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COLORADANS FOR CLEAN GOVERNMENT LAUNCHES THE “ETHICS IN GOVERNMENT” BALLOT INITIATIVE

**Measure Bans Lobbyist Gifts to Public Officials; Establishes a Cooling-off Period
After Leaving Public Office and Before Lobbying**

“This is a common-sense reform to raise ethical standards and help restore Coloradans’ trust in government,” said committee co-chairs Pete Maysmith and Jared Polis.

Denver, CO - Today, Coloradans for Clean Government launched a campaign to raise ethical standards for public officials and make government in Colorado more open and accountable to the people. The group of concerned citizens is leading a statewide effort to place on the ballot and pass the “Ethics in Government” initiative in the November election. The sponsors believe the measure will strengthen public confidence in public officials and the state’s political process. The initiative will restrict public officials from accepting gifts from lobbyists and to prevent public officials from becoming lobbyists immediately after leaving office.

A growing number of ethics violations and questionable practices at all levels of government, such as the Jack Abramoff lobbying scandal and the bribery scandal involving Congressman “Duke” Cunningham, are eroding public trust in government, which is already at alarmingly low levels.

The “Ethics in Government” initiative will implement in Colorado a common-sense approach to ethical government similar to that used in other states. By banning lobbyist gifts to public officials and establishing a two-year cooling-off period before former elected officials are allowed lobby, the proposal sets clear parameters to protect the integrity of public officials and to safeguard democracy.

Specifically, the initiative

- **Prohibits public officials from soliciting or accepting certain monetary or in-kind gifts;**
- **Bans lobbyists from giving gifts to public officials or to their immediate family;**

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- **Establishes a “revolving door” provision that bars a statewide elected officeholder or state legislator from lobbying for two years after leaving office;**
- **Sets penalties for violations; and**
- **Creates a five-member independent ethics commission to hear complaints, assess penalties, and issue advisory opinions.**

Coloradans for Clean Government is a six-member committee, co-chaired by **Jared Polis and Pete Maysmith**. Polis is vice-chairman of the State Board of Education, an entrepreneur, philanthropist and civic leader who is active with a broad range of charitable and other non-profit organizations; Maysmith is executive director of Colorado Common Cause. The other members of Coloradans for Clean Government are: **Ron Binz**, former state utility consumer advocate and state chair of Colorado Common Cause; **Martha Tierney**, a Denver attorney and government reform advocate who has worked with Common Cause for several years; **Shepard Nevel**, the chief of staff to Jared Polis and one of the authors, with Common Cause, of Denver’s ethics code, adopted in 2001 and considered one of the strongest in the nation; and **Rex Wilmouth**, state director of the Colorado Public Interest Research Group, a public interest advocacy organization.

“There is no issue more important for our democracy right now than public trust in government. This is a bold step in the fight to make government ethical and accountable to the people of Colorado,” said Polis. “This initiative takes an important step toward cleaning up state government and increasing the public’s confidence in the integrity of their public institutions.”

Colorado law does not limit what lobbyists can give to legislators. While outright bribery – officials accepting gifts as a *quid pro quo* – is a felony, the practice of accepting lobbyists’ gifts is legal, is common, and raises questions about the influence of special interests on government. In addition, Colorado does not have a “revolving door” provision to prohibit public officials from entering the lucrative lobbying business to lobby their former colleagues. Some public officials are literally negotiating with lobby firms for a job while still in office and still deciding policy issues important to their prospective employers.

“Not only must government be independent and honest, the public must see it that way,” said Maysmith. “By accepting gifts from lobbyists who are trying to influence their vote, public officials hurt their credibility and the integrity of the political process. Such practices are ethically dubious and are all too common. It’s time to end gifts from lobbyists and give the public greater confidence that public officials adhere to sound ethical practices.”

The lobbying business in Colorado is growing at dramatic rates. According to the Center for Public Integrity, in 2004 Colorado had the **fourth highest ratio of lobbyists per state legislator** among 49 states, with 11 lobbyists per legislator, and 1,054 lobbyists in total, compared to the national average ratio of 5 lobbyists per legislator. Also in 2004, **Lobbyists spent \$1.6 million on gifts, entertainment and other expenses to influence lawmakers and government executives.**

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“A lobbyist’s job is to convince lawmakers and other officials on legislative and regulatory issues before them, on behalf of the interests they represent,” said Maysmith. “The freebies that lobbyists dole out at the Capitol – lunches, dinners, drinks, sporting-event tickets, ski trips, to name a few – buy access and connections. Our proposal will help ensure that they do not cross ethical bounds to gain an unfair advantage in the public policy decision-making process.”

“Real reform is long overdue,” said Polis. “This is a common-sense step to fixing our political system.”

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FREQUENTLY ASKED QUESTIONS ABOUT THE “ETHICS IN GOVERNMENT” INITIATIVE

Why is this ballot initiative necessary?

