

NOTICE OF PROPOSED RULEMAKING

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

July 31, 2008

Pursuant to the requirements of section 24-4-103(3)(a), C.R.S., (2007), notice of proposed rulemaking is hereby given by the Secretary of State. A rulemaking hearing will be held on **September 2, 2008 from 2:00 p.m. to 5:00 p.m.** in the Blue Spruce Conference Room on the second floor of the Office of the Secretary of State at 1700 Broadway, Denver, Colorado 80290. All interested persons will be afforded an opportunity to be heard on the subject of revisions and amendments to the Colorado Secretary of State "Rules Concerning Lobbyist Regulation", 8 C.C.R. 1505-8.

Subject of the Proposed Rulemaking

Amendments and revisions to the Colorado Secretary of State "Rules Concerning Lobbyist Regulation" as may be necessary or appropriate for the uniform and proper administration and enforcement of Part 3, Article 6, Title 24, of the Colorado Revised Statutes. The revisions and amendments to be considered include rules concerning: definitions; fees for filing a professional lobbyist registration statement; electronic filing; disclosure requirements; record retention for professional lobbyists, lobbyist firms, and state liaisons records; and enforcement. The Secretary of State shall also consider rule amendments as may be necessary to answer questions arising under Title 24, Article 6, Part 3 of the Colorado Revised Statutes.

Authority for Proposed Rulemaking

Revisions and amendments to the "Rules Concerning Lobbyist Regulation" of the Colorado Secretary of State, 8 C.C.R. 1505-8, are proposed pursuant to the following statutes:

1. The rulemaking provisions of the State Administrative Procedure Act, C.R.S. 24-4-103.5.
2. Section 24-6-303 (1.3) (a), C.R.S. (2007), which authorizes the Secretary of State to set registration fees by rule promulgated in accordance with article 4 of Title 24.
3. Section 24-6-303 (6.3) (a), C.R.S. (2007), which authorizes the Secretary of State to promulgate rules concerning the manner in which reports required to be filed may be filed electronically.

4. Section 24-6-305, C.R.S. (2007), which authorizes the Secretary of State to adopt rules and regulations to define, interpret, implement, and enforce the provisions of the Lobbyist Regulation Law.

Copies of the initial draft of the proposed rules may be obtained from the office of the Secretary of State at 1700 Broadway, Suite 270, Denver, Colorado, 80290, or by calling (303) 894-2200, extension 6329. The proposed rules are also posted on the Secretary of State website at www.sos.state.co.us.

A final copy of the proposed rules for consideration at the public rulemaking hearing will be posted on the Secretary of State website and made available to the public no later than August 28, 2008 in accordance with section 24-4-103(4)(a), C.R.S., (2007), which states that “[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.”

The rulemaking hearing on September 2, 2008 will be held in accordance with section 24-4-103, C.R.S., (2007). Written and oral data, comments, and arguments will be received from all interested parties. Written submissions must be filed at or before the commencement of the hearing on September 2 at 2:00 p.m. in order to be considered. Oral testimony may be limited in order to allow the proceedings to go forward with reasonable promptness and efficiency. The hearing will be audio recorded and broadcast over the Internet. The broadcast may be accessed through the Secretary of State website at www.sos.state.co.us on the “Information Center” page under “Broadcast and Recorded Meetings.” For additional information, please contact Andrea Gyger, Elections Division at andrea.gyger@sos.state.co.us or (303) 894-2200 ext. 6329.

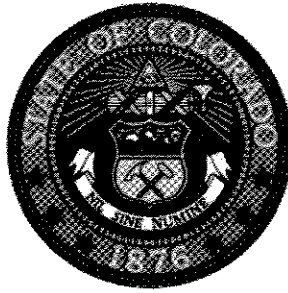
Dated this 31st Day of July, 2008.



William A. Hobbs
Deputy Secretary of State

For

Mike Coffman
Colorado Secretary of State



Proposed Statement of Basis, Purpose and Specific Statutory Authority

Office of the Secretary of State Rules Concerning Lobbyist Regulation

July 31, 2008

1. Basis and Purpose

This statement pertains to the amendments and revisions to the Colorado Secretary of State "Rules Concerning Lobbyist Regulation" 8 CCR 1505-8.

