



Notice of Temporary & Permanent Adoption

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

May 28, 2021

I. Adopted Rule Amendments

As authorized by Colorado Laws Regarding Lobbyist Regulation,¹ and the State Administrative Procedure Act², the Colorado Secretary of State gives notice that the following amendments to the Rules Concerning Lobbyist Regulation³ are adopted on a temporary and permanent basis.

The rules were considered at the April 19, 2021 webinar rulemaking hearing in accordance with the State Administrative Procedure Act⁴.

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
Strikethrough	Deletions
<i>[Italic blue font text]</i>	Annotations and publication notes

Amendments to 8 CCR 1505-8 follow:

New definitions Rules 1.1, 1.9, and 1.10:

New Rule 1.1 (temporarily adopted on 3/1/21) is amended and adopted as follows:

- 1.1 "Contract" means a written or verbal agreement between a client and a person for lobbying services including communicating directly or indirectly with ~~a member of a redistricting commission, AS DEFINED UNDER RULE 1.9, for the purposes of aiding or influencing such redistricting commission or their staff~~ IN THEIR CONSTITUTIONALLY PRESCRIBED DUTIES on behalf of a client ~~before a redistricting commission.~~

¹ Part 3 of Article 6 of Title 24, C.R.S. (2020).

² Section 24-4-103(3)(a), C.R.S. (2020).

³ 8 CCR 1505-8.

⁴ Section 24-4-103(3)(a), C.R.S. (2020).

[Not shown: maintaining the renumbering amendments that were temporarily adopted on 3/1/21 concerning current Rules 1.2 through 1.8]

- 1.9 "REDISTRICTING COMMISSION" MEANS THE INDEPENDENT CONGRESSIONAL REDISTRICTING COMMISSION AND THE INDEPENDENT LEGISLATIVE REDISTRICTING COMMISSION, AS CREATED UNDER SECTIONS 44 AND 46 OF ARTICLE V OF THE COLORADO CONSTITUTION. FOR THE PURPOSES OF THESE RULES, "REDISTRICTING COMMISSION" INCLUDES THE COMMISSION AS A WHOLE, AN INDIVIDUAL MEMBER OF THE COMMISSIONS, THEIR STAFF, OR PERSONS CONTRACTED BY THE COMMISSIONS.

New Rule 1.10 (temporarily adopted as Rule 1.9 on 3/1/21) is amended and adopted as follows:

- ~~1.9~~-1.10 "Redistricting commission lobbyist" means a person who is contracted or compensated to communicate directly or indirectly, INCLUDING THROUGH PROVIDING PUBLIC COMMENT, with a ~~member of a redistricting commission for the purposes of aiding or influencing such redistricting commission or their staff.~~ TO ADVOCATE FOR THE ADOPTION OR REJECTION OF ANY MAP, AMENDMENT TO A MAP, MAPPING APPROACH, OR MANNER OF COMPLIANCE WITH ANY OF THE MAPPING CRITERIA SPECIFIED IN ARTICLE V, SECTIONS 44.3 AND 48.1 OF THE COLORADO CONSTITUTION, OR TO OTHERWISE AIDE OR INFLUENCE SUCH COMMISSION IN THEIR CONSTITUTIONALLY PRESCRIBED DUTIES. A PERSON REPRESENTING A CLIENT ON AN UNCOMPENSATED BASIS FOR THE PURPOSES LISTED ABOVE IS A REDISTRICTING COMMISSION LOBBYIST.

[Not shown: renumbering current Rules 1.10 through 1.13 as Rules 1.11 through 1.14]

New Rule 4 concerning redistricting commission lobbyist requirements (temporarily adopted on 3/1/21) is amended and adopted as follows:

Rule 4. Redistricting commission lobbyists

4.1 Registration

4.1.1 A redistricting commission lobbyist must register electronically via the Secretary of State's website. The registration must contain:

- (a) The redistricting commission lobbyist's full name, email address, business address, and business telephone number;
- (b) The name, address, and telephone number of all clients that contract with or compensate the redistricting commission lobbyist;

4.1.2 There is no registration fee for a redistricting commission lobbyist.

4.1.3 If applicable, a person, who is already registered with the Secretary of State's office as a professional lobbyist must also register as a redistricting commission lobbyist.

4.2 Disclosure

4.2.1 A redistricting commission lobbyist must disclose, within 72 hours:

- (a) Any contracts ~~executed~~ to engage on behalf of a client in communication directly or indirectly with a ~~member of a redistricting commission for the purposes of aiding or influencing such redistricting commission or their staff~~ IN THEIR CONSTITUTIONALLY PRESCRIBED DUTIES, including the start date and end date of such a contract;

- (b) Any compensation received to engage on behalf of a client in communication directly or indirectly with ~~a member of a redistricting commission~~ for the purposes of aiding or influencing such ~~redistricting commission or their staff~~ IN THEIR CONSTITUTIONALLY PRESCRIBED DUTIES, including the value of any non-monetary compensation; or
- (c) Termination of any contract.

