

# Revised Draft of Proposed Rules

## Office of the Colorado Secretary of State Rules for the Administration of the Colorado Charitable Solicitations Act 8 CCR 1505-9

October 18, 2012

### Disclaimer:

The proposed draft rules have changed. This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on September 13, 2012. These revised proposed rules will be considered at the October 25, 2012 rulemaking hearing.

In accordance with the State Administrative Procedure Act, this revised copy of the proposed rules is made available to the public and posted on the Department of State's website.<sup>1</sup>

SMALL CAPS indicate proposed additions to the current rules.

~~Stricken type~~ indicates proposed deletions from current rules.

Shading indicates revisions from the previous draft.

*(Annotations)* may be included.

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1 *Amendments to Rule 1:*

2 **Rule 1. Definitions.**

3 As used in these rules and in the Colorado Charitable Solicitations Act.

4 1.1 **Accounting Period:**—“ACCOUNTING PERIOD” MEANS the time period for keeping records and  
5 reporting income and expenses.

6 1.2 **Agent:** ~~any person~~—“AGENT” MEANS AN INDIVIDUAL who, BY THE WRITTEN AUTHORITY AND ON  
7 THE ACCOUNT OF THE PRINCIPAL, transacts ~~some business or manages some affair for another~~  
8 (the “principal”), ~~by the authority and on account of the principal, under a written instrument,~~  
9 AFFAIRS FOR THE PRINCIPAL, and who is required to render an account of ~~such~~ THE business or  
10 affair to the principal. ~~The term “aAgent” shall also include the term “subcontractors.”~~

11 1.3 **Authorized Officer:**—“AUTHORIZED OFFICER” MEANS the officer designated by the filing entity  
12 to electronically sign ~~any~~ forms on behalf of the organization ~~pursuant to~~ IN ACCORDANCE WITH  
13 the CCSA.— This ~~person shall~~ INDIVIDUAL MUST be an officer of a nonprofit corporation, a  
14 trustee of a charitable trust, or a senior manager member of any other ~~type of~~ entity subject to the  
15 filing requirements of the CCSA.

16 1.4 “BONA FIDE PERSONAL EMERGENCY,” AS USED IN THESE RULES MEANS:

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<sup>1</sup> Section 24-4-103(4)(a), C.R.S. (2012). “[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 1.4.1 A MEDICAL EMERGENCY AFFECTING A REGISTRANT OR MEMBER OF REGISTRANT'S  
2 IMMEDIATE FAMILY, INCLUDING BUT NOT LIMITED TO, INCAPACITATION FOR MEDICAL  
3 REASONS, HOSPITALIZATION, ACCIDENT INVOLVEMENT, OR DEATH.

4 1.4.2 A PRACTICAL EMERGENCY INCLUDING EXTRAORDINARY OBSTACLES OUT OF THE  
5 CONTROL OF THE REGISTRANT THAT PRECLUDE TIMELY DISCLOSURE. FOR EXAMPLE:

6 (A) THE LOSS OR UNAVAILABILITY OF RECORDS OR A COMPUTER DUE TO FIRE,  
7 FLOOD, OR THEFT;

8 (B) OTHER COMPELLING REASONS BEYOND THE REGISTRANT'S CONTROL.

9 1.4.4 THE FOLLOWING ARE GENERALLY NOT CONSIDERED A "BONA FIDE PERSONAL  
10 EMERGENCY:"

11 (A) FAILURE TO TIMELY FILE REGISTRATION DOCUMENTS DUE TO FAILURE TO PLAN;

12 (B) ACCOUNTING DELAYS;

13 (C) MISUNDERSTANDING OF APPLICABLE DISCLOSURE REQUIREMENTS AND  
14 DEADLINES;

15 (D) MISTAKES IN ELECTRONIC FILING SUBMISSION, INCLUDING INCOMPLETE FILINGS  
16 RESULTING IN REJECTION OF THE FILED DOCUMENT;

17 (E) LACK OF ACCESS TO INTERNET OR PERSONAL COMPUTER; AND

18 (F) LACK OF CORPORATE CREDIT CARD OR OTHER MEANS FOR MAKING ONLINE  
19 PAYMENTS.

20 *(Current Rules 7.5 and 7.6 are amended and relocated to this New Rule 1.4).*

21 **1.4-1.5 CCSA:**—"CCSA" MEANS Colorado Charitable Solicitations Act CODIFIED AT ARTICLE 16 OF  
22 TITLE 6, C.R.S.

23 **1.5-1.6 Directly Employed:**—"DIRECTLY EMPLOYED", as used in section 6-16-103(7)(d), C.R.S., means  
24 the charitable organization controls or directs the means and methods of accomplishing the result  
25 of the individual's work, regardless of whether the individual is employed full-time or part-time,  
26 is paid a salary or on commission, or is called an employee or an agent or independent contractor.  
27

28 **1.6-1.7 "EMPLOYER IDENTIFICATION NUMBER" OR EIN,** ALSO KNOWN AS A FEDERAL TAX  
29 IDENTIFICATION NUMBER, IS USED TO IDENTIFY A BUSINESS ENTITY.

30 **1.6-1.7-1.8 Fiscal Year:**—any "FISCAL YEAR" MEANS ANNUAL accounting period ~~consisting of a~~  
31 ~~year,~~ subject to ~~rule~~ RULE ~~1.15-1.16.~~

32 **1.7-1.8-1.9 Form of the Applicant's Business:**—~~the legal status of the entity, such as domestic~~  
33 ~~nonprofit corporation, foreign nonprofit corporation, domestic nonprofit association, foreign~~  
34 ~~nonprofit association, corporation, sole proprietor, etc.~~—"FORM OF THE APPLICANT'S BUSINESS"  
35 MEANS AN ENTITY LISTED IN SECTION 7-90-102, C.R.S., OR SIMILAR BUSINESS STATUTES IN

1 OTHER STATES. "FORM OF THE APPLICANT'S BUSINESS" DOES NOT INCLUDE THE  
2 ORGANIZATION'S TAX-EXEMPT STATUS, SUCH AS "501(c)(3)," OR THE ORGANIZATION'S PURPOSE.

3 ~~1.8~~ ~~1.9~~ **1.10 Gross Revenue:**—"GROSS REVENUE" MEANS the total amount the organization receives  
4 from all sources, regardless of geographic location, during its accounting period, without  
5 subtracting ~~any~~ costs or expenses. "Gross revenue" does not include receipt of funds merely as an  
6 agent for another, where the organization collects the funds and delivers ~~the funds~~ THEM to the  
7 principal without asserting ~~any~~ A right to use them or otherwise deriving a benefit from them.

8 ~~1.9~~ ~~1.10~~ ~~1.11~~ **Name or Names under which Charitable Organization Intends to Solicit**  
9 **Contributions:**—"NAME OR NAMES UNDER WHICH CHARITABLE ORGANIZATION INTENDS TO  
10 SOLICIT CONTRIBUTIONS" includes ~~any~~ "doing business as," "also known as," or trade names.  
11 This term includes the name of ~~any~~ donor-advised fund that solicits contributions from the public  
12 using its own name, unless, in all written and oral solicitations, ~~it~~ THE FUND clearly identifies  
13 itself as a "donor-advised fund" ~~of~~ a specified charitable organization that is either registered  
14 with the Secretary of State or exempt under section ~~6-16-104(6)(a)-(e)~~ 6-16-104(6)(a) THROUGH  
15 ~~(e)~~(d), C.R.S.

16 ~~1.10~~ ~~1.11~~ ~~1.12~~ **Newly Formed Charitable Organization:**—"NEWLY-FORMED CHARITABLE  
17 ORGANIZATION" MEANS an organization that has ~~not completed its first fiscal year or has not~~  
18 reached the 15th day of the fifth month ~~since~~ FOLLOWING the close of its first fiscal year. In most  
19 cases, newly-formed charitable organizations will file an initial registration statement ~~consisting~~  
20 of estimated financial information that must be replaced by actual financial information on or  
21 before the 15th day of the fifth month after the close of its first ~~Fiscal~~ FISCAL year.

22 ~~1.11~~ ~~1.12~~ ~~1.13~~ **Person Responsible for Directing and Supervising the Conduct of the Campaign:**  
23 ~~pursuant to~~—"PERSON RESPONSIBLE FOR DIRECTING AND SUPERVISING THE CONDUCT OF THE  
24 CAMPAIGN", IN ACCORDANCE WITH section 6-16-104.6(7)(b), C.R.S., ~~this term~~ includes any  
25 agents or subcontractors of the paid solicitor.

26 ~~1.12~~ ~~1.13~~ ~~1.14~~ **Principal Place of Business:** ~~the bona fide physical street address of the organization or~~  
27 ~~sole proprietor. This~~—"PRINCIPAL PLACE OF BUSINESS" MEANS THE STREET ADDRESS OF THE  
28 ORGANIZATION'S USUAL PLACE OF BUSINESS. "PRINCIPAL PLACE OF BUSINESS", AS USED IN  
29 THESE RULES, does not include a post office box or private mailbox.