The amendments are necessary to implement recommended procedures resulting from internal and external audits and to remove obsolete provisions. In particular, amendments are necessary to clarify definitions; fees for filing a professional lobbyist registration statement; electronic filing; disclosure requirements; record retention for professional lobbyist, lobbyist firms, and state liaisons records; and enforcement.

The Secretary of State therefore finds that the permanent adoption of the amendments to the "Rules Concerning Lobbyist Regulation" is necessary in order to ensure the uniform and proper administration and enforcement of and to answer questions arising under Title 24, Article 6, Part 3 of the Colorado Revised Statutes.

2. Statutory Authority

Amendments to the Colorado Secretary of State Election Rules are adopted pursuant to the following statutory provisions:

1. The rulemaking provisions of the State Administrative Procedure Act, C.R.S. 24-4-103.5.
2. Section 24-6-303 (1.3) (a), C.R.S. (2007), which authorizes the Secretary of State to set registration fees by rule promulgated in accordance with article 4 of Title 24.
3. Section 24-6-303 (6.3) (a), C.R.S. (2007), which authorizes the Secretary of State to promulgate rules concerning the manner in which reports required to be filed may be filed electronically.
4. Section 24-6-305, C.R.S. (2007), which authorizes the Secretary of State to adopt rules and regulations to define, interpret, implement, and enforce the provisions of the Lobbyist Regulation Law.

COLORADO SECRETARY OF STATE

8 CCR 1505-8

RULES CONCERNING LOBBYIST REGULATION

Preliminary Draft of Proposed Rules

July 31, 2008

Disclaimer: This draft is not yet final. The proposed changes to be considered at the public rulemaking hearing may be different than the proposed changes in this draft. This draft is submitted to the Department of Regulatory Agencies for the purpose of complying with section 24-4-103(2.5), C.R.S., which requires that a draft be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

A final copy of the proposed rule changes will be available to the public no later than August 28, 2008, and a copy will be posted on the Department of State's web site, in compliance with the requirement of section 24-4-103(4)(a), C.R.S., that "[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."

Proposed additions to the current rules are reflected in SMALL CAPS or underlined. Proposed deletions from current rules are shown in ~~stricken type~~. Annotations may be included.

1 [Existing Rule 1 would be amended and relocated as New Rule 2]

2 **RULE 1. FEES.**

3 ~~(1) The fee for manual filing of a professional lobbyist registration statement shall be~~
4 ~~fifty dollars (\$50.00), except that the fee for a registration statement for the fiscal year~~
5 ~~beginning July 1, 2001 that is filed in writing before January 1, 2002 shall be twenty five~~
6 ~~collars (\$25.00) if the registering lobbyist requests to file electronically, and does file~~
7 ~~electronically, all monthly disclosure statements for the fiscal year that are due on or after~~
8 ~~January 1, 2002.~~

9 ~~(2) The fee for electronic filing of a professional lobbyist registration statement shall~~
10 ~~be twenty five dollars (\$25.00) if the registering lobbyist requests to file electronically,~~
11 ~~and does file electronically, all monthly disclosure statements for the fiscal year.~~

1 ~~(3) The fee for electronic filing of a professional lobbyist registration statement shall~~
2 ~~be forty dollars (\$40.00) if the registering lobbyist does not request to file electronically,~~
3 ~~or does not file electronically, all monthly disclosure statements in connection with the~~
4 ~~registration. If a lobbyist requests to file electronic monthly disclosure statements at the~~
5 ~~time of registration and subsequently files any disclosure statement manually, the~~
6 ~~remaining fifteen dollars (\$15.00) of the fee set by this subsection (3) shall be due and~~
7 ~~payable at the time of manual filing of the written disclosure statement.~~

8 New Rule 1 would be adopted as follows:

9 **RULE 1. DEFINITIONS**

10 1.1 "BONA FIDE PERSONAL EMERGENCY," AS USED IN SECTION 24-6-302 (7), MEANS:

