

April 19, 2021

Secretary Griswold,

I am respectfully submitting the following comments on the rules concerning lobbyist regulation (8 CCR 1505-8) developed to facilitate the implementation of Section 44.2(b)(III) and 48(4)(b)(III) of Article V of the Colorado Constitution concerning the new independent redistricting commissions.

1. Proposed Rule 1.1: Definition of “contract”

This definition, and lobbying with regard to the implementation of Section 44.2(b)(III) and 48(4)(b)(III) of Article V more generally, should explicitly include the lobbying of commissioners, staff, contractors, and legal counsel that commissions contract with. Over the next several months the commissions are going to engage with individuals or firms who do work for them, these individuals and firms may have a significant impact on the creation of the final maps but they do not currently fall under the definition of lobby targets in the draft rules. The lobbying disclosure rules should apply to any attempt to influence maps or map making procedure whether the influence is exerted on commissioners, staff, or contractors.

2. Proposed Rule 1.9: Definition of “Redistricting Commission Lobbyist”

Individuals who *only* testify at public hearings or submit written public comment to the commission, even if they are representing an organization or speaking in a professional capacity, should not have to register as a redistricting commission lobbyist although they should have to disclose who they are representing in their testimony. There may be community organizations that have paid staff that would like to engage in the redistricting public comment process as a part of their organizational mission. These voices are an important part of the robust public participation that is required for a successful redistricting process. Requiring these individuals to register as a lobbyist when they are only participating in public comment periods may have a chilling effect on public participation during a process. The rules should provide clarity, however, that if a person is being compensated for their time, travel, meals, or lodging they must disclose that compensation.

3. Grassroots lobbying

The rules should provide guidance to organizations and individuals as to the regulation around grassroots lobbying. Insofar as direct lobbying (the attempt to influence maps through communication with commissioners, commission staff, or commission contractors) is distinct from grassroots lobbying (the attempt to influence maps through an attempt to affect the opinions of the general public) the secretary of state's office should provide clarity in rule as to how each of these sets

of activities are or are not regulated. Local community leaders often make efforts to educate their neighbors, members, or volunteers and these educational conversations are important parts of garnering community involvement in the redistricting process. Community members conducting education campaigns should not be required to register as lobbyist and requiring them to do so could have a negative impact on community-based education and outreach.

Thank you for your consideration,



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