

Amendment 54
Campaign Contributions from Certain Government Contractors

1 **Ballot Title:** An amendment to the Colorado constitution concerning restrictions on
2 campaign contributions, and, in connection therewith, prohibiting the holder of contracts
3 totaling \$100,000 or more, as indexed for inflation, awarded by state or local
4 governments without competitive bidding ("sole source government contracts"),
5 including certain collective bargaining agreements, from making a contribution for the
6 benefit of a political party or candidate for elective office during the term of the
7 contracts and for 2 years thereafter; disqualifying a person who makes a contribution in
8 a ballot issue election from entering into a sole source government contract related to
9 the ballot issue; and imposing liability and penalties on contract holders, certain of their
10 owners, officers and directors, and government officials for violations of the
11 amendment.

12 **Text of Proposal:**

13 Be it enacted by the people of the state of Colorado an amendment to the Colorado
14 constitution article XXVIII by the addition of the following new sections:

15 **Section 15:** Because of a presumption of impropriety between contributions to any
16 campaign and sole source government contracts, contract holders shall contractually
17 agree, for the duration of the contract and for two years thereafter, to cease making,
18 causing to be made, or inducing by any means, a contribution, directly or indirectly, on
19 behalf of the contract holder or on behalf of his or her immediate family member and
20 for the benefit of any political party or for the benefit of any candidate for any elected
21 office of the state or any of its political subdivisions.

22 **Section 16:** To aid in enforcement of this measure concerning sole source contracts, the
23 executive director of the department of personnel shall promptly publish and maintain
24 a summary of each sole source government contract issued. Any contract holder of a
25 sole source government contract shall promptly prepare and deliver to the executive
26 director of the department of personnel a true and correct "Government Contract
27 Summary," in digital format as prescribed by that office, which shall identify the names
28 and addresses of the contract holders and all other parties to the government contract,
29 briefly describe the nature of the contract and goods or services performed, disclose the
30 start and end date of the contract, disclose the contract's estimated amount or rate of
31 payment, disclose the sources of payment, and disclose other information as determined
32 by the executive director of the department of personnel which is not in violation of
33 federal law, trade secrets or intellectual property rights. The executive director of the
34 department of personnel is hereby given authority to promulgate rules to facilitate this
35 section.

1 **Section 17:** (1) Every sole source government contract by the state or any of its political
2 subdivisions shall incorporate article XXVIII, section 15, into the contract. Any person
3 who intentionally accepts contributions on behalf of a candidate committee, political
4 committee, small donor committee, political party, or other entity, in violation of section
5 15 has engaged in corrupt misconduct and shall pay restitution to the general treasury
6 of the contracting governmental entity to compensate the governmental entity for all
7 costs and expenses associated with the breach, including costs and losses involved in
8 securing a new contract if that becomes necessary. If a person responsible for the
9 bookkeeping of an entity that has a sole source contract with a governmental entity, or
10 if a person acting on behalf of the governmental entity, obtains knowledge of a
11 contribution made or accepted in violation of section 15, and that person intentionally
12 fails to notify the secretary of state or appropriate government officer about the violation
13 in writing within ten business days of learning of such contribution, then that person
14 may be contractually liable in an amount up to the above restitution.

15 (2) Any person who makes or causes to be made any contribution intended to promote
16 or influence the result of an election on a ballot issue shall not be qualified to enter into
17 a sole source government contract relating to that particular ballot issue.

18 (3) The parties shall agree that if a contract holder intentionally violates section 15 or
19 section 17 (2), as contractual damages that contract holder shall be ineligible to hold any
20 sole source government contract, or public employment with the state or any of its
21 political subdivisions, for three years. The governor may temporarily suspend any
22 remedy under this section during a declared state of emergency.

23 (4) Knowing violation of section 15 or section 17 (2) by an elected or appointed official
24 is grounds for removal from office and disqualification to hold any office of honor, trust
25 or profit in the state, and shall constitute misconduct or malfeasance.

26 (5) A registered voter of the state may enforce section 15 or section 17 (2) by filing a
27 complaint for injunctive or declaratory relief or for civil damages and remedies, if
28 appropriate, in the district court.

29 **[The following to replace article XXVIII, section 13]**

30 **Section 13: APPLICABILITY AND EFFECTIVE DATE.** The provisions of this
31 article shall take effect on December 6, 2002, and be applicable for all elections
32 thereafter, EXCEPT THAT THE PROVISIONS OF THIS ARTICLE CONCERNING
33 SOLE SOURCE GOVERNMENT CONTRACTS SHALL TAKE EFFECT ON
34 DECEMBER 31, 2008. Legislation may be enacted to facilitate its operation, but in no
35 way limiting or restricting the provisions of this article or the powers herein granted.

1 **Section 2 of article XXVIII of the constitution of the state of Colorado is amended**
2 **BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:**

3 (4.5) "Contract holder" means any non-governmental party to a sole source government
4 contract, including persons that control ten percent or more shares or interest in that
5 party; or that party's officers, directors or trustees; or, in the case of collective bargaining
6 agreements, the labor organization and any political committees created or controlled
7 by the labor organization;

8 (8.5) "Immediate family member" means any spouse, child, spouse's child, son-in-law,
9 daughter-in-law, parent, sibling, grandparent, grandchild, stepbrother, stepsister,
10 stepparent, parent-in-law, brother-in-law, sister-in-law, aunt, niece, nephew, guardian,
11 or domestic partner;

12 (14.4) "Sole source government contract" means any government contract that does not
13 use a public and competitive bidding process soliciting at least three bids prior to
14 awarding the contract. This provision applies only to government contracts awarded by
15 the state or any of its political subdivisions for amounts greater than one hundred
16 thousand dollars indexed for inflation per the United States bureau of labor statistics
17 consumer price index for Denver-Boulder-Greeley after the year 2012, adjusted every
18 four years, beginning January 1, 2012, to the nearest lowest twenty five dollars. This
19 amount is cumulative and includes all sole source government contracts with any and
20 all governmental entities involving the contract holder during a calendar year. A sole
21 source government contract includes collective bargaining agreements with a labor
22 organization representing employees, but not employment contracts with individual
23 employees. Collective bargaining agreements qualify as sole source government
24 contracts if the contract confers an exclusive representative status to bind all employees
25 to accept the terms and conditions of the contract;

26 (14.6) "State or any of its political subdivisions" means the state of Colorado and its
27 agencies or departments, as well as the political subdivisions within this state including
28 counties, municipalities, school districts, special districts, and any public or quasi-public
29 body that receives a majority of its funding from the taxpayers of the state of Colorado.