

**Colorado Secretary of State**  
**Rules Concerning Lobbyist Regulation**  
**[8 CCR 1505-8]**

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## **Rule 1. Definitions**

- 1.1 “Bona fide personal emergency,” as used in section 24-6-302(7), C.R.S., means:
- 1.1.1 A medical emergency involving the individual responsible for filing or the individual’s immediate family. The medical emergency can include but is not limited to incapacitation, hospitalization, death, or debilitating illness or injury.
  - 1.1.2 A practical emergency including extraordinary obstacles out of the control of the lobbyist or lobbyist firm that preclude timely disclosure. For example:
    - (a) The loss or unavailability of records, or a computer due to fire, flood, or theft;
    - (b) A web site error that made it impossible to file a required registration document; or
    - (c) Other compelling reasons beyond the lobbyist’s or lobbyist firm’s control.
  - 1.1.3 The following are not a “bona fide personal emergency:”
    - (a) Failure to timely file registration documents due to failure to plan;
    - (b) Misunderstandings of applicable disclosure requirements and deadlines;
    - (c) Mistakes in electronic filing submissions, including incomplete filings;
    - (d) Lack of access to the internet or personal computer; or
    - (e) Lack of credit card or other means for making online payments.
- 1.2 “Rate,” as used in sections 24-6-301(1.7)(b) and 24-6-301(3.5)(a)(IV), C.R.S., means a ratio of valuation, percentage, percentage change, annual adjustment, or an amount charged for a good or service, adopted by a state agency having rulemaking authority.
- 1.3 “Rule-making official,” as used in section 24-6-301(1.7)(b), C.R.S., means an official of a state agency who has jurisdiction or authority to adopt any rule, standard, or rate.
- 1.4 “Standard,” as used in sections 24-6-301(1.7)(b) and 24-6-301(3.5)(a)(IV), C.R.S., means a criterion measuring acceptability, quality, accuracy, weight, or an amount, or a threshold for agency jurisdiction adopted by a state agency having rulemaking authority.
- 1.5 “State Liaison” means the one person designated by each principal department of state government who is responsible for any lobbying by a state official or employee on behalf of the principal department, in accordance with section 24-6-303.5(1)(a), C.R.S.
- 1.6 “Substantial Violation” means any one of the following violations of Part 3 of Article 6 of Title 24, C.R.S.:

- 1.6.1 Failure to register as a lobbyist in accordance with sections 24-6-303 or 24-6-303.5, C.R.S.;
- 1.6.2 Failure to file a monthly disclosure statement within 15 days after the due date while the general assembly is in session, in accordance with sections 24-6-303(3)(a) and 24-6-303.5(2)(b), C.R.S.;
- 1.6.3 Failure to file a monthly disclosure statement within 30 days after the due date while the general assembly is not in session, in accordance with sections 24-6-303(3)(a) and 24-6-303.5(2)(b), C.R.S.;
- 1.6.4 Knowingly underreporting any item of income or expenditures by any amount on the disclosure statement;
- 1.6.5 Underreporting income or expenditures by twenty percent or more on the entire disclosure statement;
- 1.6.6 Any violation of sections 24-6-306, 24-6-307, or 24-6-308, C.R.S.;
- 1.6.7 Any other violation that the Secretary of State finds “substantial,” taking into consideration the following factors:
  - (a) The extent of noncompliance;
  - (b) The purpose of the applicable provision and whether that purpose is substantially achieved despite the alleged noncompliance; and
  - (c) Whether there was a good-faith effort to comply or whether noncompliance is based on a conscious decision to lobby covered officials without registering or filing disclosure statements.

## **Rule 2. Fees**

- 2.1 The fee for filing a professional lobbyist registration statement is \$40.00.
- 2.2 Upon written request, the Secretary of State may waive the registration fee for a professional lobbyist for a not-for-profit organization if:
  - 2.2.1 The lobbyist derives compensation solely from the organization; and
  - 2.2.2 (a) The organization can demonstrate that it is operating under financial hardship conditions; or
  - (b) The lobbyist will have particular interest in only one issue or bill and does not intend to lobby throughout the State fiscal year.

- 2.3 To receive a registration fee waiver, a professional lobbyist for a not-for-profit organization must obtain approval prior to filing the registration. The written request must:
- 2.3.1 State the information required by Rule 2.2 of these rules; and
  - 2.3.2 Include the organization's Internal Revenue Service form 1024, or 990, if requesting a waiver under Rule 2.2.2(a) of these rules.

