate any enforcement action.<sup>9</sup> In short, ethics commissions whose appointments, funding, and firings are intertwined with political actors remain vulnerable to threats.

The high risk of attempts to weaken the Commission means the Task Force should not take lightly any changes to how easily commissioners can be removed. Indeed, the Task Force shows a commitment “to preserve the Commission’s independence from political influence . . . .”<sup>10</sup> The purpose of our letter is to demonstrate that a change to the removal standard may betray that commitment.

Thank you for consideration of our comments and we are available if you have any questions.

Respectfully submitted,

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/s/

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<sup>7</sup> Kedric Payne et al., *Threat Assessment 2024: Risks and Challenges Facing State Ethics Commissions*, Campaign Legal Center (2024), [https://campaignlegal.org/sites/default/files/2024-12/CLC\\_ThreatAssessment2024.pdf](https://campaignlegal.org/sites/default/files/2024-12/CLC_ThreatAssessment2024.pdf); *Threat Assessment 2025: Risks and Challenges Facing State Ethics Commissions*, Campaign Legal Center, Forthcoming Dec. 2025.

<sup>8</sup> Rebecca Rivas, *Missouri campaign watchdog is once again unable to function due to vacancies*, Missouri Independent (Apr. 22, 2025), <https://missouriindependent.com/2025/04/22/missouri-campaign-watchdog-is-once-again-unable-to-function-due-to-vacancies/>.

<sup>9</sup> Julie O’Donoghue, *While facing ethics charges, Landry pushes overhaul of investigation process*, Louisiana Illuminator (Apr. 23, 2025), <https://lailluminator.com/2025/04/23/while-facing-ethics-charges-landry-pushes-overhaul-of-ethics-investigation-process/>.

<sup>10</sup> Task Force Memo, *supra* note 1, at 93.

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