A growing number of scandals and breaches of public trust at all levels of governments and across the entire nation are having a devastating impact on citizens’ faith in the integrity of government and the democratic process. Trust in government is at alarmingly low levels and continues to erode as a result of serious and well-publicized instances of improper and unethical behavior by public officials, as well as reports of the ever-increasing power and influence of lobbyists and special interests. The Jack Abramoff congressional lobbying scandal, the bribery scandal involving former Congressman Duke Cunningham, the indictment of Kentucky Gov. Ernie Fletcher and the conviction of former Illinois Gov. George Ryan, are some of the most recent scandals that contribute to the public’s growing mistrust of government.

In order to restore trust in government and protect our democracy, it is crucial to have in place common-sense, meaningful restrictions that prohibit unethical behavior and protect the public interest from the excessive influence of special interests.

What does this initiative do?

The proposed ballot initiative:

- Prohibits public officials, including a public officer, state legislator, local government official, or government employee, from soliciting or accepting certain monetary or in-kind gifts;
- Prohibits a professional lobbyist from giving anything of value to public officials or to their immediate family member;
- Establishes a “revolving door” provision to prohibit a statewide elected officeholder or state legislator from lobbying for two years following departure from office;
- Establishes penalties;
- Creates a five-member independent ethics commission to hear ethics complaints, assess penalties, and issue advisory opinions on ethics issues; and

- Specifies that the measure shall not apply to home rule jurisdictions that have adopted laws concerning matters covered by the measure.

What does Colorado’s law say about gifts to public officials?

- Colorado law makes bribery a felony, but is very permissive when it comes to gifts from lobbyists. For example, travel, lodging, honoraria for speeches and other events, meals and tickets to events are some of the gifts that state legislators and other public officials are allowed to accept freely.
- Specifically, according to state law, *“A public officer, a member of the general assembly, a local government official, or an employee shall not accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties; or which he knows or which a reasonable person in his position should know under the circumstances is primarily for the purpose of rewarding him for official action he has taken”*(C.R.S. 24-18-104. Rules of conduct for all public officers, members of the general assembly, local government officials, and employees).

However, exceptions to this limitation include:

- “Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which such public officer, member of the general assembly, local government official, or employee is scheduled to participate;
- “Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to such public officer, member of the general assembly, local government official, or employee which is not extraordinary when viewed in light of the position held by such public officer, member of the general assembly, local government official, or employee;
- “Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses, or tickets to sporting, recreational, educational, or cultural events; and
- “Payment for speeches, appearances, or publications.”

How does Colorado compare to other states in respect to limiting lobbyist gifts?

- According to the Center for Public Integrity, as of March 2006, Colorado was among 23 states that do not prohibit or limit lobbyist gifts, but simply require that lobbyists report gifts. In contrast, seven states have banned lobbyist gifts and 19 states limit gifts and require mandatory reporting by lobbyists.
- Colorado simply requires lobbyists to report any gift, including tickets and entertainment, totaling \$50 and above per public officials, including lawmakers, executive branch officials or rule-making bodies, according to the Associated Press State & Local Wire. Also, each January, state lawmakers are required to partially report only gifts worth \$50

or more that they received from lobbyists, while gifts under \$50 and all meals are exempt, according to Colorado Common Cause.

How does Colorado compare to other states in respect to “revolving door” provisions?

- In 2003, a 50-state survey of lobbying disclosure laws by the Center for Public Integrity ranked Colorado 25th in the nation with a score of 60. States with scores of 60 to 69 were considered barely passing, while scores below 60 were considered failing. Among the factors contributing to Colorado’s poor performance, the survey cited the absence of a “revolving door” provision that requires a cooling-off period before lawmakers can become lobbyists.
- According to the Center for Public Integrity, as of March 2006, Colorado was among 23 states without a “revolving door” provision to prevent former legislators from becoming lobbyists immediately after they leave office and having the “insider-advantage” in lobbying their former colleagues. Of the 27 states that have “revolving door” provisions, 20 states have a one-year moratorium, 6 states have a two-year moratorium, and North Carolina has a six-month moratorium.

What does this ballot initiative ask voters?

The proposed ballot initiative will ask voters the following question, as approved by the secretary of state:

- “Shall there be an amendment to the Colorado constitution concerning standards of conduct by persons who are professionally involved with governmental activities, and, in connection therewith, prohibiting a public officer, member of the general assembly, local government official, or government employee from soliciting or accepting certain monetary or in-kind gifts; prohibiting a professional lobbyist from giving anything of value to a public officer, member of the general assembly, local government official, government employee, or such person's immediate family member; prohibiting a statewide elected officeholder or member of the general assembly from personally representing another person or entity for compensation before any other such officeholder or member for a period of two years following departure from office; establishing penalties for a breach of public trust or inducement of such a breach; creating a five-member independent ethics commission to hear ethics complaints, to assess penalties, and to issue advisory opinions on ethics issues; and specifying that the measure shall not apply to home rule jurisdictions that have adopted laws concerning matters covered by the measure?”

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