### **Rule 3. Electronic Filing**

- 3.1 A lobbyist must electronically file all registration and disclosure statements required by Part 3 of Article 6 of Title 24, C.R.S. The Secretary of State will not accept manual filings. The Secretary must make a computer terminal available in the Secretary's main office for filing electronic registration and disclosure statements.
- 3.2 The Secretary of State may grant an exception to the electronic filing requirement based on hardship or good cause shown.
- 3.3 All applications for an exception must include a brief statement of the hardship or good cause for the requested exception. A lobbyist must submit an application to the Secretary of State at least 15 calendar days prior to the first applicable filing deadline, unless the exception is based on emergency circumstances arising after the deadline, in which case the lobbyist must describe the nature of the emergency in the application. Filing the application for exception based on emergency circumstances does not delay any reporting deadlines. If, however, a penalty is imposed for failure to file a disclosure statement on the due date, the Secretary of State may reduce or set the penalty aside in accordance with section 24-6-302(7), C.R.S.
- 3.4 For the purposes of this Rule 3, "electronic filing" means filing the registration and disclosure statements required by Part 3 of Article 6 of Title 24, C.R.S., using the internet system created by the Secretary of State in accordance with section 24-6-303(6.3)(a), C.R.S.
- 3.5 When a lobbyist or authorized agent uses the electronic filing system to submit a registration or disclosure statement, the submission constitutes the lobbyist's or agent's electronic signature in accordance with section 24-71-101, C.R.S., under penalty of perjury.
- 3.6 Automated extraction of bulk data from the Secretary of State's web site by means of computerized "robots" or "data mining", is prohibited. Upon request, the Secretary of State will provide bulk data for a fee established in accordance with section 24-21-104, C.R.S.

### **Rule 4. Disclosure**

- 4.1 Article XXIX of the Colorado Constitution prohibits lobbyists from offering or giving a gift or thing of value, of any kind or nature to a covered official.

- 4.2 Contents of the monthly disclosure statement:
- 4.2.1 The monthly disclosure statement for A professional lobbyist must meet the requirements of sections 24-6-301(1.9) and 24-6-302(2.5), C.R.S.
  - 4.2.2 The monthly disclosure statement for a lobbying firm must meet the requirements of sections 24-6-301(1.9) and 24-6-302(2), C.R.S.
  - 4.2.3 The monthly disclosure statement for state liaisons and state officials or employees lobbying on behalf of an institution or governing board of higher education must meet the requirements of section 24-6-303.5(2)(a), C.R.S.
    - (a) Professional lobbyists registered under sections 24-6-302 or 24-6-303, C.R.S., and who contract to lobby on behalf of a principal department or an institution or governing board of higher education and who are not state officials or employees must continue to file disclosure statements in accordance with sections 24-6-302 and 24-6-303, C.R.S.
  - 4.2.4 In accordance with section 24-6-303.5(3), C.R.S., lobbyists hired on a contract basis to lobby on behalf of a principal department and who are not registered as professional lobbyists under sections 24-6-302 or 24-6-303, C.R.S., at the time of hiring must report their lobbying activities to the state liaison for the principal department.
- 4.3 The registration and disclosure statements of each state liaison must include the information required by section 24-6-303.5, C.R.S., for every “state official or employee”, as that term is defined in section 24-6-303.5(3), C.R.S., within the state principal department, including state officials and employees lobbying on behalf of any commission, board, council, agency, or other subdivision of the principal department, and including any lobbyist hired by the principal department on a contract basis who is not registered as a professional lobbyist as described in Rule 4.2.4, but excluding persons lobbying on behalf of an institution or governing board of higher education.
- 4.4 Nothing in these rules or section 24-6-303.5, C.R.S., authorizes a state liaison to manage, control, supervise, or direct the lobbying activities of any state official or employee of the principal department except as may be necessary to enable the state liaison to comply with the registration and reporting requirements of the statutes and these rules.

## **Rule 5. Record Retention**

- 5.1 Professional lobbyists and lobbyist firms must retain the following in accordance with section 24-6-304(1), C.R.S.:
- 5.1.1 Receipts for expenditures or contributions made;
  - 5.1.2 Documentation of income; and
  - 5.1.3 Contracts.

## **Rule 6. Enforcement**

### **6.1 Waiver Process.**

6.1.1 Under section 24-6-302(7), C.R.S., any professional lobbyist or lobbyist firm registered with the Secretary of State may ask the Secretary to excuse or reduce an imposed fine by submitting a written request by letter, email, fax or hand-delivery within 30 days of the imposition of fine. The request should include:

- (a) The registered lobbyist's name;
- (b) The request date;
- (c) The due date of the delinquently filed disclosure statement(s);
- (d) The filing date the lobbyist actually filed the disclosure statement(s) ;
- (e) A brief summary of the reason, circumstance, or other justification of the "bona fide personal emergency", as defined in Rule 1.1;
- (f) Any measures the lobbyist or firm has instituted or plans to institute to avoid future delinquencies, if applicable; and
- (g) Other relevant information.

