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Colo. Const. Art. XXIX, Section 1

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Colo. Const. Art. XXIX, Section 1

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Current and final through all legislation from the 2023 Regular Session

[Colorado Revised Statutes Annotated](#) [Constitution of the State of Colorado](#) [Article XXIX Ethics in Government](#)

Section 1. PURPOSES AND FINDINGS

(1) The people of the state of Colorado hereby find and declare that:

(a) The conduct of public officers, members of the general assembly, local government officials, and government employees must hold the respect and confidence of the people;

(b) They shall carry out their duties for the benefit of the people of the state;

(c) They shall, therefore, avoid conduct that is in violation of their public trust or that creates a justifiable impression among members of the public that such trust is being violated;

(d) Any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust; and

(e) To ensure propriety and to preserve public confidence, they must have the benefit of specific standards to guide their conduct, and of a penalty mechanism to enforce those standards.

(2) The people of the state of Colorado also find and declare that there are certain costs associated with holding public office and that to ensure the integrity of the office, such costs of a reasonable and necessary nature should be born by the state or local government.

History

Source: Initiated 2006: Entire article added, effective upon proclamation of the Governor, **L. 2007**, P. 2955, December 31, 2006.



▼ Annotations

Research References & Practice Aids

Hierarchy Notes:

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State Notes

ANNOTATION

Holding public officials to certain specific standards is a matter of statewide concern. Public officials must be held to specific standards in order to hold the respect and confidence of the people. The state has a particular interest in uniformity of regulation regarding ethics standards, and the extraterritorial impact of public officials who are not held to ethics standards is significant, as it undermines the public trust statewide. Matter of Cozad, Indep. Ethics Comm'n 17-28 (Feb. 12, 2018).

It would not violate this section for the secretary of state to serve as a member of the board of directors of a nonprofit entity registered with and regulated by the secretary of state's office, provided there is full disclosure and recusal where appropriate; however, this could create an appearance of impropriety as a result. Indep. Ethics Comm'n Advisory Opinion 09-06.

Acceptance of \$150 restaurant gift card by chief deputy district attorney given as an expression of appreciation for her service on an independent DNA review panel neither creates an appearance of impropriety nor weakens public confidence in government. Indep. Ethics Comm'n Advisory Opinion 14-22.

It would not pose any violation of the public trust or any principles in this article for a retired community college accounting professor to enter into a contract with the college since he was not involved in the accounting procedures at the college when he was employed there and the proposed contract does not involve a matter in which he was directly involved as a professor. Indep. Ethics Comm'n Advisory Opinion 10-08.

The possibility of a conflict of interest exists for a former department of human services employee to enter into a contract or seek employment with one of the direct service organizations that continues to contract with the department since the former employee's immediate employment will give the employing entity an advantage over other entities bidding state contracts and because of the department's concern that the former employee may provide other information to the employing entity that the department is not immediately prepared to implement or announce. Indep. Ethics

It would not pose a violation of the public trust or any principles of this article for a former employee of the department of health care policy and financing to enter into a contract with a consulting company to work on project management issues relating to a major health care provider. Indep. Ethics Comm’n Letter Ruling 10-02.

When seeking outside employment, the commission interprets the term “public trust” to mean that government employees and officials shall carry out their duties for the benefit of the people of the state, which includes an ongoing duty of loyalty to the state. Indep. Ethics Comm’n Advisory Opinion 17-05; Indep. Ethics Comm’n Advisory Opinion 17-06.

The appearance that access to members of the general assembly is available for a price and invitations from members to corporate donors to attend a fund-raising luncheon could be perceived as creating a justifiable impression among members of the public that the public trust is being violated. Indep. Ethics Comm’n Advisory Opinion 10-14.

Public may view waiver of oil and gas trade association conference fee for members of the general assembly as an opportunity for attendees to gain access to and engage policy-makers in subjects related to the conference and future policy-making efforts creating a potential conflict of interest or at least the appearance of impropriety. Indep. Ethics Comm’n Letter Ruling 16-02.

No violation of the public trust would occur if the housing division of the department of local affairs hired a qualified individual whose business has outstanding loans with the division, provided the individual would not have oversight or authority over his own contracts and his position would not be a “decision-making” or managerial position. Indep. Ethics Comm’n Advisory Opinion 11-11.

