

SECRETARY OF STATE
Rules for the Administration of the Colorado Charitable Solicitations Act
[8 CCR 1505-9]

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Rule 1. Definitions.

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

- 1.1 “Accounting Period” means the time period for keeping records and reporting income and expenses.
- 1.2 “Agent” means an individual who, by the written authority and on the account of the principal, transacts business or manages affairs for the principal, and who is required to render an account of the business or affair to the principal. “agent” includes “subcontractors.”
- 1.3 “Authorized Officer” means the officer designated by the filing entity to electronically sign forms on behalf of the organization in accordance with the CCSA. This Individual must be an officer of a nonprofit corporation, a trustee of a charitable trust, or a senior manager member of any other entity subject to the filing requirements of the CCSA.
- 1.4 “Bona fide personal emergency,” as used in these rules means:
 - 1.4.1 A medical emergency affecting a registrant or member of registrant’s immediate family, including but not limited to, incapacitation for medical reasons, hospitalization, accident involvement, or death.
 - 1.4.2 A practical emergency including extraordinary obstacles out of the control of the registrant that preclude timely disclosure. For example:
 - (a) The loss or unavailability of records or a computer due to fire, flood, or theft;
 - (b) Other compelling reasons beyond the registrant’s control.
 - 1.4.3 The following are generally not considered a “bona fide personal emergency:”
 - (a) Failure to timely file registration documents due to failure to plan;
 - (b) Accounting delays;
 - (c) Misunderstanding of applicable disclosure requirements and deadlines;
 - (d) Mistakes in electronic filing submission, including incomplete filings resulting in rejection of the filed document;

- (e) Lack of access to internet or personal computer; and
 - (f) Lack of corporate credit card or other means for making online payments.
- 1.5 “CCSA” means Colorado Charitable Solicitations Act codified at Article 16 of Title 6, C.R.S.
- 1.6 “Directly Employed”, as used in section 6-16-103(7)(d), C.R.S., means the charitable organization controls or directs the means and methods of accomplishing the result of the individual’s work, regardless of whether the individual is employed full-time or part-time, is paid a salary or on commission, or is called an employee or an agent or independent contractor.
- 1.7 “Employer Identification Number” or EIN, also known as a Federal Tax Identification Number, is used to identify a business entity.
- 1.8 “Fiscal Year” means annual accounting period, subject to Rule 1.16.
- 1.9 “Form of the Applicant’s Business” means an entity listed in section 7-90-102, C.R.S., or similar business statutes in other states. “Form of the applicant’s business” does not include the organization’s tax-exempt status, such as “501(c)(3),” or the organization’s purpose.
- 1.10 “Gross Revenue” means the total amount the organization receives from all sources, regardless of geographic location, during its accounting period, without subtracting costs or expenses. “Gross revenue” does not include receipt of funds merely as an agent for another, where the organization collects the funds and delivers them to the principal without asserting a right to use them or otherwise deriving a benefit from them.
- 1.11 “Name or Names under which Charitable Organization Intends to Solicit Contributions” includes “doing business as,” “also known as,” or trade names. This term includes the name of donor-advised fund that solicits contributions from the public using its own name, unless, in all written and oral solicitations, the fund clearly identifies itself as a “donor-advised fund” of a specified charitable organization that is either registered with the Secretary of State or exempt under section 6-16-104(6)(a) through (d), C.R.S.
- 1.12 “Newly-Formed Charitable Organization” means an organization that has not reached the 15th day of the fifth month following the close of its first fiscal year. In most cases, newly-formed charitable organizations will file an initial registration statement of estimated financial information that must be replaced by actual financial information on or before the 15th day of the fifth month after the close of its first fiscal year.
- 1.13 “Person Responsible for Directing and Supervising the Conduct of the Campaign”, in accordance with section 6-16-104.6(7)(b), C.R.S., includes agents or subcontractors of the paid solicitor.

- 1.14 “Principal Place of Business” means the street address of the organization’s usual place of business. “Principal place of business”, as used in these rules, does not include a post office box or private mailbox.
- 1.15 “Registered Agent” has the same meaning as in section 7-90-701, C.R.S., except that, if a person must register under the Charitable Solicitations Act, the person must appoint and continuously maintain a registered agent, even if the person is not required to do so under section 7-90-701, C.R.S. A registration document filed in accordance with Article 16 of Title 6, C.R.S., that requests the name and address of the organization’s registered agent must also include a statement by the filer that the registered agent consents to the appointment.
- 1.16 “Short-Period Registration and Financial Statement” means a registration and financial statement covering a period of less than 12 months.
- 1.17 “Sole Responsibility”, with respect to section 6-16-103(7)(a), C.R.S., a person whose “sole responsibility is to print or mail fundraising literature” is intended to exempt only employees of professional printing and copying businesses from the definition of paid solicitor.
- 1.18 “State Elections Commission” means, for the purposes of section 6-16-104(6)(b), C.R.S., the Secretary of State’s Campaign and Political Finance Program.
- 1.19 “Street Address” has the same meaning as in section 7-90-102(62), C.R.S.
- 1.20 “Subcontractor”, as used in these rules, includes the agent (but not employee) of a paid solicitor who solicits on behalf of the paid solicitor for the benefit of a charitable organization that contracted with the paid solicitor.