6.1.2 The Secretary of State may take into account all appropriate facts and circumstances when granting or rejecting a waiver request or in reducing an imposed fine. The Secretary may also consider the frequency of the requests to excuse or reduce a fine within a two-year period, efforts to mitigate or remedy the failure to register or file, and the registrant's demonstrated commitment to meet the requirements of Colorado's laws concerning lobbyist regulation.

6.2 Complaints. Any person who believes a lobbyist or lobbyist firm is not complying with the Colorado Lobbyist Regulation laws or Rule 4, may file a complaint with the Secretary of State in accordance with Section 24-6-305(2)(c), C.R.S. For the purposes of this Rule 6.2, "lobbyist" includes a state liaison and state official or employee lobbying on behalf of an institution or governing board of higher education.

6.2.1 A written complaint filed with the Secretary of State must be notarized and contain the following information :

- (a) The complainant's name;
- (b) The complainant's full residence address and mailing address (if different from residence);

- (c) The alleged violation, which may include a reference to the particular statute or rule;
- (d) The lobbyist or firm's name;
- (e) The date and location of the alleged violation, if known; and
- (f) Other applicable or relevant information.

6.2.2 The Secretary of State will review all properly submitted complaints and investigate as appropriate. If the Secretary determines that a violation occurred, the Secretary must take appropriate action under section 24-6-305, C.R.S.

6.2.3 Upon receipt of a properly submitted complaint, the Secretary of State must:

- (a) Notify the person against whom the complaint is filed by certified mail; and
- (b) In the case of a state liaison, notify the head of the principal department in writing;
- (c) In the case of a state official or employee lobbying on behalf of a principal department, notify the state liaison in writing; or
- (d) In the case of a state official or employee lobbying on behalf of an institution or governing board of higher education, notify the institution or governing board in writing.

6.2.4 Notification of a complaint in accordance with Rule 6.2.3 must include:

- (a) The date and factual basis of each act with which the lobbyist or firm is charged;
- (b) The particular provision of the statute that the lobbyist or firm allegedly violated;
- (c) The action(s) the Secretary of State plans to take; and
- (d) Other relevant information.

6.3 Suspension, Revocation, and Other Appropriate Actions.

6.3.1 The Secretary of State will investigate, provide notice, and hold hearings for a violation of Part 3 of Article 6 of Title 24, C.R.S., in accordance with section 24-4-105, C.R.S.

6.3.2 If the Secretary of State finds a violation that does not warrant suspension or revocation, the Secretary may admonish the professional lobbyist.

- (a) The Secretary of State may admonish a professional lobbyist if:
  - (1) The lobbyist violates a provision of Part 3 of Article 6 of Title 24, C.R.S., but the violation is not a substantial violation as defined in Rule 1.6 of these Rules;
  - (2) The lobbyist commits a substantial violation, as defined by Rule 1.6 of these Rules, but takes prompt action to correct or remedy the violation;
  - (3) The lobbyist fails to pay penalties within 45 days of the assessment of the penalties; or
  - (4) The lobbyist's violation was inadvertent, was an isolated event, and the lobbyist has made a good faith effort to comply.
- (b) Upon issuing an admonishment, the Secretary of State must notify the lobbyist and give the lobbyist 30 days to respond. The Secretary of State may reverse the admonishment, based on any additional information provided by the lobbyist.

6.3.3 The Secretary of State may pursue suspension of a professional lobbyist's certificate of registration if:

- (a) The lobbyist commits a substantial violation and takes no action to remedy or correct the violation;
- (b) The lobbyist was previously admonished by the Secretary of State and commits the same violation; or
- (c) The lobbyist has a pattern of noncompliance and the Secretary of State reasonably believes that the pattern of noncompliance will likely continue.

6.3.4 The Secretary of State will pursue revocation of a professional lobbyist's certificate of registration if:

- (a) The lobbyist knowingly and willfully commits a substantial violation of Part 3 of Article 6 of Title 24, C.R.S.;
- (b) The lobbyist continues to lobby during the period of suspension of the lobbyist's certificate of registration; or
- (c) The lobbyist was suspended by the Secretary of State and willfully commits the same violation.



**Rule 7: Collections**

- 7.1 If a lobbyist or firm fails to pay a penalty within 90 days, the Secretary of State will send the penalty to collections.
- 7.2 The Secretary of State will remove a registration statement restriction if a Lobbyist or firm with penalties in collections is making payments and showing a good faith effort to cure the fine.