



Polis: Ethics reform: opportunities, pitfalls and lessons learned

By Jared Polis
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Like the vast majority of Colorado voters, I supported an amendment to our state Constitution concerning ethics in government this past November. Colorado has a legacy of clean government, and with this latest measure, we can be proud that our state now has a law to safeguard its integrity by banning lobbyist gifts to politicians.

Democrats were swept into a national majority by an electorate fed up with corruption at the national level. Eliot Spitzer's first act as governor of New York was an executive order similar to Colorado's recent reforms. Likewise, Speaker Pelosi convinced her colleagues to support the most stringent ethical standards ever to prevent further incidences of the corruption that plagued the previous Congress.

The voters got ethics right by passing Amendment 41 so overwhelmingly, and the Legislature and governor have now stepped up and honored the will of the voters by implementing it as intended. With our strong new ethics law, Colorado will continue to lead the nation in clean, open, and transparent government.

Governor Ritter recently signed SB 210, which implements Colorado's new ethics law, Amendment 41, and addresses the concern that scholarships, disaster relief, and Nobel prizes might be affected by the amendment. The bill prevents government officials from receiving private gain from "a person seeking to influence an official act" of "a member of the General Assembly, local government official, or government employee."

While a final decision by the courts regarding the constitutional validity of the law is months away, the passage of the initiative was a clear step in the direction of ending the days of lobbyists buying gifts for state elected officials to "influence an official act."

While the effort to meaningfully and pragmatically implement Colorado's new ethics reform is now drawing to a successful conclusion for Colorado, we can learn some helpful lessons that will hopefully inform future local, state, and federal ethics reform efforts:

1) Ethics reform is important

My experiences through this effort have redoubled my sense of the importance of this kind of measure. The special-interest-lobbyist complex has far too much influence, and progressive reforms are difficult given the entrenched interests. Strong ethics reform can help level the playing field between the people and the powerful.

2) Craft bulletproof laws

Particularly in the thorny realm of ethics, laws should close any and all loopholes and ambiguities. Evidence of the importance of creating bulletproof laws is shown by the way the amendment's wording was used to create fear and confusion regarding scholarships for state employee's families.

Some sought to use confusion to undermine the central intent so clearly endorsed by the voters. The authors of amendment 41 should have worded it more artfully; the risk of the Legislature implementing it in bad faith was simply too great, as demonstrated by the very fact that a protracted debate ensued. With all ballot measures, but particularly with regard to ethics reform, great care should go into the crafting of each provision.

3) Courageous leaders deserve praise

Kudos to Sen. Steve Ward, R-Centennial, Speaker Andrew Romanoff, D-Denver, House Majority Leader Alice Madden, D-Boulder, and Rep. Rosemary Marshall, D-Denver, for having the courage and integrity to take on the challenge of implementing the will of the voters. I also have renewed respect for national leaders like Speaker Nancy Pelosi and Sen. Russ Feingold, who consistently fight for strong ethics laws, frequently against their own caucus.

4) Public involvement is critical

Despite the scare tactics, Coloradans knew better. In a poll from earlier this year, an almost unheard-of margin of 87 percent of Coloradans believed the Legislature should pass common-sense legislation to clarify Amendment 41 to "ensure that government employees and their families are able to receive scholarships, charity, inheritances, awards, and other reasonable gifts that are not intended to buy favors or influence their work." The strong unified voice of the public sent a resounding message to legislators to implement the will of the people.

5) Ethics Reform challenges the status-quo

Though wildly popular among the voters, there is a reason that ethics reform lags behind the public desire for it: Lobbyist gift bans are not popular among those who are affected by them. An insular culture of privilege pervades politics, and the echo chamber composed of lobbyists, insider media establishment, staff and elected officials sometimes serves to ridicule and mock attempts at reform.

Ethics in government is far too vital to be taken lightly. The integrity of our government is the cornerstone of our democracy, and it should come as no surprise that citizens of all political affiliations strongly support holding our elected leaders to the highest ethical standards. Colorado is well on its way to being a shining example for the nation.

Jared Polis of Boulder was a co-chair of Coloradoans for Clean Government and is a former chairman of the State Board of Education, a businessman and the superintendent of the New America School.

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