11 1.1.1 MEDICAL EMERGENCIES INCLUDING: INCAPACITATION, HOSPITALIZATION,
12 ACCIDENT INVOLVEMENT, DEATH OF PERSONS OR TO MEMBERS OF SUCH
13 PERSONS' IMMEDIATE FAMILY;

14 1.1.2 PRACTICAL EMERGENCIES INCLUDING: EXTRAORDINARY OBSTACLES OUT
15 OF THE CONTROL OF THE LOBBYIST OR LOBBYIST FIRM THAT PRECLUDE
16 TIMELY DISCLOSURE SUCH AS THE LOSS OR UNAVAILABILITY OF RECORDS
17 OR A COMPUTER DUE TO FIRE, FLOOD OR THEFT, OR OTHER COMPELLING
18 REASONS BEYOND THE LOBBYIST'S OR LOBBYIST FIRM'S CONTROL.

19 1.2 "RULEMAKING OFFICIAL," AS USED IN SECTION 24-6-301 (1.7)(B), C.R.S., MEANS
20 AN OFFICIAL OF A STATE AGENCY WHO HAS JURISDICTION OR AUTHORITY TO ADOPT
21 ANY PROPOSED RULE, STANDARD, OR RATE. DEPENDING ON THE ORGANIZATIONAL
22 MAKEUP OF ANY PARTICULAR STATE AGENCY, "RULEMAKING OFFICIALS" MAY OR
23 MAY NOT BE ELECTED OFFICIALS, DEPARTMENT HEADS, OR CERTAIN DEPARTMENT
24 EMPLOYEES.

25 1.3 "STATE LIAISON" MEANS THE ONE PERSON DESIGNATED BY EACH PRINCIPAL
26 DEPARTMENT WHO IS RESPONSIBLE FOR ANY LOBBYING BY A STATE OFFICIAL OR
27 EMPLOYEE ON BEHALF OF THE PRINCIPAL DEPARTMENT, PURSUANT TO SECTION 24-
28 6-303.5 (1)(A), C.R.S.

29 1.4 "SUBSTANTIAL VIOLATION" MEANS ANY ONE OF THE FOLLOWING VIOLATIONS OF
30 PART 3 OF TITLE 24 OF THE COLORADO REVISED STATUTES:

31 A. FAILURE TO REGISTER AS A LOBBYIST PURSUANT TO SECTIONS 24-6-303 OR
32 24-6-303.5, C.R.S.;

33 B. FAILURE TO FILE A MONTHLY DISCLOSURE REPORT WITHIN FIFTEEN DAYS OF
34 THE DUE DATE WHILE THE GENERAL ASSEMBLY IS IN SESSION, PURSUANT TO
35 SECTIONS 24-6-303 (3)(A) AND 24-6-303.5 (2)(B), C.R.S.;

- 1 C. FAILURE TO FILE A MONTHLY DISCLOSURE REPORT WITHIN THIRTY DAYS
2 PAST THE DUE DATE WHILE THE GENERAL ASSEMBLY IS NOT IN SESSION,
3 PURSUANT TO SECTIONS 24-6-303 (3)(A) AND 24-6-303.5 (2)(B), C.R.S.;
- 4 D. KNOWINGLY UNDERREPORTING ANY ITEM OF INCOME OR EXPENDITURES BY
5 ANY AMOUNT ON THE DISCLOSURE STATEMENT;
- 6 E. UNDERREPORTING INCOME OR EXPENDITURES BY TWENTY PERCENT OR
7 MORE ON THE ENTIRE DISCLOSURE STATEMENT;
- 8 F. ANY VIOLATION OF THE PROVISIONS OF SECTIONS 24-6-306, 24-6-307, OR
9 24-6-308, C.R.S.;
- 10 G. ANY OTHER VIOLATION THAT THE SECRETARY OF STATE DEEMS
11 "SUBSTANTIAL," TAKING INTO CONSIDERATION THE FOLLOWING FACTORS
12 DERIVED FROM *FABEC V. BECK*, 922 P.2D 330 (COLO. 1996):
- 13 1. THE EXTENT OF NONCOMPLIANCE;
 - 14 2. THE PURPOSE OF THE APPLICABLE PROVISION AND WHETHER THAT
15 PURPOSE IS SUBSTANTIALLY ACHIEVED DESPITE THE ALLEGED
16 NONCOMPLIANCE; AND
 - 17 3. WHETHER THERE WAS A GOOD-FAITH EFFORT TO COMPLY OR
18 WHETHER NONCOMPLIANCE IS BASED ON A CONSCIOUS DECISION TO
19 LOBBY COVERED OFFICIALS WITHOUT REGISTERING OR FILING
20 DISCLOSURE STATEMENTS.

