Overview of State Ethics Law

The Massachusetts Ethics Commission was established in 1978 by the Legislature as an independent civil enforcement agency to enforce the Conflict of Interest and Financial Disclosure Laws (G.L. 268 A & B).

The "Conflict of Interest" Law (G.L. 268A) applies to all officials (considered "public employees") of a city or town, whether elected or appointed, full-time or part-time, paid or unpaid. The purpose of the law is to ensure that public employees' private financial interests and personal relationships do not conflict with their public obligations. The law is broadly written to prevent a public employee from becoming involved in a situation which could result in a conflict or give the appearance of a conflict.

Section 23 of Chapter 268A, known as the "Standards of Conduct," sets a minimum standard of ethical conduct for all municipal employees and officials. Enacted in 1962, the goal of the law is to promote confidence in our government and in the integrity of its officials. For the text of the law, click on the previous link.

Government employees and public officials must make specific disclosures if it would appear that certain conduct on their part would create a reasonable impression that they may act with bias. The Standards of Conduct section may apply whenever there is an overlap or direct connection between a public employee's official duties and responsibilities and his/her private activities or relationships.

In order to dispel the appearance of conflict or favoritism, the public employee must make a public disclosure in writing to their appointing authority. Once the disclosure is made, the official may participate in the matter notwithstanding the "appearance of conflict." Of course, use of an official position to secure an unwarranted privilege is always prohibited, regardless of whether a disclosure is made.

As with the Open Meeting Law (OML), the Conflict of Interest Law is also considered critical to the basic principals of public confidence, and each elected and appointed official must receive a copy of this law from the Town Clerk upon qualification to their position.

You may visit the State Ethics Commission website where you will also find a link to the various disclosure forms available, as well summaries of advisory opinions issued by the Commission.