30 ~~1.13~~ **Registration Service Provider:** ~~a business or individual that provides the service of registering~~  
31 ~~a charity, paid solicitor, professional fundraising consultant for charitable solicitations with the~~  
32 ~~Secretary of State, but is neither a bona fide volunteer nor a director, officer, or compensated~~  
33 ~~employee as described in section 6-16-103(7)(c), C.R.S.~~

34 ~~1.14~~ ~~1.15~~ "REGISTERED AGENT" HAS THE SAME MEANING AS IN SECTION 7-90-701, C.R.S., EXCEPT  
35 THAT, IF A PERSON MUST REGISTER UNDER THE CHARITABLE SOLICITATIONS ACT, THE PERSON  
36 MUST APPOINT AND CONTINUOUSLY MAINTAIN A REGISTERED AGENT, EVEN IF THE PERSON IS  
37 NOT REQUIRED TO DO SO UNDER SECTION 7-90-701, C.R.S. A REGISTRATION DOCUMENT FILED IN  
38 ACCORDANCE WITH ARTICLE 16 OF TITLE 6, C.R.S., THAT REQUESTS THE NAME AND ADDRESS OF  
39 THE ORGANIZATION'S REGISTERED AGENT MUST ALSO INCLUDE A STATEMENT BY THE FILER  
40 THAT THE REGISTERED AGENT CONSENTS TO THE APPOINTMENT.

41 ~~1.14~~ ~~1.15~~ ~~1.16~~ **Short-Period Registration and Financial Statement:**—"SHORT-PERIOD REGISTRATION  
42 AND FINANCIAL STATEMENT" MEANS a registration and financial statement covering a period of  
43 less than 12 months.

1 ~~1.15-1.16-1.17~~ **Sole Responsibility:**—“SOLE RESPONSIBILITY”, with respect to section 6-16-103(7)(a),  
2 C.R.S., a person whose “sole responsibility is to print or mail fundraising literature” -is intended  
3 to exempt only employees of professional printing and copying businesses from the definition of  
4 paid solicitor.

5 ~~1.17-1.18~~ “STATE ELECTIONS COMMISSION” MEANS, FOR THE PURPOSES OF SECTION 6-16-  
6 104(6)(B), C.R.S., THE SECRETARY OF STATE’S CAMPAIGN AND POLITICAL FINANCE PROGRAM.

7 ~~1.18-1.19~~ “STREET ADDRESS” HAS THE SAME MEANING AS IN SECTION 7-90-102(62), C.R.S.

8 ~~1.16-1.19-1.20~~ **Subcontractor:**—any “SUBCONTRACTOR”, AS USED IN THESE RULES, INCLUDES THE agent  
9 (but not an employee) of a ~~professional~~ PAID solicitor who solicits ~~under a contract or agreement~~  
10 on behalf of the ~~professional~~ PAID solicitor for the benefit of ~~any~~ A charitable organization ~~with~~  
11 ~~which the professional solicitor has a contract or agreement~~ THAT CONTRACTED WITH THE PAID  
12 SOLICITOR.

### 13 Amendments to Rule 2:

## 14 Rule 2. Electronic Filing

15 2.1 ~~All filings with the Office of the Secretary of State that are~~ DOCUMENTS required or permitted by  
16 the CCSA ~~shall be made~~ MUST BE FILED electronically, IN THE PRESCRIBED FORMAT, through the  
17 ~~use of the Secretary of State's internet charitable solicitation registration and reporting~~ WEB-  
18 BASED CHARITIES system, ~~and shall be in the format prescribed by the Secretary of State. No such~~  
19 ~~filing attempted on paper will be deemed valid, nor will any paper filing tendered in connection~~  
20 ~~with the CCSA be accepted by the Secretary of State. PAPER FILINGS ARE VOID AND WILL NOT BE~~  
21 ACCEPTED.

22 2.2 The Secretary of State will issue a unique user identification ~~number~~ and password to ~~any~~  
23 ~~charitable organization, paid solicitor, or professional fundraising consultant~~ AN INDIVIDUAL who  
24 requests to COMPLETE OR file pursuant to Title 6, Article 16 A DOCUMENT IN ACCORDANCE WITH  
25 ARTICLE 16 OF TITLE 6, C.R.S., ~~provided that such requester first furnishes any information,~~  
26 ~~agreement or affirmation that the Secretary of State requires in order to establish and maintain an~~  
27 ~~accurate, accessible, and secure electronic charitable solicitations filing and information system~~  
28 AND WHO AGREES TO THE SECRETARY’S RULES FOR USE OF THE SYSTEM. ~~Submission of a filing~~  
29 FILING with the USER identification ~~number~~ and password described in this ~~rule~~ RULE 2 shall  
30 WILL constitute the filer's official signature, in ~~accord~~ ACCORDANCE with section 24-71.3-102(8),  
31 C.R.S., ~~affixed under penalty of perjury, as provided by law.~~

32 2.2.1 AN INDIVIDUAL REGISTERING OR RENEWING A REGISTRATION UNDER ARTICLE 16 OF  
33 TITLE 6, C.R.S. MUST HAVE AN EIN FROM THE INTERNAL REVENUE SERVICE (IRS).

34 2.2.2 AN INDIVIDUAL REQUESTING A USER IDENTIFICATION AND PASSWORD UNDER RULE 2.2  
35 MUST PROVIDE HIS OR HER NAME, DAYTIME TELEPHONE NUMBER, VALID EMAIL  
36 ADDRESS, AND EIN, AND MUST UPDATE THIS INFORMATION PROMPTLY WHEN AND IF IT  
37 CHANGES.

38 2.3 EMAIL ADDRESSES PROVIDED TO THE SECRETARY OF STATE UNDER THIS RULE 2 ARE FOR  
39 ADMINISTRATIVE PURPOSES ONLY AND ARE NOT CONSIDERED PUBLIC RECORDS FOR PURPOSES OF  
40 THE PUBLIC RECORDS LAW, PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

1 [Amendments to Rule 3:](#)

2 **Rule 3. —Expedited Hearing Deadlines**

3 3.1 UPON NOTICE FROM THE SECRETARY OF STATE THAT A REGISTRATION HAS BEEN DENIED OR IS  
4 SUBJECT TO SUSPENSION OR REVOCATION, THE AGGRIEVED PARTY MAY REQUEST A HEARING  
5 WITHIN FIVE CALENDAR DAYS AFTER RECEIPT OF NOTICE.

6 ~~3.1-3.2~~ Upon receipt of a request for hearing ~~pursuant to~~ IN ACCORDANCE WITH section ~~6-16-111 (6) (b)~~  
7 ~~6-16-111(6)(b)~~, C.R.S., the Secretary of State will set and give notice of the ~~requested hearing-~~  
8 ~~Such notice will be sent~~ by certified mail within five business days of the ~~Secretary of State's~~  
9 ~~receipt of the hearing request and.~~ THE SECRETARY will set the hearing ~~on a date~~ no sooner than  
10 ~~ten-20~~ and no later than ~~twenty-45~~ calendar days after the ~~date of~~ mailing of the notice.

11 ~~3.2-3.3~~ Proceedings conducted pursuant to section ~~6-15-111 (6)~~, C.R.S., and this Rule 3 may, in the  
12 discretion of the Secretary of State, be continued for good cause shown by any party to such  
13 proceedings. — Any continuance will be as brief as practicable, and no continuance will be for a  
14 period longer than ten days—THE SECRETARY MAY, FOR GOOD CAUSE SHOWN, CONTINUE A  
15 PROCEEDING UNDER SECTION 6-15-111(6), C.R.S., AND THIS RULE 3 FOR A PERIOD AS BRIEF AS  
16 PRACTICABLE AND, IN NO CASE, FOR MORE THAN 15 DAYS.

17 ~~3.3-3.3~~ The Secretary of State will—MUST CONDUCT AND conclude all expedited hearings with reasonable  
18 dispatch, IN A TIMELY MANNER and will—MUST take final agency action, including, but without  
19 limitation, issuance of all such administrative findings, decisions, and orders as the Secretary  
20 considers appropriate, within twenty calendar days from the date on which any such expedited  
21 hearing is concluded—NO LATER THAN THE TENTH DAY FOLLOWING THE HEARING.

22 [Amendments to Rule 4:](#)

23 **Rule 4. —Issuing Registration Numbers**

24 4.1 ~~Upon approval by~~ IF the Secretary of State ~~of~~ APPROVES an initial or renewal registration  
25 statement of a charitable organization, professional fundraising consultant, or paid solicitor, the  
26 Secretary of State will issue or update the status of a permanent registration number.— The  
27 Secretary of State will send a confirmation to ~~the email address of~~ the authorized officer and  
28 registered agent, ~~reflecting~~ CONTAINING the organization's name, and any DBAs, its permanent  
29 registration number, ~~the FILING document number of the filing, the organization's federal~~  
30 ~~employer identification number (FEIN) EIN, the PRINCIPAL address of the principal place of~~  
31 ~~business, the date the document was approved~~ DOCUMENT APPROVAL DATE, ~~the date the~~  
32 ~~subsequent renewal will be (or was) due~~ DATE, ~~the name of the person who signed the~~  
33 ~~document's~~ SIGNOR, and the date it was signed.

34 4.2 ~~The Secretary of State will provide an electronic “certificate of registration” in the form of a~~  
35 ~~printable electronic certificate which will display the registration status of a registrant in good or~~  
36 ~~delinquent status to any user of the web site upon request~~ AN INDIVIDUAL MAY VERIFY AN  
37 ORGANIZATION'S REGISTRATION STATUS AND MAY CREATE A REGISTRATION CERTIFICATE BY  
38 VISITING THE SECRETARY'S WEBSITE. —The REGISTRATION certificate will ~~indicate whether the~~  
39 ~~registrant is registered or out of compliance with the filing requirements of the CCSA and list the~~  
40 organization's registration number, ~~entity~~ REGISTRANT type (charitable organization, paid  
41 solicitor, or professional fundraising consultant), REGISTRATION status, ALONG WITH the date that  
42 status was established, and the date (INCLUDING AN EXTENSION), by which the organization must

1 renew ~~or should have renewed~~ its registration or ~~replaced~~ REPLACE estimated financial figures  
2 with actual FINANCIAL figures.