21 [Existing Rule 2 would be amended and relocated as New Rule 3]

22 **~~RULE 2. ELECTRONIC FILING.~~**

23 ~~(1) Any professional lobbyist who wishes to file a registration statement and monthly~~
24 ~~disclosure statements electronically shall first submit a written request therefor to~~
25 ~~the secretary of state. The request shall be submitted either in hard copy form or~~
26 ~~in electronic form. A request may be submitted in electronic form by transmitting~~
27 ~~to the secretary of state a completed electronic request form over the Internet or~~
28 ~~by submitting a request by e-mail, as may be directed by the secretary of state's~~
29 ~~web site. The request shall contain:~~

30 ~~(a) The lobbyist's name and the name of not more than one authorized agent~~
31 ~~who may electronically file on the lobbyist's behalf;~~

32 ~~(b) Contact information for the individual who will be responsible for~~
33 ~~electronic filing, including mailing address, telephone number, and e-mail~~
34 ~~address of the lobbyist or the authorized agent, as the case may be;~~

- 1 ~~(c) — An affirmation by the lobbyist that any identification number and~~
2 ~~password issued by the secretary of state will not be disclosed by the~~
3 ~~lobbyist to third parties, except to the authorized agent of the lobbyist, and~~
4 ~~that the identification number and password will not be used in an~~
5 ~~unauthorized manner;~~
- 6 ~~(d) — An agreement by the lobbyist to report promptly to the secretary of state~~
7 ~~any change to the lobbyist's or authorized agent's mailing address,~~
8 ~~telephone number, or e-mail address;~~
- 9 ~~(e) — An agreement by the lobbyist to report any theft, loss, or compromise of~~
10 ~~the lobbyist's identification number or password;~~
- 11 ~~(f) — An agreement by the lobbyist that the secretary of state may terminate the~~
12 ~~electronic filing status for any of the following reasons:~~
- 13 ~~(i) — Failure to keep contact information current with the secretary of~~
14 ~~state;~~
- 15 ~~(ii) — Disclosure to any unauthorized person(s) or misuse of the assigned~~
16 ~~identification number or password;~~
- 17 ~~(iii) — Termination of lobbyist status; or~~
- 18 ~~(iv) — Other good cause shown.~~
- 19 ~~(g) — Such additional information as the secretary of state may require in order~~
20 ~~to establish and maintain an accurate, accessible, secure, electronic~~
21 ~~lobbyist filing and information system.~~
- 22 ~~(2) — Promptly after receiving a request for electronic filing as provided in this Rule 2,~~
23 ~~the secretary of state shall assign the professional lobbyist a unique identification~~
24 ~~number and password and e-mail such number and password to the professional~~
25 ~~lobbyist or the authorized agent at the e-mail address furnished by the~~
26 ~~professional lobbyist in the request for electronic filing. The identification~~
27 ~~number and password shall remain valid unless terminated by the secretary of~~
28 ~~state or the lobbyist; except that, the electronic filing system established by the~~
29 ~~secretary of state may enable the professional lobbyist or the authorized agent to~~
30 ~~change the password or other contact information within limitations prescribed by~~
31 ~~the secretary of state.~~
- 32 ~~(3) — Any professional lobbyist to whom the secretary of state has issued a lobbyist~~
33 ~~identification number and a password may file registration statements and~~
34 ~~monthly disclosure statements electronically. Electronic filings shall be in the~~
35 ~~format and on forms prescribed by the secretary of state from time to time.~~
- 36 ~~(4) — The electronic disclosure statement form may provide a space to list specific bill~~
37 ~~numbers and a brief description of the subject matter. Any information on bills~~

