

# STATE OF COLORADO

OFFICES OF THE GOVERNOR  
AND THE ATTORNEY GENERAL



**Bill Ritter, Jr.**  
Governor

**John W. Suthers**  
Attorney General

February 29, 2008

All employees of the State of Colorado:

In February and again in June of 2007, we wrote to you regarding Amendment 41. In those letters we discussed pending litigation in which the plaintiffs were seeking to strike down portions of the Amendment. In May, a district court judge issued an injunction that temporarily suspended the enforcement of Amendment 41. That decision was appealed to the Colorado Supreme Court. On Monday, the Colorado Supreme Court reversed the district court and ordered the district court to lift the injunction on the enforcement of Amendment 41.

We are writing you today to provide an update on Amendment 41 in light of this week's Supreme Court decision, and to again ask for your patience as the contours of the Amendment are clarified by the Independent Ethics Commission in the coming weeks and months.

The district court enjoined Amendment 41 based upon concerns that its application could, among other things, unfairly limit the ability of the children of government employees to compete for college scholarships, restrict the ability of state employees to attend conferences and seminars vital to their careers, or even prohibit government employees from accepting gifts from family members other than on undefined "special occasions." In reaching its decision, the Supreme Court did not validate or dismiss these concerns. Instead, the Supreme Court held that Amendment 41 must first be interpreted and applied by the Independent Ethics Commission before the constitutionality of the measure can be reviewed by the courts.

The Independent Ethics Commission consists of five members. Four members are appointed by leaders in the legislative, executive, and judicial branches, and the fifth member is selected by the four appointees. The first four members have been appointed and the Commission is working diligently to select its fifth member. We expect the Commission will accomplish this within the next two weeks and will then be able to begin its work and start clarifying Amendment 41.

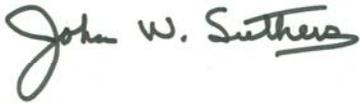
Specifically, Amendment 41 gives the Independent Ethics Commission the authority and responsibility to issue advisory opinions in response to specific questions. We, along with others, intend to request a number of advisory opinions that we believe will provide much needed clarity regarding what conduct is permitted and what conduct is prohibited.

If you have specific questions regarding how Monday's Supreme Court decision affects you, we encourage you to speak with a supervisor or manager in your department or agency. In the meantime, we will continue to provide guidance as Amendment 41 is interpreted and clarified by the Independent Ethics Commission. Thank you for the hard work you continue to do on behalf of the citizens of this State.

Sincerely,

A handwritten signature in black ink that reads "Bill Ritter Jr." in a cursive style.

Bill Ritter, Jr.  
Governor

A handwritten signature in black ink that reads "John W. Suthers" in a cursive style.

John W. Suthers  
Attorney General