There is no conflict or appearance of impropriety created by the president of History Colorado paying fair market value from his personal funds to fly on the personal plane of one of History Colorado’s largest donors in order to participate in a trip to Washington, D.C. Indep. Ethics Comm’n Advisory Opinion 13-09.

In order to avoid the appearance of impropriety, local government officials who contract with the entity they serve in a public capacity should be removed from any involvement in the procurement process when his or her business is a potential bidder by erecting a wall between himself or herself and the local government purchasing or contracting for the goods or services to be provided by the official’s business. Indep. Ethics Comm’n Advisory Opinion 12-01.

Appearance of impropriety can weaken public confidence in government and create a perception of dishonesty, even among government officials who are in technical compliance with the law. Indep. Ethics Comm’n Advisory Opinion 17-10.

Individual seeking to hold office as county assessor or treasurer/public trustee

fairly, avoiding discretionary practices that would enrich the office holder or his business interests. Indep. Ethics Comm’n Advisory Opinion 17-10.

The public trust is not eroded by a conflict of interest or an appearance of impropriety where an individual holds a dual role as both a county commissioner and a director on the board of a regional transportation authority since she represents the county’s interests on the board, but is not expected to represent the authority’s interests in the official business of the county. Indep. Ethics Comm’n Advisory Opinion 17-04.

There is no violation of the public trust or appearance of impropriety if state employee receives profits from his patented design since he developed the design at the request of the employer, patented it only after obtaining permission from the agency, and agreed to put the needs of the people of the state first by not charging the department for present or future use of the design. Indep. Ethics Comm’n Advisory Opinion 15-04.

Acceptance by clerk and recorder’s office of gift from the Denver Broncos may create an appearance of impropriety since the office had established a private access arrangement for the team’s players conducting personal transactions with the office. Because the public may conclude that the gift was in exchange for a special favor, acceptance of the gift is impermissible under this article. Indep. Ethics Comm’n Advisory Opinion 14-01 (the portion of Advisory Opinion 14-01 that considers the value of a gift to be the sum total of gifts to a specific agency’s employees overturned in Letter Ruling 22-01).

Acceptance by driver’s license examiners of gifts from partner nonprofit organ procurement organization may create an appearance of impropriety, and subsection (1)(c) emphasizes that public employees should avoid any conduct that may violate the public trust or appear to violate the public trust. Indep. Ethics Comm’n Advisory Opinion 14-08.

The use of state resources for the deputy secretary of state to attend an out-of-state elections law seminar is a legitimate expenditure since the guidance he or she may receive from the chairman of the federal election commission scheduled to speak at the event and the other elections-related seminar topics would be very valuable to the deputy secretary’s office and pertain to the statutory duties allotted to the secretary of state by statute and, via his or her authorization, to the deputy secretary. Indep. Ethics Comm’n Advisory Opinion 14-13.

The use of thirty hours of state staff time to prepare the secretary of state for speaking engagement at an out-of-state seminar on ethics in election law appears to be a legitimate exercise of the secretary’s discretion on the use of resources allocated to his or her office and is not an abuse of the public trust. Indep. Ethics Comm’n Advisory Opinion 14-13.

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some benefit from the town employees in return. Public employees should avoid any conduct that may violate the public trust or appear to violate the public trust. Indep. Ethics Comm'n Advisory Opinion 14-21.

A local government official should avoid voting on or debating questions in a manner that may lead the public to perceive that the official is either placing his or her own private business interests in a position of competitive advantage or keeping those interests from being adversely affected by the decisions of the governing body. Indep. Ethics Comm'n Advisory Opinion 16-05.

A state legislator should consider whether acceptance of a venue at which to host a town hall meeting would create an appearance of impropriety even though it may be in compliance with one of the exceptions to the gift ban. Indep. Ethics Comm'n Advisory Opinion 17-03.

Government should pay for the security protection of its public officials and not the requestor, a section 527 tax-exempt political organization. Indep. Ethics Comm'n Letter Ruling 21-04.

Applied in Indep. Ethics Comm'n Advisory Opinion 10-11; Indep. Ethics Comm'n Advisory Opinion 11-12; Indep. Ethics Comm'n Advisory Opinion 16-02.

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