1 ~~may be carried over from month to month with a provision to add new~~
2 ~~information or to delete information no longer relevant.~~

3 ~~(5) A lobbyist may designate a different authorized agent by submitting a new request~~
4 ~~for electronic filing in the manner provided by subsection (1) of this Rule 2. In~~
5 ~~such case, the secretary of state may issue a new password to the new authorized~~
6 ~~agent.~~

7 ~~(6) When the lobbyist or authorized agent utilizes the electronic filing system to~~
8 ~~submit to the secretary of state, with the identification number and password~~
9 ~~assigned as provided in this Rule 2, a registration statement or disclosure~~
10 ~~statement, such submission shall constitute the lobbyist's or agent's electronic~~
11 ~~signature as provided by section 24-71.1-106, Colorado Revised Statutes, under~~
12 ~~penalty of perjury as provided by law.~~

13 New Rule 2 would be adopted as follows:

14 **RULE 2. FEES**

15 2.1 THE FEE FOR FILING A PROFESSIONAL LOBBYIST REGISTRATION STATEMENT SHALL
16 BE FORTY DOLLARS (\$40.00) EXCEPT THAT THE FEE FOR A REGISTRATION
17 STATEMENT MAY BE WAIVED FOR A PROFESSIONAL LOBBYIST FOR A NOT-FOR-
18 PROFIT ORGANIZATION IN ACCORDANCE WITH RULE 2.2.

19 2.2 UPON WRITTEN REQUEST, THE SECRETARY OF STATE MAY WAIVE THE
20 REGISTRATION FEE FOR A PROFESSIONAL LOBBYIST FOR A NOT-FOR-PROFIT
21 ORGANIZATION WHO MEETS ONE OR MORE OF THE FOLLOWING CONDITIONS:

22 (A) THE LOBBYIST DERIVES HIS OR HER LOBBYIST COMPENSATION SOLELY FROM
23 THE ORGANIZATION; AND

24 (B) (I) THE LOBBYIST'S ORGANIZATION IS OPERATING UNDER FINANCIAL
25 HARDSHIP CONDITIONS; OR

26 (II) THE LOBBYIST WILL HAVE PARTICULAR INTEREST IN ONLY ONE
27 ISSUE OR BILL AND DOES NOT INTEND TO LOBBY THROUGHOUT THE
28 STATE FISCAL YEAR.

29 [Existing Rule 3 would be amended and relocated as New Rule 3.5]

30
31 **~~RULE 3. PUBLIC ACCESS.~~**

32 ~~(1) The secretary of state shall provide the public with electronic access over the~~
33 ~~Internet to lobbyist filings and information exclusively on a "read only" basis.~~

34 ~~(2) Automated extraction of bulk data from the secretary of state's web site, such as~~
35 ~~by means of computerized "robots" or "data mining", is prohibited. Upon~~

1 ~~request, the secretary of state will provide bulk data for a fee established pursuant~~
2 ~~to section 24-21-104, Colorado Revised Statutes.~~

3 New Rule 3 would be adopted as follows:

4 **RULE 3. ELECTRONIC FILING**

5 3.1 EXCEPT AS PROVIDED IN RULE 3.2, ALL APPLICATIONS FOR REGISTRATION AND
6 DISCLOSURE REPORTS FILED WITH THE SECRETARY OF STATE PURSUANT TO TITLE
7 24, ARTICLE 6, PART 3 SHALL BE FILED ELECTRONICALLY. REPORTS REQUIRED TO
8 BE FILED ELECTRONICALLY WITH THE SECRETARY OF STATE UNDER THIS RULE
9 THAT ARE PRESENTED FOR MANUAL FILING SHALL NOT BE ACCEPTED. THIS RULE
10 SHALL NOT APPLY TO CUMULATIVE ANNUAL REPORTS FILED PURSUANT TO SECTION
11 24-6-302 (3)(B), C.R.S.

