



August 19, 2013

The Honorable Scott Gessler  
Secretary of State  
Department of State  
1700 Broadway  
Denver, CO 80209

**Re: Proposed lobbyist rules**

Dear Secretary Gessler:

Common Cause is a nonpartisan, nonprofit organization that is dedicated to restoring the core values of American democracy, reinventing an open, honest and accountable government that serves the public interest, and empowering ordinary people to make their voices heard in the political process. We appreciate the opportunity to comment on the proposed changes to the lobbyist rules.

**Rule 3**

Common Cause encourages the Department of State to add language to draft rule 3 in the lobbyist regulations that delineates the requirements for the monthly disclosure report, or at the very least, maintains the statutory references contained in the current rule 4.2.

**Rule 5**

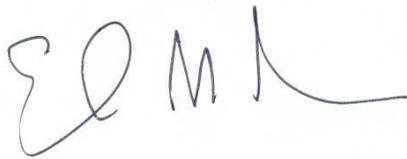
Common Cause opposes removing the language from proposed rule 5.4 that is contained in the current rule 6.3. Proposed rule 5.4 appears to eliminate admonishment as an appropriate action when suspension or revocation of the lobbyist's registration is not appropriate. Common Cause believes that it is appropriate to maintain the specificity of current rules 6.3.3 and 6.3.4, which clearly distinguish the factors to be considered when the Secretary of State is pursuing suspension versus revocation of a lobbyist's certificate of registration. Common Cause believes that there must be clear standards for oversight of lobbyist regulation. The proposed rules have eliminated the clear standards that previously existed.

Common Cause also opposes removing the definition of "substantial violation" from the lobbyist rules and would encourage the Department of State to incorporate current rule 1.6 into draft rule

5.6. The current definitions provide further guidance and clarification of the statute. We do not believe that the determination of whether or not a violation is substantial should be left solely to the discretion of the Department of State. For public confidence in the fair administration of lobbyist regulations, it is important that there be transparency regarding the list of violations that constitute a substantial violation. We think the specificity of the current rule is important and should not be repealed.

Thank you for the opportunity to provide feedback on these rules. Please let me know if you would like additional information or would like to discuss any of the above comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'E Nunez', with a long horizontal flourish extending to the right.

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