

State of Colorado



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Dino Ioannides, *Executive Director*

Letter Ruling 22-04 (Restrictions on Representation after Leaving Office)

Summary: Under the facts and circumstances of this request, it would not be a violation of Article XXIX for a former state legislator to engage in teaching others the process of lobbying and advocacy before the Colorado General Assembly or statewide elected officeholders.

I. Background

Requestor is a former state legislator who resigned from the Colorado General Assembly in 2022. Requestor states that he now has certain opportunities to teach others how to lobby effectively, particularly before the Colorado General Assembly. As part of these opportunities, Requestor's instruction would include, for example, explaining House and Senate rules and the "unique Colorado legislative process". Requestor anticipates he would be paid for some of this work. Requestor asks that the Independent Ethics Commission ("IEC" or "Commission") issue a letter ruling clarifying whether engaging in the proposed instruction would violate Article XXIX of the Colorado Constitution.

II. Jurisdiction

Any person who is not a public officer, member of the general assembly, local government official, or government employee may submit a request to the commission for a letter ruling concerning whether potential conduct of the person making the request satisfies the requirements of Article XXIX. § 24-18.5-101(4)(b)(III), C.R.S. Requestor is a former member of the Colorado General Assembly and, as such, is authorized to submit this request for a letter ruling.

III. Applicable Law

"No statewide elected officeholder or member of the general assembly shall personally represent another person or entity for compensation before any other statewide elected officeholder or member of the general assembly, for a period of two years following vacation of office..." Colo. Const. art. XXIX, § 4.

IV. Discussion

On its face, Requestor's inquiry does not appear to violate Article XXIX. Requestor's proposal does not involve personally representing another person or entity for compensation before any statewide elected officeholder or member of the General Assembly. Requestor specifically indicates, "Nothing about my interests has anything to do with any bill, resolution, other legislative device, or any decision on a given matter by any person identified in Article XXIX, Section 4 of the Colorado constitution. My interests are based strictly on process, not policy." Section 4 does not apply to Requestor's proposed activities.

This situation is different from those addressed in previous guidance, where the Commission has interpreted the term "personally represent" to apply to professional lobbying. *See* Position Statement 09-01. The Commission has also recognized that, if an individual were required to be registered as a professional lobbyist by § 24-6-301, *et seq.*, or the Secretary of State rules, their activities may fall within the Section 4 prohibition. *Id.*; *see also* Complaint 19-26. Requestor has already confirmed with the Secretary of State's Office that his activities do not require registration as a professional lobbyist.

V. Conclusion

Under the facts and circumstances of this request, it would not be a violation of Article XXIX for a former state legislator to engage in teaching others the process of lobbying and advocacy before the Colorado General Assembly or statewide elected officeholders.

The Commission cautions that this opinion is based on the specific facts presented herein, and that different facts could produce a different result. The Commission encourages individuals with particular questions to request more fact-specific advice through requests for advisory opinions and letter rulings related to their individual circumstances.

The Independent Ethics Commission

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Annie Kao, *Commissioner*
Sarah Mercer, *Commissioner*

Dated: August 24, 2022