12 3.2 IN ACCORDANCE WITH SECTION 24-21-111, C.R.S., REPORTS ARE NOT REQUIRED TO
13 BE FILED ELECTRONICALLY IF THE SECRETARY OF STATE HAS GRANTED AN
14 EXCEPTION TO THE ELECTRONIC FILING REQUIREMENT AFTER WRITTEN
15 APPLICATION BASED ON HARDSHIP OR OTHER GOOD CAUSE SHOWN. ALL
16 APPLICATIONS FOR AN EXCEPTION SHALL INCLUDE A BRIEF STATEMENT OF THE
17 HARDSHIP OR GOOD CAUSE FOR WHICH THE EXCEPTION IS SOUGHT. APPLICATIONS
18 MUST BE RECEIVED BY THE SECRETARY OF STATE AT LEAST FIFTEEN (15) CALENDAR
19 DAYS PRIOR TO THE FIRST APPLICABLE FILING DEADLINE, UNLESS THE EXCEPTION IS
20 BASED ON EMERGENCY CIRCUMSTANCES ARISING AFTER SUCH DEADLINE, IN WHICH
21 CASE THE NATURE OF THE EMERGENCY SHALL BE DESCRIBED IN THE APPLICATION.
22 THE FILING OF AN APPLICATION FOR EXCEPTION BASED ON EMERGENCY
23 CIRCUMSTANCES DOES NOT DELAY ANY REPORTING DEADLINES, HOWEVER, IF A
24 PENALTY IS IMPOSED FOR FAILURE TO FILE A REPORT ON THE DUE DATE, THE
25 PENALTY MAY BE SET ASIDE OR REDUCED IN ACCORDANCE WITH SECTION 24-6-302
26 (7), C.R.S.

27 3.3 FOR THE PURPOSES OF THIS RULE 3, "ELECTRONIC FILING" IS DEFINED AS THE FILING
28 OF REPORTS REQUIRED BY TITLE 24, ARTICLE 6, PART 3 OF THE COLORADO
29 REVISED STATUTES UTILIZING THE INTERNET SYSTEM CREATED BY THE SECRETARY
30 OF STATE PURSUANT TO SECTION 24-6-303 (6.3)(A).

31 3.4 WHEN THE LOBBYIST OR AUTHORIZED AGENT UTILIZES THE ELECTRONIC FILING
32 SYSTEM TO SUBMIT TO THE SECRETARY OF STATE, WITH THE IDENTIFICATION
33 NUMBER AND PASSWORD ASSIGNED AS PROVIDED IN THIS RULE 3, A REGISTRATION
34 STATEMENT OR DISCLOSURE STATEMENT, SUCH SUBMISSION SHALL CONSTITUTE
35 THE LOBBYIST'S OR AGENT'S ELECTRONIC SIGNATURE AS PROVIDED BY SECTION 24-
36 71.1-106, COLORADO REVISED STATUTES, UNDER PENALTY OF PERJURY AS
37 PROVIDED BY LAW.

38 3.5 PUBLIC ACCESS

1 3.5.1 THE SECRETARY OF STATE SHALL PROVIDE THE PUBLIC WITH ELECTRONIC
2 ACCESS OVER THE INTERNET TO LOBBYIST FILINGS AND INFORMATION
3 EXCLUSIVELY ON A "READ ONLY" BASIS.

4 3.5.2 AUTOMATED EXTRACTION OF BULK DATA FROM THE SECRETARY OF
5 STATE'S WEB SITE, SUCH AS BY MEANS OF COMPUTERIZED "ROBOTS" OR
6 "DATA MINING", IS PROHIBITED. UPON REQUEST, THE SECRETARY OF STATE
7 WILL PROVIDE BULK DATA FOR A FEE ESTABLISHED PURSUANT TO SECTION
8 24-21-104, COLORADO REVISED STATUTES.

