

Revised Draft of Proposed Rules

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

April 14, 2021

Disclaimer:

The proposed draft rules have changed. This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on March 1, 2021. These revised proposed rules will be considered at the April 19, 2021 rulemaking hearing.

In accordance with the State Administrative Procedure Act, this revised copy of the proposed rules is made available to the public and posted on the Department of State's website.¹

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
Strikethrough	Deletions
Shading	Revisions to March 1, 2021 preliminary draft rules
<i>Italic blue font text</i>	Annotations

Amendments to 8 CCR 1505-8 follow:

1 *New definitions; Rules 1.1 and 1.9:*

2 1.1 "CONTRACT" MEANS A WRITTEN OR VERBAL AGREEMENT BETWEEN A CLIENT AND A PERSON FOR
3 LOBBYING SERVICES INCLUDING COMMUNICATING DIRECTLY OR INDIRECTLY WITH A MEMBER OF A
4 REDISTRICTING COMMISSION OR THEIR STAFF FOR THE PURPOSES OF AIDING OR INFLUENCING SUCH
5 REDISTRICTING COMMISSION OR THEIR STAFF ON BEHALF OF A CLIENT BEFORE A REDISTRICTING
6 COMMISSION.

7 *[Not shown: current Rules 1.1 through 1.7 are renumbered to Rules 1.2 through 1.8]*

8 1.9 "REDISTRICTING COMMISSION LOBBYIST" MEANS A PERSON WHO IS CONTRACTED OR COMPENSATED TO
9 COMMUNICATE DIRECTLY OR INDIRECTLY, INCLUDING THROUGH PROVIDING PUBLIC COMMENT, WITH A
10 ~~MEMBER OF A REDISTRICTING COMMISSION AS A WHOLE, WITH AN INDIVIDUAL MEMBER OF A~~

¹ Section 24-4-103(4)(a), C.R.S. (2020). "[A]ny 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."

1 REDISTRICTING COMMISSION, OR WITH REDISTRICTING COMMISSION STAFF, TO ADVOCATE FOR THE
2 ADOPTION OR REJECTION OF ANY MAP, AMENDMENT TO A MAP, MAPPING APPROACH, OR MANNER OF
3 COMPLIANCE WITH ANY OF THE MAPPING CRITERIA SPECIFIED IN ARTICLE V, SECTIONS 44.3 AND 48.1 OF
4 THE COLORADO CONSTITUTION, OR TO OTHERWISE AIDE OR INFLUENCE SUCH REDISTRICTING
5 COMMISSION, COMMISSIONER, OR STAFF. ~~FOR THE PURPOSES OF AIDING OR INFLUENCING SUCH~~
6 ~~REDISTRICTING COMMISSION OR THEIR STAFF.~~

7 *[Not shown: current Rules 1.8 through 1.11 are renumbered to Rules 1.10 through 1.13]*

8 *New Rule 4 concerning redistricting commission lobbyist requirements:*

9 **RULE 4. REDISTRICTING COMMISSION LOBBYISTS**

10 4.1 REGISTRATION

11 4.1.1 A REDISTRICTING COMMISSION LOBBYIST MUST REGISTER ELECTRONICALLY VIA THE SECRETARY
12 OF STATE'S WEBSITE. THE REGISTRATION MUST CONTAIN:

13 (A) THE REDISTRICTING COMMISSION LOBBYIST'S FULL NAME, EMAIL ADDRESS, BUSINESS
14 ADDRESS, AND BUSINESS TELEPHONE NUMBER;

15 (B) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ALL CLIENTS THAT CONTRACT WITH
16 OR COMPENSATE THE REDISTRICTING COMMISSION LOBBYIST;

17 4.1.2 THERE IS NO REGISTRATION FEE FOR A REDISTRICTING COMMISSION LOBBYIST.

18 4.1.3 IF APPLICABLE, A PERSON, WHO IS ALREADY REGISTERED WITH THE SECRETARY OF STATE'S
19 OFFICE AS A PROFESSIONAL LOBBYIST MUST ALSO REGISTER AS A REDISTRICTING COMMISSION
20 LOBBYIST.

21 4.2 DISCLOSURE

22 4.2.1 A REDISTRICTING COMMISSION LOBBYIST MUST DISCLOSE, WITHIN 72 HOURS:

23 (A) ANY CONTRACTS ~~EXECUTED~~ TO ENGAGE ON BEHALF OF A CLIENT IN COMMUNICATION
24 DIRECTLY OR INDIRECTLY WITH A MEMBER OF A REDISTRICTING COMMISSION ~~OR THEIR~~
25 ~~STAFF~~ FOR THE PURPOSES OF AIDING OR INFLUENCING SUCH REDISTRICTING
26 COMMISSION OR THEIR STAFF, INCLUDING THE START DATE AND END DATE OF SUCH A
27 CONTRACT;

28 (B) ANY COMPENSATION RECEIVED TO ENGAGE ON BEHALF OF A CLIENT IN COMMUNICATION
29 DIRECTLY OR INDIRECTLY WITH A MEMBER OF A REDISTRICTING COMMISSION ~~OR THEIR~~
30 ~~STAFF~~ FOR THE PURPOSES OF AIDING OR INFLUENCING SUCH REDISTRICTING
31 COMMISSION OR THEIR STAFF, INCLUDING THE VALUE OF ANY NON-MONETARY
32 COMPENSATION; OR

33 (C) TERMINATION OF ANY CONTRACT.

34 4.2.2 A REDISTRICTING COMMISSION LOBBYIST MUST DISCLOSE THE APPLICABLE COMMISSION.

35 4.3 COMPLAINTS. ANY PERSON WHO BELIEVES THAT A REDISTRICTING COMMISSION LOBBYIST IS NOT
36 COMPLYING WITH THIS RULE 4, MAY FILE A COMPLAINT WITH THE SECRETARY OF STATE IN ACCORDANCE
37 WITH RULE 5.1.

38 *[Not shown: current Rules 4 through 6 are renumbered to Rules 5 through 7]*

1 *Current Rules 4.5.2, 4.5.3, 4.6.3 are renumbered as Rules 5.5.2, 5.5.3, 5.6.3, and include amendments to*
2 *update cross-references:*

3 ~~4.5.2~~ 5.5.2 If the division conducts an investigation, it will do so within 28 days from the date
4 of the notification sent in Rule ~~4.3~~ 5.3. The division may extend this time period at its
5 discretion.

6 ~~4.5.3~~ 5.5.3 If, after its investigation, the division does not have reasonable grounds to
7 believe that a violation of section 24-6-301 et. seq. C.R.S. has occurred, or otherwise
8 concludes that enforcement pursuant to Rule ~~4.6~~ 5.6 is not warranted then the division
9 must make a motion to the Secretary of State or their designee to dismiss the complaint
10 as a final agency decision.

11 ~~4.6.3~~ 5.6.3 Following a hearing under Rule ~~4.6.1~~ 5.6.1, the Secretary of State or their
12 designee may dismiss the complaint or take any of the actions listed in Rule ~~4.6.1~~ 5.6.1.
13 The decision following a hearing is a final agency decision.