

CONSTITUTION OF THE STATE OF COLORADO

Article XXIX. Ethics in Government

Current through November 8, 2016 Election

§ 5. Independent ethics commission

- (1) There is hereby created an independent ethics commission to be composed of five members. The purpose of the independent ethics commission shall be to hear complaints, issue findings, and assess penalties, and also to issue advisory opinions, on ethics issues arising under this article and under any other standards of conduct and reporting requirements as provided by law. The independent ethics commission shall have authority to adopt such reasonable rules as may be necessary for the purpose of administering and enforcing the provisions of this article and any other standards of conduct and reporting requirements as provided by law. The general assembly shall appropriate reasonable and necessary funds to cover staff and administrative expenses to allow the independent ethics commission to carry out its duties pursuant to this article. Members of the commission shall receive no compensation for their services on the commission.
- (2)
 - (a) Members of the independent ethics commission shall be appointed in the following manner and order:
 - (I) One member shall be appointed by the Colorado senate;
 - (II) One member shall be appointed by the Colorado house of representatives;
 - (III) One member shall be appointed by the governor of the state of Colorado;
 - (IV) One member shall be appointed by the chief justice of the Colorado supreme court; and
 - (V) One member shall be either a local government official or a local government employee appointed by the affirmative vote of at least three of the four members appointed pursuant to subparagraphs (I) to (IV) of this paragraph (a).
 - (b) No more than two members shall be affiliated with the same political party.
 - (c) Each of the five members shall be registered Colorado voters and shall have been continuously registered with the same political party, or continuously unaffiliated with any political party, for at least two years prior to appointment to the commission.
 - (d) Members of the independent ethics commission shall be appointed to terms of four years; except that, the first member appointed by the Colorado senate and the first

member appointed by the governor of the state of Colorado shall initially serve two year terms to achieve staggered ending dates.

- (e) If a member is appointed to fill an unexpired term, that member's term shall end at the same time as the term of the person being replaced.
 - (f) Each member shall continue to serve until a successor has been appointed, except that if a member is unable or unwilling to continue to serve until a successor has been appointed, the original appointing authority as described in this subsection shall fill the vacancy promptly.
- (3)
- (a) Any person may file a written complaint with the independent ethics commission asking whether a public officer, member of the general assembly, local government official, or government employee has failed to comply with this article or any other standards of conduct or reporting requirements as provided by law within the preceding twelve months.
 - (b) The commission may dismiss frivolous complaints without conducting a public hearing. Complaints dismissed as frivolous shall be maintained confidential by the commission.
 - (c) The commission shall conduct an investigation, hold a public hearing, and render findings on each non-frivolous complaint pursuant to written rules adopted by the commission.
 - (d) The commission may assess penalties for violations as prescribed by this article and provided by law.
 - (e) There is hereby established a presumption that the findings shall be based on a preponderance of evidence unless the commission determines that the circumstances warrant a heightened standard.
- (4) Members of the independent ethics commission shall have the power to subpoena documents and to subpoena witnesses to make statements and produce documents.
- (5) Any public officer, member of the general assembly, local government official, or government employee may submit a written request to the independent ethics commission for an advisory opinion on whether any conduct by that person would constitute a violation of this article, or any other standards of conduct or reporting requirements as provided by law. The commission shall render an advisory opinion pursuant to written rules adopted by the commission.

Source:

Initiated 2006: Entire article added, effective upon proclamation of the Governor, L. 2007, p. 2958, December 31, 2006.