



Notice of Proposed Rulemaking

Office of the Secretary of State Rules Concerning Lobbyist Regulation 8 CCR 1505-8

October 4, 2019

I. Hearing Notice

As required by the State Administrative Procedure Act,¹ the Secretary of State gives notice of proposed rulemaking. The hearing is scheduled for **November 15, 2019 at 1:00 p.m.** in the Blue Spruce Conference Room on the 2nd floor of the Secretary of State's Office at 1700 Broadway, Denver, Colorado 80290.

II. Subject

The Secretary is considering amendments and recodification of the rules concerning lobbyist regulation² to improve the administration and enforcement of Colorado laws regarding lobbyist regulation.³

Specifically, the Secretary is considering rule revisions necessary to ensure proper administration of additional legislation recently passed by the Colorado General Assembly; eliminate obsolete provisions; organize existing rules for clarity; simplify the language of existing rules; remove language that is duplicative of statute or constitutional provisions; and ensure consistency with Department rulemaking standards. The Secretary may consider additional rule amendments.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

In a separate effort, the Secretary of State's Lobbyist Program is developing a policy manual to help lobbyists understand and comply with those legal requirements set out in the constitution, statute, and rule. Our office will provide more details and make the manual available to stakeholders online as soon as possible upon conclusion of this rulemaking proceeding.

III. Statutory authority

¹ Section 24-4-103(3)(a), C.R.S. (2019).

² 8 CCR 1505-8.

³ Part 3 of Article 6 of Title 24, C.R.S. (2019).

The Secretary proposes the rule revisions and amendments in accordance with the following statutory provisions:

- Section 24-6-303(6.3)(a), C.R.S., (2019), which authorizes the Secretary of State to adopt rules concerning the manner in which reports filed by lobbyists may be filed electronically, including but not limited to the information to be contained in such reports, the procedure for amending such reports, and public access to the electronic filing system.
- Section 24-6-305(2)(b), C.R.S., (2019), which authorizes the Secretary of State to adopt rules and regulations to define, interpret, implement, and enforce the provisions of and to prevent the evasion of the requirements of the Colorado lobbyist regulation law (Part 3, Article 6, Title 24 of the Colorado Revised Statutes).

IV. Copies of draft rules

A preliminary draft of the proposed rules is posted on the Secretary of State's rules and notices of rulemaking website at:

www.sos.state.co.us/pubs/rule_making/hearings/2019/LobbyistRulesHearing20191115.html.

You may also contact our office to request a paper or editable electronic copy of the draft rules.

As required by the State Administrative Procedures Act,⁴ if changes are made before the hearing, revised proposed draft rules will be available to the public and posted on the website by November 8, 2019.

V. Opportunity to testify and submit written comments

The Secretary values your feedback in our rulemaking process and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the attached proposed draft rules.

Everyone will have the opportunity to testify and provide written comment concerning the rule amendments. To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

You may submit written comments by mail, email, or in person to our office any time before the hearing. If you attend the hearing, you may submit written comments to the hearing panel as well. Additional opportunity to comment in writing may be announced at the conclusion of the hearing.

All written comments will be posted online at the Secretary of State website:

www.sos.state.co.us/pubs/rule_making/hearings/2019/LobbyistRulesHearing20191115.html.

⁴ Section 24-4-103(3)(a), C.R.S. (2019). "Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing."

We will redact contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor.

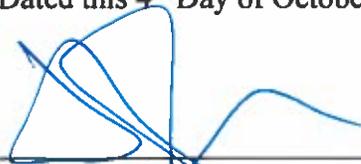
VI. Broadcast and audio recording of hearing

If you are unable to attend the hearing, you may listen to the live broadcast from the Blue Spruce Conference Room online at www.sos.state.co.us/pubs/info_center/audioBroadcasts.html. After the hearing, visit the same website and click on “archived recordings” to access an audio recording of the hearing.

VII. Office contact

If you have any questions or would like to submit written comments, please contact Andrea Gyger with the Administration Division at SoS.Rulemaking@sos.state.co.us or (303) 894-2200 ext. 6329.

Dated this 4th Day of October, 2019.