3 4.3 ~~A registration certificate will not be provided in~~ THE SECRETARY OF STATE WILL NOT PROVIDE A  
4 REGISTRATION CERTIFICATE IF ~~the event the registrant's status is~~ ORGANIZATION'S REGISTRATION  
5 HAS BEEN denied, suspended, OR revoked, ~~exempt, or expired~~.

6 4.3-4.4 ~~The registration of a charitable organization, professional fundraising consultant, or paid solicitor~~  
7 ~~will be listed as "good" on the charitable solicitations website after the Secretary of State's office~~  
8 ~~has accepted its initial or renewal registration statement, provided that the renewal is for the~~  
9 ~~organization's most recent fiscal year. Initial registrations will result in a "good" status subject to~~  
10 ~~rule 5.4.~~ THE SECRETARY OF STATE WILL LIST AS "GOOD" THE REGISTRATION OF A CHARITABLE  
11 ORGANIZATION, PROFESSIONAL FUNDRAISING CONSULTANT, OR PAID SOLICITOR ONCE THE  
12 SECRETARY APPROVES THE REGISTRATION STATEMENT FOR THE MOST-RECENT FISCAL YEAR.  
13 THE SECRETARY WILL LIST ALL INITIAL REGISTRATIONS AS "GOOD."

14 4.4-4.5 ~~The registration of a charitable organization, paid solicitor, or professional fundraising consultant~~  
15 ~~will be listed as delinquent effective on the first day after its renewal deadline has passed. IF A~~  
16 CHARITABLE ORGANIZATION, PROFESSIONAL FUNDRAISING CONSULTANT, OR PAID SOLICITOR  
17 MISSES A FILING DEADLINE, THE ORGANIZATION STATUS WILL CHANGE TO "DELINQUENT" THE  
18 DAY AFTER DEADLINE.

19 4.5-4.6 IF THE CHARITABLE ORGANIZATION HAS NOT BEEN IN EXISTENCE FOR AN ENTIRE ACCOUNTING  
20 PERIOD, CHANGES ITS ACCOUNTING PERIOD, OR MERGES OUT OF EXISTENCE OR DISSOLVES  
21 BEFORE THE END OF ITS ACCOUNTING PERIOD, IT MAY HAVE TO FILE ~~A~~ A short-period registration  
22 and financial statement ~~may be required if the charitable organization has not been in existence~~  
23 ~~for an entire accounting period, or changes its accounting period. Similarly, a short period final~~  
24 ~~registration and financial statement may be required if the organization merges out of existence or~~  
25 ~~dissolves before the end of its accounting period.~~

26 4.6-4.7 A charitable organization ~~shall~~ MUST use the same accounting period to file registration  
27 documents with the Secretary of State ~~as its~~ THAT IT uses to maintain its financial records  
28 internally and ~~as it uses to file the federal form~~ IRS Form 990 with the ~~Internal Revenue Service~~  
29 (IRS)-IRS.

30 4.7 ~~If a paid solicitor has not submitted a solicitation campaign financial report ("campaign report")~~  
31 ~~on or before the 90th day following the campaign end date listed on the solicitation notice, the~~  
32 ~~campaign report will be listed as overdue, and the paid solicitor's registration status will be listed~~  
33 ~~as delinquent.~~

34 4.8 THE SECRETARY OF STATE MAY REQUIRE A CHARITABLE ORGANIZATION TO PROVIDE A COPY OF  
35 THE APPROPRIATE IRS FORM 990 TO MEET COLORADO'S REPORTING REQUIREMENTS.

36 4.9 IF THE SECRETARY DETERMINES THAT THE ORGANIZATION'S IRS FORM 990 CONTAINS  
37 ERRONEOUS INFORMATION OR OMITTS REQUIRED INFORMATION, THE SECRETARY MAY DIRECT  
38 THE ORGANIZATION TO FILE AN AMENDED IRS FORM 990 WITH THE IRS AND PROVIDE THE  
39 SECRETARY WITH A COPY OF THE AMENDED IRS FORM 990, REGARDLESS OF WHETHER THE  
40 ORIGINAL RETURN WAS ACCEPTED BY THE IRS.

41 [Amendments to Rule 5:](#)

1 **Rule 5. –Filing Deadlines and Extension of Filing Deadlines**

2 5.1 FILING A REGISTRATION RENEWAL AND FINANCIAL REPORT.

3 5.1.1 IF A CHARITABLE ORGANIZATION DOES NOT FILE A DEADLINE EXTENSION WITH THE IRS,  
4 THE CHARITABLE ORGANIZATION MUST FILE ITS REGISTRATION RENEWAL AND A  
5 FINANCIAL REPORT FOR THE MOST RECENT FISCAL YEAR BY THE 15TH DAY OF THE FIFTH  
6 CALENDAR MONTH AFTER THE CLOSE OF EACH FISCAL YEAR IN WHICH THE CHARITABLE  
7 ORGANIZATION SOLICITED IN COLORADO.

8 5.1.2 IF THE CHARITABLE ORGANIZATION FILES A DEADLINE EXTENSION WITH THE IRS, THE  
9 CHARITABLE ORGANIZATION MUST FILE ITS REGISTRATION RENEWAL AND FINANCIAL  
10 REPORT BY THE 15TH DAY OF THE EIGHTH CALENDAR MONTH AFTER THE CLOSE OF EACH  
11 FISCAL YEAR IN WHICH THE CHARITABLE ORGANIZATION SOLICITED IN COLORADO.

12 5.2 FILING REGISTRATION AMENDMENTS.

13 5.2.1 IF A CHARITABLE ORGANIZATION DOES NOT FILE A DEADLINE EXTENSION WITH THE IRS,  
14 A CHARITABLE ORGANIZATION THAT REPORTED ESTIMATED FINANCIAL INFORMATION ON  
15 ITS INITIAL REGISTRATION MUST AMEND ITS REGISTRATION WITH ITS ACTUAL FINANCIAL  
16 INFORMATION BY THE 15TH DAY OF THE FIFTH CALENDAR MONTH AFTER THE CLOSE OF  
17 THE FISCAL YEAR REPORTED ON THE INITIAL REGISTRATION STATEMENT.

18 5.2.2 IF THE CHARITABLE ORGANIZATION FILES A DEADLINE EXTENSION WITH THE IRS, IT  
19 MUST FILE NECESSARY AMENDMENTS TO ITS FINANCIAL INFORMATION BY THE 15TH DAY  
20 OF THE EIGHTH CALENDAR MONTH AFTER THE CLOSE OF EACH FISCAL YEAR IN WHICH  
21 THE CHARITABLE ORGANIZATION SOLICITED IN COLORADO.

22 5.3 A CHARITABLE ORGANIZATION MAY RENEW ITS REGISTRATION, REPLACE INITIAL ESTIMATES  
23 WITH ACTUAL FINANCIAL INFORMATION, OR REQUEST AN EXTENSION NO EARLIER THAN THE  
24 CLOSE OF THE ACCOUNTING PERIOD TO WHICH THE FILING APPLIES.

25 5.4 TO AVOID INCURRING LATE FEES, CHARITABLE ORGANIZATIONS MUST REPLACE INITIAL  
26 ESTIMATED FINANCIAL INFORMATION WITH ACTUAL FINANCIAL INFORMATION, FILE A  
27 REGISTRATION RENEWAL, OR FILE AN EXTENSION ON OR BEFORE THE FILING DEADLINE. A  
28 CHARITABLE ORGANIZATION THAT FILED AN EXTENSION WITH THE IRS AND IS UNABLE TO FILE  
29 ITS REGISTRATION RENEWAL OR AMEND ITS FINANCIAL INFORMATION BY THE 15TH DAY OF THE  
30 EIGHTH CALENDAR MONTH AFTER THE CLOSE OF EACH FISCAL YEAR IN WHICH THE CHARITABLE  
31 ORGANIZATION SOLICITED IN COLORADO MAY REQUEST A THREE MONTH EXTENSION FROM THE  
32 SECRETARY OF STATE. THE SECRETARY MAY IMPOSE A LATE FEE ON A CHARITABLE  
33 ORGANIZATION THAT FAILS TO TIMELY REQUEST AN EXTENSION.

34 *(Current Rule 5.1.2 is amended and relocated to this New Rule 5.4)*

35 5.5 IF A CHARITABLE ORGANIZATION, AT THE TIME OF INITIAL REGISTRATION, REPORTS FINANCIAL  
36 INFORMATION OUTSIDE OF THE MOST-RECENTLY COMPLETED FISCAL YEAR, THE SECRETARY OF  
37 STATE WILL APPROVE THE INITIAL REGISTRATION BUT THE ORGANIZATION MUST FILE A  
38 RENEWAL OR EXTENSION REQUEST WITHIN FIVE DAYS FROM THE INITIAL REGISTRATION  
39 APPROVAL. IF THE ORGANIZATION FAILS TO FILE A RENEWAL OR EXTENSION WITHIN THE FIVE  
40 DAY PERIOD, THE SECRETARY WILL MARK THE ORGANIZATION’S STATUS AS “DELINQUENT” AND



1 NOTIFY THE ORGANIZATION THAT IT MUST UPDATE THE INFORMATION OR IT WILL BE SUBJECT TO  
2 LATE FEES AND POSSIBLE SUSPENSION.