9 [Existing Rule 4 would be relocated as New Rule 2.2]

10 ~~**RULE 4. WAIVER OF FEES.**~~

11 ~~(1) Upon written request, the secretary of state may waive the registration fee for a~~
12 ~~professional lobbyist for a not for profit organization who meets one or more of~~
13 ~~the following conditions:~~

14 ~~(a) The lobbyist derives his or her lobbyist compensation solely from the~~
15 ~~organization; and~~

16 ~~(b) (i) The lobbyist's organization is operating under financial hardship~~
17 ~~conditions; or~~

18 ~~(ii) The lobbyist will have particular interest in only one issue or bill~~
19 ~~and does not intend to lobby throughout the State fiscal year.~~

20 Rule 5 would be amended as follows:

21 ~~**RULE 4. DISCLOSURE**~~ ~~**RULE 5. DISCLOSURE OF GIFTS/ENTERTAINMENT.**~~

22 4.1 In accordance with section 24-6-301 (1.9) (a) (IV), Colorado Revised Statutes, a
23 lobbyist shall disclose in monthly disclosure statements specific gifts to covered
24 officials with a value of fifty dollars (\$50.00) or more, whether or not the lobbyist
25 made any expenditure for such gifts.

26 4.1.1 THE MONTHLY DISCLOSURE STATEMENT FOR PROFESSIONAL LOBBYISTS
27 SHALL FULFILL ALL REQUIREMENTS OF SECTIONS 24-6-302 (2) AND 24-6-
28 301 (1.9), C.R.S.

29 4.1.2 THE MONTHLY DISCLOSURE STATEMENT FOR A LOBBYING FIRM SHALL
30 FULFILL ALL REQUIREMENTS OF SECTIONS 24-6-302 (2) AND 24-6-301 (1.9),
31 C.R.S.

32 4.1.3 THE MONTHLY DISCLOSURE STATEMENT FOR STATE LIAISONS SHALL
33 FULFILL ALL REQUIREMENTS OF SECTION 24-6-303.5 (2)(A), C.R.S.

34 New Rule 5 would be adopted as follows:

1 **RULE 5. RECORD RETENTION**

2 5.1 FOR PROFESSIONAL LOBBYISTS AND LOBBYIST FIRMS, RECORDS REQUIRED TO BE
3 RETAINED PURSUANT TO SECTION 24-6-304 (1), C.R.S., SHALL INCLUDE BUT NOT BE
4 LIMITED TO:

- 5 A. RECEIPTS FOR EXPENDITURES OR CONTRIBUTIONS MADE;
- 6 B. DOCUMENTATION OF INCOME;
- 7 C. CONTRACTS, WHETHER VERBAL OR WRITTEN;
- 8 D. DOCUMENTATION RELATING TO A DIRECT BUSINESS ASSOCIATION;
- 9 E. DOCUMENTATION OR OTHER EVIDENCE RELATING TO LEGISLATION FOR
10 WHICH THE PROFESSIONAL LOBBYIST HAS BEEN RETAINED; AND
- 11 F. ANY OTHER EVIDENCE RELATING TO LOBBYING ACTIVITY WHICH MAY BE
12 USEFUL IN THE EVENT OF AN AUDIT OR INVESTIGATION BY THE SECRETARY
13 OF STATE.

14 5.2 FOR STATE LIAISONS, RECORDS REQUIRED TO BE RETAINED PURSUANT TO SECTION
15 24-6-304(1) C.R.S., MAY BE RETAINED IN THE FORM OF A LOG, SPREADSHEET OR
16 OTHER APPROPRIATE TRACKING MECHANISM AND SHALL INCLUDE BUT NOT LIMITED
17 TO:

- 18 A. HOURS SPENT ON LOBBYING;
- 19 B. THE AMOUNT OF PUBLIC FUNDS EXPENDED; AND,
- 20 C. THE LEGISLATION, BILL, BILL PAPERS BEING SUPPORTED, OPPOSED OR
21 MONITORED.

22 New Rule 6 would be adopted as follows:

23 **RULE 6. ENFORCEMENT**

24 6.1 WAIVER PROCESS

25 6.1.1 PURSUANT TO SECTION 24-6-302 (7), C.R.S., ANY PROFESSIONAL LOBBYIST
26 OR LOBBYIST FIRM REGISTERED WITH THE SECRETARY OF STATE MAY
27 REQUEST AN IMPOSED FINE TO BE EXCUSED OR REDUCED BY SUBMITTING A
28 WRITTEN REQUEST BY LETTER, EMAIL, FAX OR HAND-DELIVERY WITHIN
29 THIRTY (30) DAYS OF THE IMPOSITION OF FINE. THE REQUEST SHOULD
30 INCLUDE:

