



**April 19, 2021**

Dear Secretary Griswold,

I, Marco Dorado, respectfully submit the following comments to the proposed rules regarding the Colorado Rules Concerning Lobbyist Regulation (8 CCR 1505-8) developed to facilitate the 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.

**1. Proposed Rule 1.9: Definition of “redistricting commission lobbyists”**

Individuals who are testifying at public hearings or submitting public written comment to the Commissioners, speaking in an official capacity, should be exempt from being considered redistricting lobbyists under this rule.

As proposed, the revised rule defines a “redistricting commission lobbyist” as follows:

a person who is contracted or compensated to communicate directly or indirectly, including through providing public comment, with a redistricting commission as a 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 article v, sections 44.3 and 48.1 of the Colorado Constitution, or to otherwise aide or influence such redistricting commission, commissioner, or staff.”

Individuals who speak at public hearings or submit written comment to the commissions, their members, or commission staff, should be excluded from this requirement for two primary reasons. First, because public participation is essential to the redistricting process. Second, because doing so would be consistent with Colorado’s other lobbying rules. Requiring any individual who is representing an organization in their official capacity to register as a lobbyist is counterintuitive to the purpose of the robust and mandatory public hearing process.

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Public comment and public participation are the cornerstones of the citizen-led redistricting commissions. Rather than fulfilling the intention of the amendments, this restriction could serve as a chilling effect on the participation of local leaders who are speaking at public hearings or submitting public comment in their capacity as staff of community non-profits, educational institutions, economic development entities, etc.

Moreover, the proposed rule is inconsistent with both the constitutional amendments governing these same rules, as well as Colorado's general lobbying rules. The Colorado Constitutional amendments governing these proposed rules do not include the provision specifying that public comments are to be considered lobbying activities.<sup>1</sup> And Colorado's general lobbying rules provide a statutory exception for individuals who limit their activities to public hearings:

“persons who are not otherwise registered as lobbyists who limit their activities to appearances to give testimony or provide information to committees of the general assembly or at public hearings of state agencies or who give testimony or provide information at the request of public officials or employees and who clearly identify themselves and the interest for whom they are testifying or providing information.”<sup>2</sup>

Ultimately, the same exception should apply to individuals who are speaking in an official capacity when testifying at public hearings or submitting public written comment to the redistricting commissions, their members, or commission staff. Unlike the proposed rule, this approach would ensure uniformity and robust participation in Colorado's redistricting process.

## 2. Grassroots lobbying

In order to ensure broad access and outreach to diverse communities around the state, the rules should provide an exemption for grassroots lobbying. The governing constitutional amendments call for broad public participation through a minimum of twenty-one public hearings throughout the State of Colorado.<sup>3</sup> It is through power-building and grassroots organizing that local community leaders are able to educate their members and volunteers, and to encourage those individuals to engage with the redistricting process and the commissions. Adding lobbying requirements to these informational campaigns would burden this important community-based

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<sup>1</sup> See Colo Const. art. V, §§ 44.2 (4)(b)(III), 48 (4)(b)(III)

<sup>2</sup> Colo. Rev. Stat § 24-6-301(3.5)(d)(III)(B).

<sup>3</sup> See Colo Const. art. V, §§ 44.2 (3), 48 (3).

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educational and organizational process, threatening robust public participation. Moreover, similar to the discussion above, a grassroots exception would better align with Colorado's general lobbying rules, which currently provide an exception for grassroots lobbying.<sup>4</sup>

I respectfully submit these proposed recommendations in an effort to uphold the commitment that Colorado's first ever citizen-led redistricting process remain transparent and accessible to the public, as well as maintain uniformity with the existing Colorado lobbying process.

Thank you for your consideration.

Marco Dorado

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<sup>4</sup> Colo. Sec'y of State, 8 CCR 1505-8 (2.2.2), Rules Concerning Lobbyist Regulation