

MODEL EXECUTIVE ORDER TO REQUIRE DISCLOSURE OF POLITICAL SPENDING BY GOVERNMENT CONTRACTORS

The following model Executive Order is an anti-corruption measure that can be implemented by state and local officials, such as governors and mayors, to require third-party service providers or contractors to publicly disclose political contributions for period prior to their business with the state or local government. The Executive Order also directs the department or agency responsible for procurement to adopt rules and regulations to enforce the order. It is based upon a draft White House Executive Order that was made public in the Spring of 2011.

MODEL EXECUTIVE ORDER

WHEREAS, our current economic and political climate and budget challenges require that government be more diligent to ensure that public funds are used appropriately and effectively; and

WHEREAS, the *State/local government* has an interest and obligation to ensure that every stage of the contracting process be free from the undue influence of factors extraneous to the underlying merits of contract decision making, such as political activity or favoritism; and

WHEREAS, it is important that residents and taxpayers of the state of *State/local government* have the utmost confidence in the contracting process; and

WHEREAS, the *State/local government* has an interest and obligation to ensure the integrity of the state contracting system is transparent and merit-based in order to produce the most economical and efficient results for its residents;

NOW, THEREFORE, I, *Name, Governor/County Executive/ Mayor* of the *State/local government* by virtue of the power vested in me by the *State Constitution/City or County Charter* and statues do hereby order and direct that:

Section 1. Every *state/county/municipal* contracting department and agency shall require all entities submitting offers for *state/county/municipal* contracts to disclose certain political contributions and expenditures that they have made within the two years prior to the submission of their offer.

This disclosure shall include:

- (a) All contributions or expenditures to or on behalf of *state/county/municipal* candidates, parties or party committees made by the bidding entity, its directors or officers, or any affiliates or subsidiaries within its control; and
- (b) Any contributions made to third-party entities with the intention or reasonable expectation that such parties would use those contributions to make independent expenditures or electioneering communications.

This disclosure shall be required whenever the aggregate amount of such contribution and expenditure made by the bidding entity, its directors or officers, and its affiliates or subsidiaries exceeds \$500 to a given recipient during a given year.

Section 2. All disclosed data will be made publicly available in a centralized, searchable, sortable, downloadable and machine readable format on *state/county/municipal.gov* as soon as practicable upon submission.

Section 3. On or before the end of this calendar year, the *respective bureau in charge of procurement* shall adopt such rules and regulations and issue such orders as are deemed necessary and appropriate to carry-out this order. Such rules, regulations and orders shall minimize the costs of compliance for contractors and shall not interfere with the ability of contractors or their officers or employees to engage in political activities to the extent otherwise permitted by law.

Section 4. Each contracting department or agency shall cooperate with the *respective bureau in charge of procurement* and provide such information and assistance as the *respective bureau in charge of procurement* may require in the performance of its functions under this order.

Section 5.

- (a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- (b) This order is not intended to, and does not; create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the *State/local government*, its departments, agencies or entities, its officers, employees, or agents, or any other person.

Section 6. This order shall take effect immediately, and shall apply to contracts resulting from solicitations issued on or after the effective date of this order.

Signed and sealed with the official seal of *government entity* on this *day* of *month* *year* at *location where the executive order is signed*.

By:

Name