- 31 A. THE NAME OF THE REGISTERED LOBBYIST;
- 32 B. THE DATE OF THE REQUEST;

- 1 C. THE DUE DATE OF THE DELINQUENTLY FILED DISCLOSURE
- 2 REPORT(S);
- 3 D. THE ACTUAL FILING DATE OF THE DELINQUENTLY FILED DISCLOSURE
- 4 REPORT(S);
- 5 E. A BRIEF SUMMARY OF THE REASONS, CIRCUMSTANCES, OR OTHER
- 6 JUSTIFICATION OF THE "BONA FIDE PERSONAL EMERGENCY";
- 7 F. ANY MEASURES THE LOBBYIST OR FIRM HAS INSTITUTED OR PLANS
- 8 TO INSTITUTE TO AVOID FUTURE DELINQUENCIES, IF APPLICABLE;
- 9 AND
- 10 G. OTHER RELEVANT INFORMATION

11 6.2 COMPLAINTS

12 6.2.1 IN ACCORDANCE WITH SECTION 24-6-305 (2)(C), C.R.S., ANY PERSON WHO
 13 BELIEVES A LOBBYIST, INCLUDING A STATE LIAISON, OR LOBBYIST FIRM HAS
 14 NOT COMPLIED WITH THE REQUIREMENTS OF SECTION 24-6-302 *ET SEQ.*,
 15 C.R.S., OR THIS RULE 6 MAY FILE A WRITTEN COMPLAINT WITH THE
 16 SECRETARY OF STATE.

17 6.2.1.1 A WRITTEN COMPLAINT FILED WITH THE SECRETARY OF STATE
 18 SHALL CONTAIN THE FOLLOWING INFORMATION:

- 19 A. THE COMPLAINANT'S NAME;
- 20 B. THE COMPLAINANT'S FULL RESIDENCE ADDRESS AND
- 21 MAILING ADDRESS (IF DIFFERENT FROM RESIDENCE);
- 22 C. A DESCRIPTION OF THE ALLEGED VIOLATION, WHICH MAY
- 23 INCLUDE A REFERENCE TO THE PARTICULAR STATUTE OR
- 24 RULE;
- 25 D. THE NAME OF THE LOBBYIST OR LOBBYIST FIRM;
- 26 E. THE DATE AND LOCATION OF THE ALLEGED VIOLATION, IF
- 27 KNOWN; AND
- 28 F. OTHER APPLICABLE OR RELEVANT INFORMATION

29 6.2.1.2 THE SECRETARY OF STATE SHALL REVIEW ALL COMPLAINTS
 30 SUBMITTED IN WRITING AND CONDUCT SUCH INVESTIGATIONS AS
 31 MAY BE NECESSARY AND APPROPRIATE. IF THE SECRETARY OF
 32 STATE DETERMINES THAT A VIOLATION MAY HAVE OCCURRED, THE
 33 SECRETARY OF STATE SHALL TAKE APPROPRIATE ACTION AS SET
 34 FORTH IN SECTION 24-6-305, C.R.S.

1 6.2.1.3 UPON RECEIPT OF A PROPERLY SUBMITTED COMPLAINT, THE
2 SECRETARY OF STATE SHALL NOTIFY VIA CERTIFIED MAIL THE
3 LOBBYIST AND HIS OR HER LOBBYIST FIRM, OR IN THE CASE OF A
4 STATE LIAISON, THE STATE LIAISON AND HIS OR HER EXECUTIVE
5 DIRECTOR OR ELECTED OFFICIAL OF:

6 A. THE DATE AND FACTUAL BASIS OF EACH ACT WITH WHICH
7 THE LOBBYIST OR FIRM IS BEING CHARGED;

8 B. THE PARTICULAR PROVISION OF THE STATUTE ALLEGED TO
9 HAVE BEEN VIOLATED;

10 C. WHAT ACTION(S) THE SECRETARY OF STATE PLANS TO
11 TAKE; AND

12 D. OTHER RELEVANT INFORMATION