



Notice of Temporary Adoption

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

March 1, 2021

I. Adopted Rule Amendments

As authorized by Colorado Laws Regarding Lobbyist Regulation, and the State Administrative Procedure Act¹, the Colorado Secretary of State gives notice that the following amendments to the Rules Concerning Lobbyist Regulation are adopted on a temporary basis and effective immediately. (SMALL CAPS indicate proposed additions to the current rules. ~~Stricken type~~ indicates proposed deletions from current rules. *Annotations* may be included):

Current 8 CCR 1505-8 is amended as follows:

New definitions; Rules 1.1 and 1.9:

- 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 FOR THE PURPOSES OF AIDING OR INFLUENCING SUCH REDISTRICTING COMMISSION OR THEIR STAFF ON BEHALF OF A CLIENT BEFORE A REDISTRICTING COMMISSION.

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

- 1.9 "REDISTRICTING COMMISSION LOBBYIST" MEANS A PERSON WHO IS CONTRACTED OR COMPENSATED TO COMMUNICATE DIRECTLY OR INDIRECTLY WITH A MEMBER OF A REDISTRICTING COMMISSION FOR THE PURPOSES OF AIDING OR INFLUENCING SUCH REDISTRICTING COMMISSION OR THEIR STAFF.

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

New Rule 4 concerning redistricting commission lobbyist requirements:

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;

¹ Section 24-4-103, C.R.S. (2020).

- (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, 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, 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: current Rules 4 through 6 are renumbered to Rules 5 through 7]

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 update cross-references:

~~4.5.2~~ 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 ~~4.3~~ 5.3. The division may extend this time period at its discretion.

~~4.5.3~~ 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 ~~4.6~~ 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.

~~4.6.3~~ 5.6.3 Following a hearing under Rule ~~4.6.1~~ 5.6.1, the Secretary of State or their designee may dismiss the complaint or take any of the actions listed in Rule ~~4.6.1~~ 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 this new rule on a temporary basis follows this notice and is incorporated by reference.²

IV. Effective Date of Adopted Rules

These rule amendments are effective immediately.

Dated this 1st day of March, 2021,

Melissa Belle Kessler
Legal and Policy Director

For

Jena Griswold
Colorado Secretary of State

² Section 24-4-103(6), C.R.S. (2020).



Statement of Basis, Purpose, and Specific Statutory Authority

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

March 1, 2021

I. Basis and Purpose

This statement explains temporary 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 Specifically, the Secretary temporarily adopted rule revisions 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.

Changes include:

- New Rule 1.1 defines “contract”.
- New Rule 1.9 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.
 - 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.

¹ 8 CCR 1505-8.

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

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

March 1, 2021

New Rules: 1.1, 1.9, and 4

Amended rules (cross-reference updates): Current Rules 4.5.2, 4.5.3, 4.6.3

Renumbering:

- Current Rules 1.1 through 1.7 are renumbered to Rules 1.2 through 1.8
- Current Rules 1.8 through 1.11 are renumbered to Rules 1.10 through 1.13
- Current Rules 4 through 6 are renumbered to Rules 5 through 7

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.

Adoption of these rules on a temporary basis is necessary 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. The amended rules are immediately effective as is necessary 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).