

Subject: Important message from Walter Isenberg, Steve Farber, Pat Hamill and Dan Ritchie - NO ON AMENDMENT 54
Importance: High

Colorado Concern Members:

Many of you have already made a contribution to support Colorado Businesses for Sensible Solutions (CBSS), the newly formed coalition that was instrumental in removing the four labor-sponsored ballot initiatives (Amendments 53, 55, 56 and 57). We appreciate your support, and collectively, we have come a long way in a short amount of time on the fundraising commitment of \$3 million - but we urgently need your financial support to ensure we meet our obligation.

Accordingly, we are asking every one of you to make a minimum contribution of \$10,000 or as much as \$100,000 – corporate or individual funds – by noon on Friday, October 24. Funds can be wired to the CBSS account (details attached) or checks can be couriered to Janice Sinden at the Colorado Concern office (140 East 19th Avenue, Suite 400, Denver, CO 80203 – Phone: 303.241.6607).

The campaign has refocused its attention and is now solely working to defeat Amendment 54.

Amendment 54 would prohibit entities that have a no-bid contract with any public entity from making a campaign contribution has a slight advantage in the polls. This amendment would have devastating impacts on both the business community as well as the nonprofit sector and therefore your financial support is urgently needed. For more information on Amendment 54 please read the information below which is followed by an editorial from The Denver Post advocating the defeat of this poorly crafted and potentially devastating amendment.

BACKGROUND:

Amendment 54 - Constitutional

Campaign Contributions for Certain Government Contractors:

Amendment 54 is focused on stopping entities that have a no-bid contract with any public entity from making campaign contributions to political parties, candidates and ballot campaigns.

Why oppose Amendment 54?

The proposal has First Amendment ramifications by politically silencing businesses that have a sole-source contract with a public entity. Additionally, the nonprofit sector is adversely affected as they may have sole-source contracts, such as the provisions for health care and social services. Rural Colorado is also impacted, as in some our state's

smaller communities there are limited numbers of businesses that are able/equipped to bid on public contracts, making a sole-source award more common.

editorial

Amendment 54 not what it says
By The Denver Post

10/01/2008

Government should make fair and transparent contractual agreements for the many services it seeks to conduct its business. We should all want that, but we shouldn't be fooled by a ballot initiative that cloaks itself in such a call for transparency.

Yes, our support of transparent and clean government is sacrosanct, but our view of the proposed Amendment 54 is that its backers are pretending to advocate for good government even while they endeavor to restrict fundamental freedoms.

Voters should send Amendment 54 packing.

Amendment 54 pretends to prevent campaign contributors or their associates or family members from winning contracts with state or local governments that total \$100,000 and are offered without competing bids.

In theory, that sounds like the kind of thing we normally go for. Who wouldn't expect government to ask for at least three bids for large contracts? Multiple bids should allow market competition to work its money-saving magic.

But Amendment 54's definition of no-bid contracts includes groups like labor unions and voter-approved utility monopolies in ways that would keep those groups from exercising free-speech rights.

By equating unions that represent government workers — like police and firefighters — as holders of "no-bid contracts," the language of Amendment 54 would lock into the Colorado Constitution a legal notion in defiance of federal collective bargaining laws dating back to 1935.

Federal law allows labor unions to have exclusive contracts for logical and simple reasons: Without those assurances, unions would have little to no power in representing their members.

Amendment 54 also would preclude voter-supported utilities, like Xcel Energy, from paying for their own campaigns for the franchises that allow them to continue doing business. State law allows municipalities to award sole-source franchises to companies like Xcel because the enormous infrastructure needs make it impractical to award contracts with multiple retail providers of natural gas and electricity.

But Amendment 54 would overturn that logic and prevent companies from funding campaigns for the right to hold these franchise contracts. Such a restriction overlooks the fact that the state's Public Utilities Commission already is charged with making sure licensees operate fairly and provide customers with good service at reasonable rates.

The damage that Amendment 54 would do to existing legal and voter-supported arrangements that benefit Coloradans would be excessive. It also is preventable.

Vote "no" on Amendment 54.

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