3 *(Current Rule 5.4 is amended and relocated to this New Rule 5.5)*

4 ~~5.1-5.6 Only~~ A charitable organizations ORGANIZATION may request ~~an~~ A DEADLINE extension ~~of the~~  
5 ~~deadline~~ for renewing a registration OR FOR FILING AN AMENDMENT TO REPLACE ESTIMATED  
6 WITH ACTUAL FINANCIAL INFORMATION.— This option is not available to professional  
7 fundraising consultants or paid solicitors.

8 5.6.1 A CHARITABLE ORGANIZATION MAY REQUEST AN EXTENSION AFTER THE CLOSE OF THE  
9 ITS ACCOUNTING PERIOD.

10 ~~5.1-1-5.6.2 All requests~~ THE ORGANIZATION MUST FILE THE EXTENSION REQUEST ~~for an~~  
11 ~~extension shall be filed~~ electronically on the Secretary of State's web site by logging in  
12 ~~and e-filing the necessary document~~ WEBSITE. ~~Neither filing for~~ FILING an extension with  
13 the IRS ~~nor~~ OR submitting a copy of ~~such a~~ THE request (SUCH AS IRS ~~form~~ FORM 8868)  
14 to the Secretary of State is NOT sufficient to extend a filing deadline. The Secretary of  
15 State will not consider requests to waive late filing fees on the grounds that the  
16 organization filed for an extension with the IRS; but neglected to file ~~for an~~ AN extension  
17 with the Secretary of State.

18 ~~5.1.2 To avoid incurring late fees, charitable organizations must file a registration renewal or~~  
19 ~~an extension on or before the filing deadline. Charitable organizations that fail to file an~~  
20 ~~extension request on time with the Secretary of State will be subject to a late fee, even if~~  
21 ~~it is still within the period during which an extension would have applied if it had been~~  
22 ~~timely filed.~~

23 *(Current Rule 5.1.2 is amended and relocated to New Rule 5.4)*

24 5.6.3 THE SECRETARY OF STATE MAY REQUEST EVIDENCE OF AN EXTENDED FILING DATE WITH  
25 THE IRS, SUCH AS A COPY OF THE IRS FORM 8868 OR AN IRS LETTER ADDRESSED TO THE  
26 ORGANIZATION CONFIRMING THE EXTENDED DEADLINE REQUEST.

27 5.7 PROFESSIONAL FUNDRAISING CONSULTANT OR PAID SOLICITOR REGISTRATION IS VALID FOR ONE  
28 YEAR. THE FUNDRAISING CONSULTANT OR PAID SOLICITOR MAY ANNUALLY RENEW  
29 REGISTRATION BY FILING A REGISTRATION RENEWAL BY THE ANNIVERSARY DATE. THE  
30 ANNIVERSARY DATE EACH YEAR WILL BE THE DAY AND MONTH THE INITIAL REGISTRATION WAS  
31 APPROVED, OR THE ~~DATE-DAY AND MONTH~~ THE MOST RECENT REINSTATEMENT WAS APPROVED.  
32 A PROFESSIONAL FUNDRAISING CONSULTANT OR PAID SOLICITOR WHO FAILS TO RENEW A  
33 REGISTRATION ON OR BEFORE THE ANNIVERSARY DATE IS SUBJECT TO A LATE FEE.

34 ~~5.2-5.8 A~~ THE RENEWAL PERIOD FOR A professional fundraising consultant or paid solicitor ~~may~~ BEGINS  
35 ~~renew its registration no earlier than~~ 60 days before ~~its~~ THE CONSULTANT'S OR SOLICITOR'S  
36 anniversary date.

37 5.9 A PAID SOLICITOR MUST FILE A COMPLETED SOLICITATION NOTICE NO LATER THAN 15 DAYS  
38 BEFORE A SOLICITATION CAMPAIGN STARTS. FAILURE TO FILE WILL SUBJECT THE PAID SOLICITOR  
39 TO A LATE FEE ~~AND UP TO REVOCATION~~.



1 5.3-5.9.1 ~~The range of campaign dates that may be listed on a solicitation notice is one~~  
2 ~~year or less. A FOR REPORTING PURPOSES, A SOLICITATION CAMPAIGN'S DURATION ON A~~  
3 ~~SOLICITATION NOTICE MAY NOT EXCEED ONE YEAR.~~

4 5.9.2 PRIOR TO THE CAMPAIGN END DATE LISTED ON AN INITIAL SOLICITATION NOTICE, A PAID  
5 SOLICITOR MAY AMEND THE INITIAL SOLICITATION NOTICE TO EXTEND THE CAMPAIGN  
6 DURATION UP TO ONE YEAR. AFTER THE CAMPAIGN END DATE, THE PAID SOLICITOR  
7 MUST FILE A NEW SOLICITATION NOTICE.

8 ~~5.4 Charitable organizations that register initially using information from the fiscal year prior to the~~  
9 ~~organization's most recent fiscal year, have 14 days from the date the initial registration is~~  
10 ~~approved in which to file an extension of the deadline for the most recent fiscal year or a renewal~~  
11 ~~covering the most recent fiscal year. Organizations failing to file for such extension will begin~~  
12 ~~receiving delinquency notices on the 15th day after the file date of the initial registration.~~

13 *(Current Rule 5.4 is amended and relocated to New Rule 5.5)*

14 5.10 A PAID SOLICITOR MUST SUBMIT A SOLICITATION CAMPAIGN FINANCIAL REPORT ON OR BEFORE  
15 THE 90TH DAY FOLLOWING THE CAMPAIGN END DATE LISTED ON A SOLICITATION NOTICE. A PAID  
16 SOLICITOR WHO DOES NOT SUBMIT A CAMPAIGN REPORT ON OR BEFORE THE DEADLINE MAY NOT  
17 BEGIN A NEW SOLICITATION CAMPAIGN OR FILE A NEW SOLICITATION NOTICE UNTIL THE  
18 OVERDUE CAMPAIGN REPORT IS APPROVED BY THE SECRETARY OF STATE.

19 *(Current Rule 8.3 is amended and relocated to this New Rule 5.10)*

20 ~~5.5-5.11~~ If the deadline for filing a document under the CCSA that is required to be filed by electronic  
21 ~~means falls REQUIRES A DOCUMENT TO BE FILED ELECTRONICALLY~~ on a Saturday, Sunday, legal  
22 ~~holiday, or any A day the Secretary of State's physical office is closed, the deadline shall be on~~  
23 ~~such day THE DOCUMENT MUST STILL BE FILED ELECTRONICALLY-DEADLINE WILL STILL BE ON~~  
24 ~~THAT DAY.~~

25 5.12 IF A REGISTRATION WAS FILED ON FEBRUARY 29, THE RENEWAL DEADLINE IS FEBRUARY 28 OF  
26 THE FOLLOWING YEAR.

27 **Repeal of current Rule 6:**

28 **~~Rule 6. Reminder Notices and Delinquency Notices~~**

29 ~~6.1 The Secretary of State will mail a first notice to the principal place of business and registered~~  
30 ~~agent of a charitable organization, professional fundraising consultant, or paid solicitor no later~~  
31 ~~than 30 days prior to the due date of the organization's renewal deadline. A second notice will~~  
32 ~~be mailed to the principal place of business and registered agent of the charitable organization,~~  
33 ~~professional fundraising consultant, or paid solicitor one day after the deadline, if the~~  
34 ~~organization has failed to renew its registration. The Secretary of State will mail a~~  
35 ~~suspension letter to the principal place of business and registered agent of a charitable~~  
36 ~~organization, professional fundraising consultant, or paid solicitor on the 60th day after the~~  
37 ~~organization's renewal deadline.~~

38 ~~6.2 If the registration statement of a charitable organization, professional fundraising consultant, or~~  
39 ~~paid solicitor is not renewed by the prescribed deadline or deadline extension granted by the~~  
40 ~~Secretary of State or the Secretary of State's designee, the status of its registration will be listed~~

1 as delinquent effective on the first day after the deadline has passed, and suspended on the 60th  
2 day after the deadline has passed. Once an organization's registration has been suspended, it must  
3 cease soliciting contributions in Colorado, until it has cured the reason for suspension by  
4 renewing its registration for all overdue fiscal years and paying all outstanding registration fees  
5 and fines.

6 6.3 — A paid solicitor must submit a solicitation campaign financial report ("campaign report") on or  
7 before the 90th day following the campaign end date listed on a solicitation notice. Delinquent  
8 notices will be sent to the principal place of business and registered agent of the paid solicitor and  
9 charitable organization one day and 15 days after the deadline. A suspension notice will be sent  
10 on the 60th day after the deadline.

11 [New Rule 6:](#)

12 **~~RULE 6: WAIVER OF STREET ADDRESS REQUIREMENT~~**

13 6.1 — A CHARITABLE ORGANIZATION MAY USE A SUBSTITUTE MAILING ADDRESS IF DISCLOSING THE  
14 ORGANIZATION'S PRINCIPLE PLACE OF BUSINESS OR CUSTODIAN OF FINANCIAL RECORD'S STREET  
15 ADDRESS THREATENS THE SAFETY OF AN EMPLOYEE, VOLUNTEER, OR THE FAMILY MEMBER OF  
16 AN EMPLOYEE OR VOLUNTEER.

17 6.2 — THE SECRETARY OF STATE MAY WAIVE THIS REQUIREMENT ONLY IF GENUINE CONCERNS FOR  
18 THE PERSONAL SAFETY OF INDIVIDUALS CONNECTED WITH THE ORGANIZATION EXIST, AND WHEN  
19 NO STREET ADDRESS FOR AN ADMINISTRATIVE OFFICE OF THE ORGANIZATION CAN BE PROVIDED  
20 AS AN ALTERNATIVE ADDRESS.