Jenny Flanagan
Deputy Secretary of State

For

Jena Griswold
Colorado Secretary of State



Draft Statement of Basis, Purpose, and Specific Statutory Authority

Office of the Secretary of State Rules Concerning Lobbyist Regulation 8 CCR 1505-8

October 4, 2019

I. Basis and Purpose

This statement explains proposed amendments and recodification of the Colorado Secretary of State rules concerning lobbyist regulation.¹ The rules are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado laws regarding lobbyist regulation² as follows:

In general, rules duplicative of statute have been repealed to match departmental rulemaking standards. Footnotes have also been repealed to match departmental rulemaking standards. Those rules remaining have in some cases been re-ordered to better clarify what is required by rule.

Specific proposed changes include:

- Repeal of current Rules 1.1 through 1.3. These rules are duplicative of statute and do not match departmental rulemaking standards.
- Relocation of current Rule 1.3.2(g) to New Rule 2.2.2(a) to better clarify what is required by rule.
- Repeal of current Rule 1.4. This rule is duplicative of statute and does not match departmental rulemaking standards
- New Rules 1.1 through 1.4 to ensure uniform and proper administration of lobbyist regulation law in Colorado.
- New Rules 1.8 through 1.9 to ensure uniform and proper administration of lobbyist regulation law in Colorado.
- Repeal of Rule 1.10. This rule is duplicative of statute and does not match departmental rulemaking standards.

¹ 8 CCR 1505-8.

² Part 3 of Article 6 of Title 24, C.R.S. (2019).

- New Rules 2.2 through 2.3 to prescribe the proper use of the electronic filing system maintained by the Secretary of State.
- New Rule 2.4 to better enforce lobbyist regulation law in Colorado.
- Amendments to renumbered Rules 2.5 and 2.6 (formerly Rules 2.2 and 2.2.2) to better prescribe the proper use of the electronic filing system maintained by the Secretary of State and to remove duplicative references to statute to better match departmental rulemaking standards.
- Amendments to renumbered Rules 2.7 and 2.8 (formerly Rules 2.2.3 and 2.2.4) concerning new client disclosure and disclosure requirements during the session, to ensure uniform and proper administration of lobbyist regulation law in Colorado, to implement changes required by HB 19-1248, and to remove duplicative references to statute to better match departmental rulemaking standards.
- Amendments to Rule 3.2.2 to better prescribe the proper use of the electronic filing system maintained by the Secretary of State and to remove duplicative references to statute to better match departmental rulemaking standards.
- Amendments to Rule 4 to better prescribe the enforcement process the department will take when enforcing lobbyist regulation law in Colorado.
- Amendments to Rule 4.1 to remove duplicative references to statute to better match departmental rulemaking standards.
- Repeal of current Rule 4.2. The waiver process has been restated and moved to Rule 5.
- Repeal of current Rules 4.3 through 4.5. The entire enforcement process has been restated and reordered in Rule 4.
- Amendments to Rule 5 to better prescribe the enforcement process the department will take when enforcing lobbyist regulation law in Colorado, and more specifically, prescribing the process by which the department may grant waivers or reduction of penalties associated with enforcing lobbyist regulation law in Colorado.
- Repeal of current Rule 6. This rule is duplicative of statute and does not match departmental rulemaking standards.
- New Rule 6 to ensure uniform and proper administration of lobbyist regulation law in Colorado.

Other changes to rules not specifically listed are non-substantive and necessary for consistency with Department rulemaking format and style. Cross-references in rules are also corrected or updated.

In a separate effort, the Secretary of State's Lobbyist Program is developing a policy manual to help lobbyists understand and comply with those legal requirements set out in the constitution, statute,

and rule. Our office will provide more details and make the manual available to stakeholders online as soon as possible upon conclusion of this rulemaking proceeding.

II. Rulemaking Authority

The statutory and constitutional authority is as follows:

- Section 24-6-303(6.3)(a), C.R.S., (2019), which authorizes the Secretary of State to adopt rules concerning the manner in which reports filed by lobbyists may be filed electronically, including but not limited to the information to be contained in such reports, the procedure for amending such reports, and public access to the electronic filing system.
- Section 24-6-305(2)(b), C.R.S., (2019), which authorizes the Secretary of State to adopt rules and regulations to define, interpret, implement, and enforce the provisions of and to prevent the evasion of the requirements of the Colorado lobbyist regulation law (Part 3, Article 6, Title 24 of the Colorado Revised Statutes).