

Colorado Independent Ethics & Anti-Corruption Act

FULL BILL

SECTION 1: TITLE

This Act shall be known as the "Colorado Independent Ethics & Anti-Corruption Act."

SECTION 2: PURPOSE

The purpose of this Act is to:

- Establish a comprehensive anti-corruption framework that addresses bribery, self-dealing, conflicts of interest, and abuses of power within Colorado's government.
- Create an independent, nonpartisan Ethics & Anti-Corruption Commission (EACC) to investigate and enforce ethical violations by public officials.
- Strengthen lobbying regulations to prevent undue influence on lawmakers and restrict the revolving door between government and industry.
- Enhance whistleblower protections to encourage reporting of corruption without fear of retaliation.
- Mandate financial transparency and disclosure for all elected officials and high-ranking government employees.
- Impose criminal penalties for misuse of public funds, bribery, and ethical violations that harm public trust.
- Ensure financial sustainability through fines, penalties, and voter-approved funding mechanisms compliant with the Taxpayer Bill of Rights (TABOR).

SECTION 3: DEFINITIONS

For the purposes of this Act:

- **"Public Official"** – Any elected official, government employee, appointed policymaker, or state contractor performing government functions.
- **"Conflict of Interest"** – A situation in which a public official has a financial or personal interest that could improperly influence their decision-making.
- **"Bribery"** – The offering, giving, receiving, or soliciting of anything of value with the intent to influence a public official in their duties.
- **"Lobbyist"** – Any individual or entity that receives payment to influence legislation, regulation, or government policy.
- **"Whistleblower"** – Any individual who provides documented evidence of government corruption, abuse of power, or illegal activities.

- **"Self-Dealing"** – When a public official uses their position to personally benefit financially, professionally, or politically.

SECTION 4: CREATION OF THE COLORADO ETHICS & ANTI-CORRUPTION COMMISSION (EACC)

Establishment:

- The Ethics & Anti-Corruption Commission (EACC) shall be created as an independent, nonpartisan oversight body.
- The Commission shall have full subpoena power to investigate ethical violations and corruption allegations.
- It shall be composed of seven members appointed as follows:
 - Two appointed by the Governor (one from a nonpartisan watchdog group, one with ethics law expertise).
 - Two appointed by the Speaker of the House (one former judge, one academic expert in public policy).
 - Two appointed by the President of the Senate (one retired law enforcement officer, one financial fraud expert).
 - One independent chairperson selected by unanimous agreement of the other six members.
- No member may have served as a current or former elected official, lobbyist, or corporate executive within the last 10 years.

Responsibilities:

- Conduct independent audits of financial disclosures and government transactions.
- Investigate allegations of bribery, conflicts of interest, self-dealing, and misconduct.
- Oversee enforcement of state lobbying laws and revolving door restrictions.
- Publish annual reports detailing findings, investigations, and penalties imposed.

Enforcement Authority:

- The EACC shall have subpoena power to compel testimony and access financial records.
- The EACC may refer cases to the Colorado Attorney General for prosecution.
- Public officials found guilty of serious ethics violations may face:
 - Immediate removal from office.
 - Permanent disqualification from holding future public office.
 - Forfeiture of illegally obtained financial gains.

SECTION 5: LOBBYING REFORM & REVOLVING DOOR BAN

Ban on Lobbying After Public Office (With First Amendment Compliance):

- No former elected official may engage in paid lobbying or accept payment for influencing legislation for five years after leaving office.
- This restriction only applies to direct lobbying efforts and does not restrict general political advocacy or unpaid issue-based speech.
- Violators shall be subject to a \$500,000 fine and a lifetime lobbying ban.

Lobbyist Donation & Gift Restrictions:

- Lobbyists may not contribute more than \$200 per election cycle to any candidate or elected official.
- Public officials may not accept gifts, travel, or payments from lobbyists exceeding \$250 in value per year.
- Violators will be subject to a \$50,000 fine and public disclosure of all unethical contributions.

SECTION 6: WHISTLEBLOWER PROTECTIONS & REWARDS

Protections for Whistleblowers:

- No whistleblower shall be fired, demoted, or retaliated against for reporting corruption.
- Any individual who retaliates against a whistleblower shall be guilty of a Class 4 felony, punishable by up to 7 years in prison.

Financial Rewards for Whistleblowers:

- Any whistleblower whose evidence leads to a successful corruption conviction shall receive 10% of the fines collected, up to \$250,000.
- If the whistleblower loses employment due to retaliation, the state shall cover lost wages and legal fees.

SECTION 7: CRIMINAL PENALTIES FOR CORRUPTION

Bribery & Abuse of Power (Class 3 Felony):

- Any public official convicted of bribery shall face 5-12 years in prison and a \$1 million fine.
- Individuals offering bribes shall face the same penalties.

Self-Dealing & Misuse of Public Funds (Class 4 Felony):

- Any public official using their position to financially benefit themselves, family members, or business partners shall face up to 7 years in prison and forfeiture of all illicit gains.

Failure to Disclose Conflicts of Interest (Class 5 Felony):

- Public officials failing to report financial conflicts of interest shall be fined \$500,000 and barred from office for 10 years.

SECTION 8: TRANSPARENCY & PUBLIC DISCLOSURE REQUIREMENTS

Mandatory Financial Disclosures:

- All elected officials and high-ranking government employees must disclose personal financial holdings, business interests, and sources of income.
- Failure to disclose shall result in a \$250,000 fine and possible removal from office.

Public Records & Meeting Transparency:

- Government meetings involving financial decisions must be recorded and made publicly available.
- No policymaker may hold undisclosed private meetings with corporate representatives regarding legislation.

SECTION 9: FUNDING & OVERSIGHT OF THE ETHICS & ANTI-CORRUPTION COMMISSION (EACC)

1. Self-Sustaining Funding Model:

- The EACC shall be fully funded through fines, penalties, and forfeitures collected under this Act.
- 15% of all corruption-related fines shall be allocated to EACC operations annually.
- The remaining 85% of collected funds shall be allocated as follows:
 - 40% to election security and public integrity programs.
 - 30% to whistleblower rewards and legal defense funds.
 - 20% to public corruption impact mitigation programs.
 - 10% to state-run public ethics education initiatives.

2. Voter-Approved Initial Funding & TABOR Compliance:

- A one-time voter-approved \$2 million allocation from the Colorado General Fund to ensure operational stability, repaid within five years using collected fines.

3. Alternative Revenue Streams for Long-Term Stability:

- Ethics Compliance Fee for State Contractors: 0.1% of public contracts over \$5 million.
- Lobbyist Oversight Fee: \$250 annual fee for registered lobbyists.
- Ethics Enforcement Public Grant Program: Federal and nonprofit grants.

SECTION 10: SEVERABILITY CLAUSE

If any provision of this Act is found unconstitutional or invalid, the remaining provisions shall remain in full effect.