21 6.3 — A SUBSTITUTE MAILING ADDRESS REQUEST MUST INCLUDE:

22 6.3.1 — THE NAME AND FEDERAL EMPLOYER ID NUMBER OF THE CHARITABLE ORGANIZATION;

23 6.3.2 — THE REQUEST DATE;

24 6.3.3 — WHETHER THE WAIVER REQUEST IS FOR THE STREET ADDRESS OF THE ORGANIZATION,  
25 THE STREET ADDRESS OF THE INDIVIDUAL WHO HAS CUSTODY OF THE FINANCIAL  
26 RECORDS, OR BOTH;

27 6.3.4 — A BRIEF SUMMARY OF THE REASON, CIRCUMSTANCE, OR OTHER JUSTIFICATION FOR THE  
28 SAFETY CONCERNS; AND

29 6.3.5 — OTHER RELEVANT INFORMATION, SUCH AS THE ABSENCE OF A SEPARATE  
30 ADMINISTRATIVE OFFICE.

31 6.4 — THE STREET ADDRESS WAIVER DOES NOT APPLY TO THE REGISTERED AGENT'S PRINCIPAL  
32 ADDRESS.

33 [Current Rule 7 is amended and renumbered as New Rule 6:](#)

34 **Rule 76.— Fines**

35 76.1.1 ~~Any~~—THE SECRETARY WILL ASSESS A LATE FEE IF A charitable organization, professional  
36 fundraising consultant, or paid solicitor who, after receiving two notices by mail addressed to the

1 organization and registered agent of the organization, professional fundraising consultant, or paid  
2 solicitor fails to properly renew or update a registration, file a solicitation notice, or file a  
3 financial report of a solicitation campaign AFTER BEING SENT AT LEAST TWO NOTICES on or  
4 before the 14th day following the issuance of the final notice, shall be assessed a late fee. THE  
5 SECRETARY WILL ASSESS THE LATE FEE FOR AN OVERDUE SOLICITATION CAMPAIGN FINANCIAL  
6 REPORT AGAINST THE PAID SOLICITOR AND NOT THE CHARITABLE ORGANIZATION.

7 7.1.1 Late fees for overdue filings will increase the longer a charitable organization,  
8 professional fundraising consultant, or paid solicitor is delinquent. The maximum late fee  
9 will be imposed on the 60th day after deadline.

10 7.1.2 76.1.1 The late fee for a charitable organization shall be not less than \$25 and not more  
11 than IS \$100-\$60 per year OVERDUE REPORT.

12 7.1.3 76.1.2 The late fee for a professional fundraising consultant or paid solicitor IS shall be  
13 not less than \$50 and not more than \$200 per year OVERDUE REPORT and will apply  
14 APPLIES to an overdue renewal or an overdue financial-CAMPAIGN report of a solicitation  
15 campaign.

16 7.1.4 76.1.3 Once-IF a charitable organization, professional fundraising consultant, or paid  
17 solicitor has been-IS assessed a late fee, it must pay-the late fee IS in addition to the  
18 regular filing fee-in order to achieve compliance.

19 7.1.5 76.1.4 To come into compliance and-BECOME COMPLIANT, AND TO avoid additional late  
20 fees AND-BECOME COMPLIANT OR OTHER POSSIBLE PENALTIES, a charitable organization,  
21 professional fundraising consultant, or paid solicitor shall-MUST file all past due  
22 documents in sequence; from oldest to newest.

23 76.2 An-A CHARITABLE organization which-THAT, after sufficient notification by the Secretary of State  
24 in accordance with section 6-16-114, C.R.S., continues to solicit contributions without filing an  
25 initial registration statement shall PRIOR TO REGISTERING WITH THE SECRETARY OF STATE WILL  
26 be liable for a fine of FINED \$300 per year for charitable organizations or.

27 6.2.1 AN EXEMPT CHARITABLE ORGANIZATION, IN ACCORDANCE WITH SECTION  
28 6-16-104(6)(A) THROUGH (D), C.R.S., WILL NOT BE FINED. THE CHARITABLE  
29 ORGANIZATION, HOWEVER, MUST RESPOND TO THE SECRETARY OF STATE'S NOTICE AND  
30 STATE THAT IT IS EXEMPT FROM THE REQUIREMENT TO REGISTER AND CITE THE BASIS  
31 FOR ITS EXEMPTION.

32 6.2.2 IF AN ORGANIZATION IS FINED FOR SOLICITING WHILE UNREGISTERED, IT MUST PAY THE  
33 FINE IN ADDITION TO THE REGULAR FILING FEE.

34 6.2.3 IF PAYMENT IS NOT RECEIVED BY THE 90<sup>TH</sup> DAY FOLLOWING THE DAY THE  
35 ORGANIZATION WAS NOTIFIED OF THE PENALTY, THE PENALTY MAY BE FORWARDED TO  
36 THE STATE'S CENTRAL COLLECTION AGENCY.

37 6.2.4 IF A CHARITABLE ORGANIZATION THAT IS NOT EXEMPT SOLICITS CONTRIBUTIONS IN  
38 COLORADO BEFORE FILING ITS INITIAL REGISTRATION OR REINSTATING ITS  
39 REGISTRATION, IT MUST PROVIDE FINANCIAL REPORTS FOR THE LAST TWO FISCAL YEARS  
40 OR FOR THE PERIOD OF SOLICITATION, WHICH EVER IS SHORTER.

1 **6.3** PAID SOLICITORS THAT, AFTER NOTIFICATION, CONTINUE TO SOLICIT CONTRIBUTIONS PRIOR TO  
2 REGISTERING WITH THE SECRETARY OF STATE, WILL BE FINED \$1,000 per year for paid solicitors.  
3 This fine shall not be applied to a **AN EXEMPT** charitable organization, that is exempt from the  
4 requirement to register pursuant to **IN ACCORDANCE WITH** section 6-16-104 (6)(a) — (e)  
5 6-16-104(6)(a) THROUGH (e), C.R.S., WILL NOT BE FINED. In such cases, the **THE** charitable  
6 organization, HOWEVER, shall MUST respond to the Secretary of State’s notice by stating AND  
7 STATE that it is exempt from the requirement to register and citing CITE the basis for its  
8 exemption.

9 7.2.1 ~~Fines for soliciting while unregistered will increase the longer an organization fails to~~  
10 ~~respond to the Secretary of State’s final notice of the need to register or fails to state the~~  
11 ~~basis for its exemption to the registration requirement.~~

12 7.2.2 ~~7.2.1~~ — Once ~~IF~~ an organization has been ~~IS~~ fined for soliciting while unregistered, it  
13 ~~must pay the fine in addition to the regular filing fee in order to achieve compliance with~~  
14 ~~the CCSA and these rules.~~

15 7.2.2 ~~IF PAYMENT IS NOT RECEIVED BY THE 90<sup>TH</sup> DAY FOLLOWING THE DAY THE~~  
16 ~~ORGANIZATION WAS NOTIFIED OF THE PENALTY, THE PENALTY MAY BE FORWARDED TO~~  
17 ~~THE STATE’S CENTRAL COLLECTION AGENCY. AN ORGANIZATION MUST PAY ANY~~  
18 ~~AMOUNT IN COLLECTIONS AND THE SECRETARY’S STAFF MUST VERIFY THE PAYMENT~~  
19 ~~BEFORE THE ORGANIZATION CAN REGISTER AGAIN.~~

20 7.2.3 ~~IF A CHARITABLE ORGANIZATION THAT IS NOT EXEMPT SOLICITS CONTRIBUTIONS IN~~  
21 ~~COLORADO BEFORE FILING ITS INITIAL REGISTRATION OR REINSTATING ITS~~  
22 ~~REGISTRATION, IT MUST PROVIDE FINANCIAL REPORTS FOR THE LAST TWO FISCAL YEARS~~  
23 ~~OR FOR THE PERIOD OF SOLICITATION, WHICH EVER IS SHORTER.~~

24 *(Current Rule 7.2 is split into two rules. Current Rule 7.2.2 (renumbered as Rule 6.2.2) and New Rules*  
25 *6.2.3 and 6.2.4 (proposed as New Rules 7.2.2 and 7.2.3 in the preliminary draft) are amended for*  
26 *technical edits and relocated under Rule 6.2. above.)*

27 ~~7.3-6.4~~ ~~Any~~ A charitable organization, professional fundraising consultant, or paid solicitor registered  
28 with the Secretary of State or subject to registration under ~~section 6-16-104(1)~~ ARTICLE 16 OF  
29 TITLE 6, C.R.S., may ~~request~~ ASK THE SECRETARY TO REDUCE OR EXCUSE an imposed fine ~~to be~~  
30 ~~excused or reduced by submitting a written request~~ by letter, email, fax ~~or hand delivery~~. The  
31 Secretary of State may consider excusing or waiving a fine only in the case of A bona fide  
32 personal ~~emergencies~~ EMERGENCY as defined below, or if a timely filing was not possible due to  
33 website OR ADMINISTRATOR errors, OR IF THE ORGANIZATION WAS NOT SUBJECT TO THE  
34 REQUIREMENT TO REGISTER AT ANY TIME DURING THE PERIOD FOR WHICH IT WAS ASSESSED A  
35 FINE, AND THE ORGANIZATION REQUESTS TO WITHDRAW ITS REGISTRATION. The request ~~shall~~  
36 MUST include:

37 ~~7.3-1-6.4.1~~ 7.3.1-6.4.1 The name of the charitable organization, professional fundraising consultant, or  
38 paid solicitor-;

39 ~~7.3-2-6.4.2~~ 7.3.2-6.4.2 The ~~date of the~~ request DATE-;

40 ~~7.3-3-6.4.3~~ 7.3.3-6.4.3 The due date of the delinquently filed registration document(s)-;

41 ~~7.3-4-6.4.4~~ 7.3.4-6.4.4 The actual filing date of the delinquently filed registration document(s)-;

1 ~~7.3.5-6.4.5~~ A brief summary of the reasons, circumstances, or other justification ~~of~~ FOR the  
2 bona fide personal emergency;

3 ~~7.3.6-6.4.6~~ Any ~~M~~Measures THAT the charitable organization, professional fundraising  
4 consultant, or paid solicitor ~~has~~ instituted or plans to institute to avoid future  
5 delinquencies, if applicable;

6 ~~7.3.7-6.4.7~~ THE BASIS FOR CLAIMING AN EXEMPTION; AND

7 ~~7.3.7-7.3.8-6.4.8~~ Other relevant information, such as a detailed description of the website error  
8 that prevented ~~the charitable organization, professional fundraising consultant, or paid~~  
9 ~~solicitor from~~ filing the registration document on time.

