



Colorado Independent Redistricting Commissions Staff

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Dear Madam Secretary and Staff of the Secretary of State:

The Nonpartisan Colorado Independent Redistricting Commission Staff respectfully submits the following comments regarding the rules concerning lobbyist regulation in connection with the Colorado Independent Redistricting Commissions.

1. Regarding the Independent Congressional Redistricting Commission, section 44.2 (4)(b)(III) of article V of the state constitution provides that "[p]ersons who contract for or receive compensation for advocating to the commission, to one or more commissioners, or to nonpartisan staff 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 section 44.3 of this article V are lobbyists". Article V section 48 (4)(b)(III) of the state constitution includes the same language in connection with the Independent Legislative Redistricting Commission.

Proposed Rules 1.1; 1.9; 4.2.1 (A); and 4.2.1 (B), all describe direct or indirect communication with "**a member of a redistricting commission**" for the purposes of aiding or influencing the redistricting process is a lobbyist. However, the Proposed Rules do not include communications with the entire Redistricting Commission or

Redistricting Commission Staff, both of which are specifically included in the state constitution.

To provide the most clarity and consistency with the state constitution, Redistricting Commission Staff suggests that each Proposed Rule identified above specifically include communications with a Redistricting Commission as a whole, with an individual Redistricting Commissioner, or with Redistricting Commission Staff.

2. Proposed Rules 1.1; 1.9; 4.2.1 (A); and 4.2.1 (B) specify that the communications with a Redistricting Commission are **"for the purposes of aiding or influencing such redistricting commission or their staff."** Redistricting Commission Staff suggests that the rules would provide more clarity if they tracked the language in sections 44.2 (4)(b)(III) and 48 (4)(b)(III) of article V of the state constitution regarding advocating "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 section 44.3 and section 48.1 of article V of the state constitution, and added "for the purpose of aiding of influencing such redistricting commission or their staff" after the constitutional language.
 3. Proposed Rule 4.2.1 (A) specifies that a redistricting commission lobbyist must disclose "[a]ny contracts executed to engage on behalf of a client" in communication with a member of a redistricting commission. Redistricting Commission Staff suggests that this language be expanded to include agreements other than executed contracts, in case less formal agreements are made between a redistricting commission lobbyist and a client. For example, the Rule could specify that a redistricting commission lobbyist must disclose "any contracts executed or other agreements entered into, to engage on behalf of a client".
 4. Section 44.2 (4)(b)(I)C) of article V of the state constitution states in part that "[e]xcept for public input and comment, nonpartisan staff shall not have any communications about the content or development of any plan outside of public hearings with anyone except other staff members."
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Redistricting Commission Staff suggests that Proposed Rules 1.1; 1.9; 4.2.1 (A); and 4.2.1 (B) specify that, although any member of the public is allowed to provide public comment to a Redistricting Commission or the Redistricting Commission Staff, if a person offers public comment to a Redistricting Commission as a whole, to an individual Commissioner, or to Redistricting Commission Staff, the person is required to register as a redistricting commission lobbyist if he or she will receive compensation for providing such public comment. For example:

"Redistricting Commission lobbyist" means a person who is contracted or compensated to communicate directly or indirectly, **including through providing public comment**, with a redistricting commission as whole, with an individual member of a redistricting commission, or with redistricting commission 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 section 44.3 and section 48.1 of article V of the state constitution, or to otherwise aid influence such redistricting commission, commissioner, or staff.

5. Finally, the Redistricting Commission Staff observed that the filed reports for redistricting commission lobbyists are currently posted on the Secretary of State's website as PDF files. The Redistricting Commission Staff suggests that the Secretary of State's Office post the filed reports in a format that is searchable by lobbyist and by client.

Thank you for the opportunity to provide comments on the Proposed Rules concerning redistricting commission lobbyists. If you have any questions about the Redistricting Commission Staff's suggested changes, please feel free to contact Jeremiah Barry, Managing Attorney for the Redistricting Commission Staff at Jerry.Barry@state.co.us, or me at Nicole.Myers@state.co.us.

Sincerely,

Nicole Myers

Redistricting Commission Staff