4.2.2 A redistricting commission lobbyist must disclose the applicable commission.

4.3 Complaints. Any person who believes that a redistricting commission lobbyist is not complying with this Rule 4, may file a complaint with the Secretary of State in accordance with Rule 5.1.

[Not shown: maintaining the renumbering amendments that were temporarily adopted on 3/1/21 concerning current Rules 5 through 7]

Rules 5.5.2, 5.5.3, 5.6.3 (maintaining the renumbering and updated cross-references that were temporarily adopted on 3/1/21):

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

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

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

II. Basis, Purpose, and Specific Statutory Authority

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

III. Statement of Justification and Reasons for Adoption of Temporary Rules

A statement of the Secretary of State's findings to justify the immediate adoption of these new and amended rules on a temporary basis follows this notice and is incorporated by reference.⁵


III. Effective Date of Adopted Rules

These new and amended rules are immediately effective on a temporary basis. The rules will become permanently effective twenty days after publication in the Colorado Register.⁶

⁵ Section 24-4-103(6), C.R.S. (2020).

⁶ Section 24-4-103(5), C.R.S. (2020).

Dated this 28th day of May, 2021,



Christopher P. Beall
Deputy Secretary of State

For

Jena Griswold
Colorado Secretary of State



Statement of Basis, Purpose, and Specific Statutory Authority

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

May 28, 2021

I. Basis and Purpose

This statement explains amendments to 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 regulation.²

In 2018, Colorado voters passed Amendments Y and Z to the Colorado Constitution that created independent redistricting commissions at the Congressional and State Legislative levels responsible for redrawing congressional and state legislative districts following the 2020 census. On March 1, 2021, the Secretary adopted temporary rules to facilitate implementation of Sections 44.2(4)(b)(III) and 48(4)(b)(III) of Article V of the Colorado Constitution concerning the new congressional and state redistricting commissions.

Today, the Secretary permanently adopts the rules, including additional amendments. The Secretary simultaneously adopts these rules on a temporary basis, effective immediately to ensure continuity of the rules.

Amendments include:

- New Rule 1.1 defines “contract”.
- New Rule 1.9 defines “redistricting commission”.
- New Rule 1.10 defines “redistricting commission lobbyist”.
- New Rule 4 to establish rules concerning redistricting commission lobbyists.
 - New Rule 4.1 clarifies registration and reporting requirements for redistricting commission lobbyists.

¹ 8 CCR 1505-8.

² Part 3 of Article 6 of Title 24, C.R.S. (2020).

- New Rule 4.2 clarifies disclosure requirements.
- New Rule 4.3 clarifies that complaints can be filed against redistricting committee lobbyists.

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

Written comments received during this rulemaking session are available online at: https://www.sos.state.co.us/pubs/rule_making/hearings/2021/LobbyRulesHearing20210419.html
All comments are incorporated into the official rulemaking record.

II. Rulemaking Authority

The statutory authority is as follows:

- Section 24-6-303(6.3)(a), C.R.S., (2020), which authorizes the Secretary of State to promulgate rules concerning electronic filing of required reports including information that the reports must contain.
- Section 24-6-305(2)(b), C.R.S., (2020), which authorizes the Secretary of State to adopt rules and regulations to define, interpret, implement, and enforce the provisions of the Colorado lobbyist regulation law (Part 3, Article 6, Title 24 of the Colorado Revised Statutes).



Statement of Justification and Reasons for Adoption of Temporary Rules

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

May 28, 2021

New Rules: 1.1, 1.9, 1.10 and 4.

Maintain renumbering and cross-reference updates that were temporarily adopted on March 1, 2021.

In accordance with Colorado Laws Regarding Lobbyist Regulation,¹ the Secretary of State finds that certain amendments to the existing Rules Concerning Lobbyist Regulation must be adopted and effective immediately to ensure the uniform and proper administration and enforcement of Colorado Laws Regarding Lobbyist Regulation.

On March 1, 2021, the Secretary temporarily adopted rules to facilitate implementation of Sections 44.2(4)(b)(III) and 48(4)(b)(III) of Article V of the Colorado Constitution and to cover the new registration and reporting requirements for persons advocating before one of the newly created redistricting commissions. Today, the Secretary permanently adopted the rules including additional amendments. Simultaneously, the Secretary adopts these rules on a temporary basis. The rules are immediately effective as is necessary to ensure continuity of the rules and to provide clear guidance to interested parties, including, but not limited to: professional lobbyists, lobbying firms, redistricting commission lobbyists, volunteer lobbyists, lobbyist clients, state liaisons, and the general public.

For these reasons, and in accordance with the State Administrative Procedure Act, the Secretary of State finds that temporary adoption of the amendments to existing Rules Concerning Lobbyist Regulation is imperatively necessary to comply with state and federal law and to promote public interests.²

¹ Part 3 of Article 6 of Title 24, C.R.S. (2020).

² Section 24-4-103(3) (6), C.R.S. (2020).