10 ~~7.4-6.5~~ If the charitable organization, professional fundraising consultant, or paid solicitor ~~requests an~~  
11 ~~imposed fine to be excuse or reduced~~ ASKS THE SECRETARY TO REDUCE OR EXCUSE A FINE, the  
12 ~~charities program~~ SECRETARY'S staff will conduct an investigation AND ~~to excuse or reduce~~  
13 ~~imposed fines. Following that determination, staff will generate a letter to~~ NOTIFY the charitable  
14 organization, professional fundraising consultant, or paid solicitor ~~notifying the registrant of the~~  
15 decision.

16 ~~7.4.1-6.5.1~~ THE SECRETARY OF STATE MUST RECEIVE WAIVER REQUESTS NO LATER THAN  
17 30 DAYS AFTER THE DATE THE PENALTY NOTIFICATION WAS MAILED.

18 ~~7.5~~ The Secretary of State considers a bona fide personal emergency to be a very rare exception to  
19 the commitment to fulfill the requirements of laws concerning charitable solicitations.  
20 Depending on the circumstances, the Secretary generally considers one or more of the following  
21 possible justifications a "bona fide personal emergency:"

22 ~~7.5.1~~ Personal emergencies AFFECTING A REGISTRANT OR MEMBER OF REGISTRANT'S  
23 IMMEDIATE FAMILY, including but not limited to, incapacitation for medical reasons,  
24 hospitalization, accident involvement, OR death of persons or to members of such  
25 persons' immediate family;

26 ~~7.5.2~~ Practical obstacles out of the control of the registrant which THAT preclude timely  
27 disclosure, such as the loss or unavailability of records or a computer due to fire, flood, or  
28 theft.

29 ~~7.5.3~~ Other extraordinary reasons. These include ~~compelling reasons beyond the registrant's~~  
30 control.

31 ~~7.6~~ The following are generally ~~not~~ NOT considered a "bona fide personal emergency:"

32 ~~7.6.1~~ Failure to timely file registration documents as a result of lack of planning. ~~DUE TO~~  
33 ~~FAILURE TO PLAN;~~

34 ~~7.6.2~~ Priorities of accountant responsible for filing state registration forms and federal  
35 information returns (Forms 990, 990-EZ, 990-PF, 990-N, 990-T). ~~ACCOUNTING DELAYS;~~

36 ~~7.6.3~~ Misunderstanding of applicable disclosure requirements and deadlines.;

1 ~~7.6.4 Mistakes in electronic filing submission, including incomplete filings resulting in~~  
2 ~~rejection of the filed document.;~~

3 ~~7.6.5 Lack of access to internet or personal computer.;~~ AND

4 ~~7.6.6 Lack of corporate credit card or other means for making online payments.~~

5 *(Current Rules 7.5, and 7.6 are amended and relocated to New Rule 1.4).*

6 ~~7.7-6.6~~ The Secretary of State will issue decisions depending on individual facts and circumstances.  
7 Although circumstances vary, ~~the criteria that are centrally dispositive when reviewing a request~~  
8 ~~to excuse or reduce imposed fines~~ CONSIDERED are the establishment of a bona fide personal  
9 emergency ~~as defined above~~ or the demonstration of a website error that made it impossible to  
10 file a required registration document. If uncertain, the ~~secretary~~ SECRETARY may also consider  
11 the frequency of requests to excuse or reduce fines within a two-year period, and the registrant's  
12 demonstration of commitment to fulfill the requirements of Colorado's laws concerning  
13 charitable solicitations.

14 ~~7.8 6.7~~ The rules concerning fines for soliciting while unregistered shall take effect on August 1, 2009.  
15 REPEALED.

16 *Current Rule 8 is amended and renumbered as New Rule 7:*

17 **Rule 87. —Suspensions AND REVOCATIONS**

18 ~~87.1~~ NO CHARITABLE ORGANIZATION, PAID SOLICITOR, OR PROFESSIONAL FUNDRAISING CONSULTANT  
19 MAY SOLICIT CONTRIBUTIONS, PROVIDE CONSULTING SERVICES IN CONNECTION WITH A  
20 SOLICITATION CAMPAIGN, FILE A SOLICITATION NOTICE, OR CONDUCT A SOLICITATION  
21 CAMPAIGN IN COLORADO WHILE SUSPENDED OR REVOKED.

22 *(Current Rule 11 is amended and incorporated into Rule 7 as New Rule 7.1)*

23 ~~8.1 87.2~~If the Secretary of State ~~has~~ DOES not received an overdue registration or renewal, AN OVERDUE  
24 SOLICITATION CAMPAIGN FINANCIAL REPORT, or a request for a hearing from a delinquent  
25 charitable organization, professional fundraising consultant, or paid solicitor ~~before~~ BY the 60th  
26 day after the deadline or A deadline extension granted by Secretary of State ~~or the Secretary of~~  
27 ~~State's designee~~, the registration will be suspended. ~~A suspension letter will be mailed to the~~  
28 ~~principal place of business and registered agent of the charitable organization, professional~~  
29 ~~fundraising consultant, or paid solicitor on the 60th day after the deadline, and the organization~~  
30 ~~will incur the maximum late fee. All solicitations in Colorado must cease as of the effective date~~  
31 ~~of the suspension and until any late fees and filing fees have been paid and the suspension has~~  
32 ~~been cured.~~

33 ~~8.2~~ If the Secretary of State has not received an overdue solicitation campaign financial report or a  
34 request for a hearing from a delinquent paid solicitor before the 60th day after the deadline, the  
35 paid solicitor's registration will be suspended. A suspension letter will be mailed to the principal  
36 place of business and registered agent of the paid solicitor on the 60th day after the deadline for  
37 filing the solicitation campaign financial report, and the paid solicitor will incur the maximum  
38 late fee. All solicitation activity in Colorado on behalf of any client of the paid solicitor must  
39 cease as of the effective date of the suspension and until any late fees and filing fees have been  
40 paid and the suspension has been cured.

1 ~~8.3~~ A paid solicitor who has not submitted a solicitation campaign financial report on or before the  
2 prescribed deadline shall not be permitted to begin any new solicitation campaign or to file any  
3 new solicitation notice until the overdue campaign report has been submitted and approved by the  
4 Secretary of State.

5 *(Current Rule 8.3 is amended and relocated to New Rule 5.10)*

6 Current Rule 9 is amended and renumbered as New Rule 8:

7 **Rule 98. –Withdrawing a Registration**

8 ~~9-8.1~~ A charitable organization, professional fundraising consultant, or paid solicitor may request to  
9 withdraw its registration by notifying the Secretary of State. Upon approving such a request, the  
10 Secretary of State will list the registration status as withdrawn.

11 ~~9-8.2~~ A CHARITABLE ORGANIZATION, PROFESSIONAL FUNDRAISING CONSULTANT, OR PAID SOLICITOR  
12 THAT INCURS A LATE FEE FOR FAILURE TO FILE A DOCUMENT ON TIME MUST EITHER PAY THE  
13 OUTSTANDING LATE FEE OR OBTAIN A WAIVER OF LATE FEE AS DESCRIBED IN RULE ~~7-6~~, BEFORE  
14 THE SECRETARY OF STATE WILL APPROVE A REGISTRATION WITHDRAWAL.

15 ~~9-29-8.3~~ A charitable organization shall ~~MAY not be permitted to~~ withdraw its registration unless ~~and until~~  
16 ~~such organization has filed~~ IT FILES a final renewal and financial report ~~to cover~~ FOR the most  
17 recent fiscal year ~~in which~~ THAT it was subject to ~~the registration requirements of~~ the CCSA,  
18 unless it is a newly-formed charitable organization.

19 ~~9-8.3.1~~ IF A CHARITABLE ORGANIZATION SOLICITED A CONTRIBUTION IN COLORADO DURING ITS  
20 FISCAL YEAR, AND IT WAS NOT EXEMPT UNDER SECTION 6-16-104(6), C.R.S., IT MUST  
21 FILE A RENEWAL AND FINANCIAL REPORT FOR THAT FISCAL YEAR BEFORE REGISTRATION  
22 WITHDRAWAL.

