

Preliminary Draft of Proposed Rules

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

March 1, 2021

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Secretary of State and submitted to the Department of Regulatory Agencies.¹

This is a preliminary draft of the proposed rules that may be revised before the April 19, 2021 rulemaking hearing. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State’s website no later than **April 14, 2021**.²:

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

Amendments to 8 CCR 1505-8 follow:

1 *New definitions; Rules 1.1 and 1.9:*

2 1.1 “CONTRACT” MEANS A WRITTEN OR VERBAL AGREEMENT BETWEEN A CLIENT AND A PERSON FOR
3 LOBBYING SERVICES INCLUDING COMMUNICATING DIRECTLY OR INDIRECTLY WITH A MEMBER OF A
4 REDISTRICTING COMMISSION FOR THE PURPOSES OF AIDING OR INFLUENCING SUCH REDISTRICTING
5 COMMISSION OR THEIR STAFF ON BEHALF OF A CLIENT BEFORE A REDISTRICTING COMMISSION.

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

7 1.9 “REDISTRICTING COMMISSION LOBBYIST” MEANS A PERSON WHO IS CONTRACTED OR COMPENSATED TO
8 COMMUNICATE DIRECTLY OR INDIRECTLY WITH A MEMBER OF A REDISTRICTING COMMISSION FOR THE
9 PURPOSES OF AIDING OR INFLUENCING SUCH REDISTRICTING COMMISSION OR THEIR STAFF.

¹ Sections 24-4-103(2.5) and (3)(a), C.R.S. (2020). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

² Section 24-4-103(4)(a), C.R.S. (2020). “[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

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

2 *New Rule 4 concerning redistricting commission lobbyist requirements:*

3 **RULE 4. REDISTRICTING COMMISSION LOBBYISTS**

4 4.1 REGISTRATION

5 4.1.1 A REDISTRICTING COMMISSION LOBBYIST MUST REGISTER ELECTRONICALLY VIA THE SECRETARY
6 OF STATE'S WEBSITE. THE REGISTRATION MUST CONTAIN:

7 (A) THE REDISTRICTING COMMISSION LOBBYIST'S FULL NAME, EMAIL ADDRESS, BUSINESS
8 ADDRESS, AND BUSINESS TELEPHONE NUMBER;

9 (B) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ALL CLIENTS THAT CONTRACT WITH
10 OR COMPENSATE THE REDISTRICTING COMMISSION LOBBYIST;

11 4.1.2 THERE IS NO REGISTRATION FEE FOR A REDISTRICTING COMMISSION LOBBYIST.

12 4.1.3 IF APPLICABLE, A PERSON, WHO IS ALREADY REGISTERED WITH THE SECRETARY OF STATE'S
13 OFFICE AS A PROFESSIONAL LOBBYIST MUST ALSO REGISTER AS A REDISTRICTING COMMISSION
14 LOBBYIST.

15 4.2 DISCLOSURE

16 4.2.1 A REDISTRICTING COMMISSION LOBBYIST MUST DISCLOSE, WITHIN 72 HOURS:

17 (A) ANY CONTRACTS EXECUTED TO ENGAGE ON BEHALF OF A CLIENT IN COMMUNICATION
18 DIRECTLY OR INDIRECTLY WITH A MEMBER OF A REDISTRICTING COMMISSION FOR THE
19 PURPOSES OF AIDING OR INFLUENCING SUCH REDISTRICTING COMMISSION OR THEIR
20 STAFF, INCLUDING THE START DATE AND END DATE OF SUCH A CONTRACT;

21 (B) ANY COMPENSATION RECEIVED TO ENGAGE ON BEHALF OF A CLIENT IN COMMUNICATION
22 DIRECTLY OR INDIRECTLY WITH A MEMBER OF A REDISTRICTING COMMISSION FOR THE
23 PURPOSES OF AIDING OR INFLUENCING SUCH REDISTRICTING COMMISSION OR THEIR
24 STAFF, INCLUDING THE VALUE OF ANY NON-MONETARY COMPENSATION; OR

25 (C) TERMINATION OF ANY CONTRACT.

26 4.2.2 A REDISTRICTING COMMISSION LOBBYIST MUST DISCLOSE THE APPLICABLE COMMISSION.

27 4.3 COMPLAINTS. ANY PERSON WHO BELIEVES THAT A REDISTRICTING COMMISSION LOBBYIST IS NOT
28 COMPLYING WITH THIS RULE 4, MAY FILE A COMPLAINT WITH THE SECRETARY OF STATE IN ACCORDANCE
29 WITH RULE 5.1.

30 *[Not shown: current Rules 4 through 6 are renumbered to Rules 5 through 7]*

31 *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*
32 *update cross-references:*

33 ~~4.5.2-5.5.2~~ If the division conducts an investigation, it will do so within 28 days from the date
34 of the notification sent in Rule ~~4.3-5.3~~. The division may extend this time period at its
35 discretion.

1 ~~4.5.3~~ 5.5.3 If, after its investigation, the division does not have reasonable grounds to
2 believe that a violation of section 24-6-301 et. seq. C.R.S. has occurred, or otherwise
3 concludes that enforcement pursuant to Rule ~~4.6~~-5.6 is not warranted then the division
4 must make a motion to the Secretary of State or their designee to dismiss the complaint
5 as a final agency decision.

6 ~~4.6.3~~ 5.6.3 Following a hearing under Rule ~~4.6.1~~-5.6.1, the Secretary of State or their
7 designee may dismiss the complaint or take any of the actions listed in Rule ~~4.6.1~~-5.6.1.
8 The decision following a hearing is a final agency decision.