23 ~~9-8.3.2~~ IF THE ORGANIZATION IS TERMINATING, IT MAY FILE A SHORT-PERIOD REGISTRATION  
24 RENEWAL AND FINANCIAL STATEMENT COVERING THE FINAL FISCAL YEAR UP TO THE  
25 DATE OF DISSOLUTION OR TERMINATION.

26 ~~9-39-8.4~~ A newly-formed charitable organization may request to withdraw its registration unconditionally  
27 if it determines that it registered by mistake ~~in the first place~~.

28 ~~9-49-8.5~~ A paid solicitor shall ~~MAY not be permitted to~~ withdraw its registration unless ~~and until~~ the paid  
29 solicitor ~~has filed~~ FILES a REGISTRATION RENEWAL FOR THE MOST RECENT FISCAL YEAR THAT IT  
30 WAS SUBJECT TO THE CCSA, A ~~complete, accurate~~ solicitation campaign financial report for  
31 every solicitation campaign for which the paid solicitor has filed a solicitation notice, and ~~the paid~~  
32 ~~solicitor has filed a complete, accurate~~ solicitation notice for every solicitation campaign  
33 conducted by the paid solicitor in Colorado.

34 ~~9-59-8.6~~ A professional fundraising consultant shall ~~MAY not be permitted to~~ withdraw its registration  
35 unless ~~and until~~ the professional fundraising consultant ~~has filed~~ FILES a registration renewal ~~to~~  
36 ~~cover~~ FOR the most recent fiscal year in which it was subject to ~~the registration requirements of~~  
37 the CCSA.

38 Current Rule 10 is amended and renumbered as New Rule 9:



1 **Rule 109. —Reinstating a Suspended or Withdrawn Registration**

2 ~~10-9.1~~ A charitable organization, professional fundraising consultant, or paid solicitor may reinstate a  
3 registration that has been suspended, or withdrawn, OR EXPIRED REGISTRATION.

4 ~~10.1.1-10-9.2~~ A withdrawn charity may be reinstated if it notifies the Secretary of State in writing of its  
5 desire to reinstate and files either REINSTATE BY FILING a registration renewal AND COMPLETING  
6 THE FOLLOWING REQUIREMENTS: or an exemption form for each fiscal year since its registration  
7 was withdrawn.

8 ~~10-9.2.1~~ IF THE ORGANIZATION WAS EXEMPT FROM REGISTRATION FOR EACH FISCAL YEAR SINCE  
9 ITS REGISTRATION WAS WITHDRAWN, IT MUST SUBMIT A STATEMENT TO THAT EFFECT TO  
10 THE SECRETARY OF STATE. IN ADDITION, ~~THE~~ organization's MUST FILE A registration  
11 will be fully reinstated once it has filed a registration and financial statement containing  
12 actual financial information for the most recently concluded fiscal year. If it is not  
13 possible to file financial information for the most recent fiscal year at the time of  
14 reinstatement, then the organization shall MUST file a registration and financial statement  
15 for the prior fiscal year and file an extension of the renewal deadline for the most recent  
16 fiscal year.

17 ~~10-9.2.2~~ IF THE ORGANIZATION WAS NOT EXEMPT FROM REGISTRATION FOR ALL FISCAL YEARS  
18 SINCE ITS REGISTRATION WAS WITHDRAWN, IT MUST PAY ANY APPLICABLE LATE FEES  
19 FOR ALL YEARS DURING WHICH IT WAS DELINQUENT OR SUSPENDED AND  
20 RETROACTIVELY RENEW ITS REGISTRATION.

21 ~~10.1.2-10-9.3~~ A—BEFORE REINSTATEMENT, A suspended charitable organization, professional  
22 fundraising consultant, or paid solicitor shall MUST correct the deficiency for which it was  
23 suspended, and, if it was subject to the registration requirements of the CCSA during the  
24 suspension period, it must retroactively renew its registration and pay any applicable late fees for  
25 all years during which it was delinquent or suspended, before its registration will be reinstated.

26 ~~10.1.3-10-9.4~~ In addition, a—BEFORE REINSTATEMENT, A paid solicitor shall MUST file solicitation  
27 notices and campaign reports and pay all applicable late fees for any solicitation campaigns  
28 conducted while such solicitor's registration was suspended before its registration will be  
29 reinstated.

30 *Repeal of Rule 11: (Current Rule 11 is amended and incorporated into Rule 7 as New Rule 7.1)*

31 **Rule 11. Effect of Revocation**

32 ~~No charitable organization, paid solicitor, or professional fundraising consultant may register to solicit~~  
33 ~~contributions in Colorado after its registration has been revoked.~~

34 *Current Rule 12 is amended and renumbered as New Rule 10:*

35 **Rule 12-RULE 1110. —Application of Registration Requirements to Internet Solicitation**

36 ~~1110.1~~ AS USED IN THIS RULE ~~1110~~:

37 ~~1110.1.1~~ “AN INTERACTIVE WEBSITE” MEANS A WEBSITE THAT PERMITS A CONTRIBUTOR  
38 TO MAKE A CONTRIBUTION OR PURCHASE A PRODUCT IN CONNECTION WITH A

1 CHARITABLE SOLICITATION ELECTRONICALLY, SUCH AS BY SUBMITTING CREDIT CARD  
2 INFORMATION OR BY AUTHORIZING AN ELECTRONIC FUNDS TRANSFER. INTERACTIVE  
3 WEBSITES INCLUDE SITES THROUGH WHICH A DONOR MAY COMPLETE A FINANCIAL  
4 TRANSACTION ONLINE EVEN IF COMPLETION REQUIRES THE USE OF LINKED OR  
5 REDIRECTED SITES. SUCH A WEBSITE IS INTERACTIVE REGARDLESS OF WHETHER DONORS  
6 ACTUALLY USE IT.

7 ~~11~~10.1.2 “TO SPECIFICALLY TARGET PERSONS PHYSICALLY LOCATED IN COLORADO FOR  
8 SOLICITATION” MEANS EITHER:

9 (A) TO INCLUDE ON A WEBSITE A REFERENCE TO SOLICITING CONTRIBUTIONS FROM  
10 COLORADO; OR

11 (B) TO OTHERWISE APPEAL TO RESIDENTS OF COLORADO ~~CHARITIES OPERATING  
12 WITHIN A LIMITED GEOGRAPHIC AREA, DO NOT TARGET COLORADO RESIDENTS IF  
13 THEIR WEBSITE MAKES CLEAR THAT FUNDRAISING IS LIMITED TO THE AREA OF  
14 OPERATION EVEN IF THEY RECEIVE CONTRIBUTIONS FROM OUTSIDE THAT AREA.,  
15 SUCH AS BY ADVERTISING OR SENDING MESSAGES TO PERSONS LOCATED IN  
16 COLORADO (ELECTRONICALLY OR OTHERWISE) WHEN THE ENTITY KNOWS OR  
17 REASONABLY SHOULD KNOW THE RECIPIENT IS PHYSICALLY LOCATED IN  
18 COLORADO. CHARITIES OPERATING ON A PURELY LOCAL BASIS, OR WITHIN A  
19 LIMITED GEOGRAPHIC AREA, DO NOT TARGET STATES OUTSIDE THEIR OPERATING  
20 AREA, IF THEIR WEB SITE MAKES CLEAR IN CONTEXT THAT THEIR FUNDRAISING  
21 FOCUS IS LIMITED TO THAT AREA EVEN IF THEY RECEIVE CONTRIBUTIONS FROM  
22 OUTSIDE THAT AREA ON LESS THAN A REPEATED AND ONGOING BASIS OR ON A  
23 SUBSTANTIAL BASIS.~~

24 ~~11~~10.1.3 “TO RECEIVE CONTRIBUTIONS FROM COLORADO ON A REPEATED AND ONGOING  
25 BASIS OR A SUBSTANTIAL BASIS” MEANS RECEIVING CONTRIBUTIONS WITHIN THE  
26 ENTITY’S FISCAL YEAR THAT ARE SUFFICIENT TO ESTABLISH THE REGULAR OR  
27 SIGNIFICANT (AS OPPOSED TO RARE, ISOLATED, OR INSUBSTANTIAL) NATURE OF THOSE  
28 CONTRIBUTIONS. AN ENTITY RECEIVES CONTRIBUTIONS ON A REPEATED AND ONGOING  
29 BASIS IF IT RECEIVES AT LEAST 50 ONLINE CONTRIBUTIONS DURING A FISCAL YEAR. AN  
30 ENTITY RECEIVES SUBSTANTIAL CONTRIBUTIONS IF IT RECEIVES THE LESSER OF \$25,000  
31 OR 1% OF ITS TOTAL CONTRIBUTIONS IN ONLINE CONTRIBUTIONS DURING A FISCAL  
32 YEAR.

33 ~~11~~10.1.4 AN ENTITY THAT SOLICITS COLORADO RESIDENTS VIA E-MAIL WILL BE TREATED  
34 THE SAME AS ONE THAT SOLICITS COLORADO RESIDENTS VIA TELEPHONE OR DIRECT  
35 MAIL.

36 *(Current Rule 12.3 is amended and relocated to this New Rule 10.1)*

37 ~~12.111~~10.2 ~~Entities that are domiciled within Colorado.~~ An entity ~~that is domiciled within~~ IN  
38 Colorado and ~~uses~~ USING the internet to conduct charitable solicitations in Colorado must register  
39 with the Secretary of State, unless it is exempt from the registration requirements pursuant to IN  
40 ACCORDANCE WITH section 6-16-104(6), C.R.S., ~~This is true without regard to whether~~  
41 REGARDLESS OF WHETHER the internet solicitation methods it uses are ~~is~~ passive or interactive  
42 AND REGARDLESS OF WHETHER THE INTERNET SOLICITATION METHODS ARE maintained by itself  
43 or another entity, with which it contracts, or whether it conducts solicitations in any other manner.

1 ~~12.1.1~~12.10.2.1 An entity is domiciled within Colorado if its principal place of business is in  
2 Colorado.

3 ~~12.2.1~~10.3 ~~Entities That Are Domiciled Outside Colorado.~~ An entity domiciled in OUTSIDE OF  
4 Colorado must register in accordance with the law of Colorado, WITH THE SECRETARY OF STATE,  
5 unless it is exempt from the registration requirements pursuant to IN ACCORDANCE WITH section  
6 6-16-104(6), C.R.S., if:

7 ~~12.2.1~~10.3.1 Its non-Internet activities alone would be ARE sufficient to require registration in  
8 Colorado, or

9 ~~12.2.2~~10.3.2 IF the entity solicits contributions through an interactive web site WEBSITE and  
10 either the entity EITHER:

11 ~~12.2.2.1~~(A) Specifically targets persons physically located in Colorado for  
12 solicitation, or

13 ~~12.2.2.2~~(B) Receives contributions from Colorado on a repeated, and ongoing, OR  
14 SUBSTANTIAL basis or a substantial basis through its Web site WEBSITE; or

15 ~~12.2.3~~10.3.3 The entity solicits contributions through a site that is not interactive, but either  
16 specifically invites further offline activity to complete a contribution, or establishes other  
17 contacts with Colorado, such as sending e-mail messages or other communications that  
18 promote the Web site WEBSITE; and

19 ~~12.2.3.1~~(A) Specifically targets persons physically located in Colorado for  
20 solicitation, or

21 ~~12.2.3.2~~(B) Receives contributions from Colorado on a repeated and ongoing basis  
22 or a substantial basis through its Web site WEBSITE.

23 ~~12.3~~ For purposes of this Rule 12, each of the following terms shall have the following meanings:

24 ~~12.3.1~~ “ **An interactive web site** ” means a Web site that permits a contributor to make a  
25 contribution, or purchase a product in connection with a charitable solicitation, by  
26 electronically completing the transaction, such as by submitting credit card information  
27 or authorizing an electronic funds transfer. Interactive sites include sites through which  
28 a donor may complete a transaction online through any online mechanism processing a  
29 financial transaction even if completion requires the use of linked or redirected sites. A  
30 Web site is interactive if it has this capacity, regardless of whether donors actually use it.

31 ~~12.3.2~~ “ **To specifically target persons physically located in Colorado for solicitation** ”  
32 means either:

33 ~~12.3.2.1~~To include on its Web site an express or implied reference to soliciting  
34 contributions from Colorado; or

35 ~~12.3.2.2~~To otherwise affirmatively appeal to residents of Colorado, such as by  
36 advertising or sending messages to persons located in Colorado (electronically or  
37 otherwise) when the entity knows or reasonably should know the recipient is  
38 physically located in Colorado. Charities operating on a purely local basis, or

1 within a limited geographic area, do not target states outside their operating area,  
2 if their web site makes clear in context that their fundraising focus is limited to  
3 that area even if they receive contributions from outside that area on less than a  
4 repeated and ongoing basis or on a substantial basis.

5 ~~12.3.3 “To receive contributions from Colorado on a repeated and ongoing basis or a~~  
6 ~~substantial basis”~~ means receiving contributions within the entity’s fiscal year, or  
7 relevant portion of a fiscal year, that are of sufficient volume to establish the regular or  
8 significant (as opposed to rare, isolated, or insubstantial) nature of those contributions.  
9 An entity receives contributions on a repeated and ongoing basis if it receives at least 50  
10 online contributions at any time in a year, and it receives substantial contributions if it  
11 receives \$25,000 or 1% of its total contributions, whichever is less, in online  
12 contributions in a fiscal year.

13 ~~12.3.4 An entity that solicits via e-mail into Colorado shall be treated the same as one that~~  
14 ~~solicits via telephone or direct mail, if the soliciting party knew or reasonably should~~  
15 ~~have known that the recipient was a resident of or was physically located in Colorado.~~

16 *(Current Rule 12.3 is amended and relocated to New Rule 10.1)*

17 ~~12.411-10.4~~ Solicitations for the sale of a product or service that include a representation that some  
18 portion of the price ~~shall be~~ is devoted to a charitable organization or charitable purpose (often  
19 referred to as “commercial coventuring” –or “cause marketing” –and defined in section  
20 6-16-103(3), C.R.S., as a “charitable sales promotion”-) ~~shall be~~ ARE governed by the same  
21 standards ~~as otherwise set out~~ OUTLINED in this ~~Rule 12~~ RULE ~~11-10~~ and pursuant to IN  
22 ACCORDANCE WITH section 6-16-104(1), C.R.S.

23 ~~12.511-10.5~~ Nothing in this ~~Rule 12~~ RULE ~~11-10~~ is intended to limit or expand upon the exception to  
24 the definition of a paid solicitor listed in section 6-16-103(7)(f), C.R.S., which states that a person  
25 whose only responsibility in connection with a charitable contribution is to provide a merchant  
26 account to process credit card payments using the internet IS NOT CONSIDERED A PAID SOLICITOR.

27 *Current Rule 13 is amended and renumbered as New Rule 11:*

28 **Rule 13** ~~RULE 12-11~~. —Contact Information for Custodians of Books and Records

29 ~~12-11.1~~ ~~Wherever a charitable solicitation~~ IF A filing, including but not limited to A solicitation campaign  
30 financial reports, calls for the name and address of a person with custody of books and records,  
31 ~~such~~ THE name ~~shall~~ MUST be that of FOR a natural person INDIVIDUAL and ~~such~~ THE address ~~shall~~  
32 MUST be a street address of that person’s INDIVIDUAL’S principal office or usual place of  
33 business. —For a person that has no IF THE INDIVIDUAL DOES NOT HAVE A principal office address  
34 and no OR usual place of business, ~~such~~ THE address ~~shall~~ MUST be the street address of the  
35 person’s INDIVIDUAL residence.

36 *Current Rule 14 is amended and renumbered as New Rule 12:*

37 **Rule 14** ~~RULE 13-12~~. —Paid Solicitor Registration

38 ~~14.113-12.1~~ Pursuant to IN ACCORDANCE WITH section 6-16-104.6(4), C.R.S., a paid solicitor may  
39 register and pay a single fee on behalf of its agents (including any subcontractors) provided that  
40 each agent or subcontractor is listed on the paid solicitor’s registration.

1 ~~14.2~~13-12.2 For ~~any~~A specific solicitation campaign, ~~any~~ agent or subcontractor not directly under  
2 contract to the registered paid solicitor must file its own registration.

3 ~~14.3~~13-12.3 As referenced in section 6-16-104.6(2), C.R.S., and in ~~rule 15.2.1~~RULE ~~14.2.1~~13.2.1,  
4 ~~any~~A copy of a contract provided to a charitable organization or the Secretary of State ~~shall~~MUST  
5 be the most recent complete version of the agreement signed by an authorized official of the  
6 charitable organization and by the paid solicitor, and it ~~shall~~MUST include the original agreement  
7 and all addenda.

8 **Current Rule 15 is amended and renumbered as New Rule 13:**

9 **~~Rule 15~~ RULE ~~14~~13. —Subcontractors**

10 ~~15.1~~14-13.1 Filing Requirements

11 ~~15.1.1~~14-13.1.1 ~~Any~~A subcontractor operating under a contract with a registered paid solicitor in  
12 connection with the paid solicitor’s work on behalf of a charitable organization to solicit  
13 contributions will be treated as an agent of that paid solicitor and is not required to  
14 register. —The paid solicitor ~~shall be responsible for filing~~MUST FILE all solicitation  
15 notices and campaign reports AND ENSURE THAT THE SUBCONTRACTOR PROVIDES  
16 WRITTEN CONFIRMATION OF CONTRIBUTION STATEMENTS AND MAKES ALL THE  
17 REQUIRED ORAL DISCLOSURES THAT APPLY TO PAID SOLICITORS IN SECTIONS 6-16-105  
18 AND 6-16-105.3, C.R.S., RESPECTIVELY.

19 ~~15.1.2~~14-13.1.2 A SUBCONTRACTOR WHO MAKES AN ORAL SOLICITATION REGARDING A  
20 CHARITABLE CONTRIBUTION TO A PERSON BY A TELEPHONE CALL RECEIVED IN  
21 COLORADO MUST STATE THEIR OWN FIRST AND LAST NAME AND STATE THAT THEY ARE  
22 CALLING ON BEHALF OF THE REGISTERED PAID SOLICITOR.

23 ~~15.1.3~~14-13.1.3 ~~Any~~AN agent (but not an employee) of a subcontractor operating under a contract  
24 with that subcontractor to solicit contributions ~~shall~~MUST register separately.

25 ~~15.2~~14-13.2 Authorization to Solicit

26 ~~15.2.1~~14-13.2.1 A subcontractor ~~shall~~MUST operate under a written contract with a registered  
27 paid solicitor and ~~such~~THE contract ~~shall~~MUST be provided to the Secretary of State  
28 upon request ~~pursuant to~~ IN ACCORDANCE WITH section 6-16-104.6(2), C.R.S.

29 ~~15.2.2~~14-13.2.2 A subcontractor ~~shall~~MUST keep records in accordance with section 6-16-109,  
30 C.R.S., and ~~shall~~MUST furnish the originals or copies to the paid solicitor.