Rule 2. Electronic Filing

- 2.1 Documents required or permitted by the CCSA must be filed electronically, in the prescribed format, through the Secretary of State's web-based charities system. Paper filings are void and will not be accepted.
- 2.2 The Secretary of State will issue a unique user identification and password to an individual who requests to complete or file a document in accordance with Article 16 of Title 6, C.R.S., and who agrees to the Secretary’s rules for use of the system. Filing with the user identification and password described in this Rule 2 will constitute the filer’s official signature, in accordance with section 24-71.3-102(8), C.R.S.
- 2.2.1 An individual registering or renewing a registration under Article 16 of Title 6, C.R.S. must have an EIN from the Internal Revenue Service (IRS).
- 2.2.2 An individual requesting a user identification and password under Rule 2.2 must provide his or her name, daytime telephone number, valid email address, and EIN, and must update this information promptly when and if it changes.

- 2.3 Email addresses provided to the Secretary of State under this Rule 2 are for administrative purposes only and are not considered public records for purposes of the public records law, Part 2 of Article 72 of Title 24, C.R.S.

Rule 3. Expedited Hearing Deadlines

- 3.1 Upon notice from the Secretary of State that a registration has been denied or is subject to suspension or revocation, the aggrieved party may request a hearing within five calendar days after receipt of notice.
- 3.2 Upon receipt of a request for hearing in accordance with section 6-16-111(6)(b), C.R.S., the Secretary of State will set and give notice of the hearing by certified mail within five business days of the receipt. The Secretary will set the hearing no sooner than 20 and no later than 45 calendar days after the mailing of the notice.
- 3.3 The Secretary may, for good cause shown, continue a proceeding under section 6-15-111(6), C.R.S., and this Rule 3 for a period as brief as practicable and, in no case, for more than 15 days.
- 3.4 The Secretary must conduct and conclude all hearings in a timely manner and must take final agency action no later than the tenth day following the hearing.

Rule 4. Registration

- 4.1 If the Secretary of State approves an initial or renewal registration statement of a charitable organization, professional fundraising consultant, or paid solicitor, the Secretary will issue or update the status of a permanent registration number. The Secretary will send confirmation to the authorized officer and registered agent containing the organization's name, DBAs, permanent registration number, filing document number, EIN, principal address, document approval date, subsequent renewal due date, the document's signor, and the date it was signed.
- 4.2 An individual may verify an organization's registration status and may create a registration certificate by visiting the Secretary's website. The registration certificate will list the organization's registration number, registrant type (charitable organization, paid solicitor, or professional fundraising consultant), registration status along with the date that status was established, and the date (including an extension), by which the organization must renew its registration or replace estimated financial figures with actual financial figures.
- 4.3 The Secretary of State will not provide a registration certificate if the organization's registration has been denied, suspended, or revoked.
- 4.4 The Secretary of State will list as "good" the registration of a charitable organization, professional fundraising consultant, or paid solicitor once the Secretary approves the registration statement for the most-recent fiscal year. The Secretary will also list all approved initial registrations as "good."

- 4.5 If a charitable organization, professional fundraising consultant, or paid solicitor misses a filing deadline, the organization status will change to “delinquent” the day after deadline.
- 4.6 if the charitable organization has not been in existence for an entire accounting period, changes its accounting period, or merges out of existence or dissolves before the end of its accounting period, it may have to file a short-period registration and financial statement.
- 4.7 A charitable organization must use the same accounting period to file registration documents with the Secretary of State that it uses to maintain financial records internally and to file IRS Form 990 with the IRS.
- 4.8 The Secretary of State may require a charitable organization to provide a copy of the appropriate IRS Form 990 to meet Colorado’s reporting requirements.
- 4.9 If the Secretary of State identifies inconsistencies, between or within the state registration statement and the IRS Form 990, the Secretary of State may request that the organization file an amended IRS Form 990 with the state, or otherwise correct the inconsistency, in order to complete the state filing. If the organization does not correct the inconsistency with the state, the Secretary of State may deny or suspend the registration in accordance with section 6-16-111(6), C.R.S.

Rule 5. Filing Deadlines and Extension of Filing Deadlines

- 5.1 Filing a registration renewal and financial report.
 - 5.1.1 If a charitable organization does not file a deadline extension with the IRS, the charitable organization must file its registration renewal and a financial report for the most recent fiscal year by the 15th day of the fifth calendar month after the close of each fiscal year in which the charitable organization solicited in Colorado.
 - 5.1.2 If a charitable organization files a deadline extension with the IRS, the charitable organization must file its registration renewal and financial report by the 15th day of the eighth calendar month after the close of each fiscal year in which the charitable organization solicited in Colorado.
 - 5.1.3 The Secretary of State may request evidence of an extended filing date with the IRS, such as a copy of the IRS Form 8868 or an IRS letter addressed to the organization confirming the extended deadline request.
- 5.2 Filing registration amendments.
 - 5.2.1 If a charitable organization does not file a deadline extension with the IRS, a charitable organization that reported estimated financial information on its initial registration must amend its registration with its actual financial information by the

15th day of the fifth calendar month after the close of the fiscal year reported on the initial registration statement.

- 5.2.2 If a charitable organization files a deadline extension with the IRS, it must file necessary amendments to its financial information by the 15th day of the eighth calendar month after the close of each fiscal year in which the charitable organization solicited in Colorado.
- 5.3 A charitable organization may renew its registration, replace initial estimates with actual financial information, or request an extension no earlier than the close of the accounting period to which the filing applies.
- 5.4 The Secretary may impose a late fee on a charitable organization that fails to timely request an extension.
- 5.4.1 To avoid incurring late fees, charitable organizations must:
- (a) Replace initial estimated financial information with actual financial information;
 - (b) File a registration renewal; or
 - (c) File an extension on or before the filing deadline.
- 5.4.2 A charitable organization that files an extension with the IRS but is unable to file its registration renewal or amend its financial information by the 15th day of the eighth calendar month after its fiscal year may request an additional three-month extension on the Secretary of State's charities registration website.
- 5.5 If a charitable organization, at the time of initial registration, reports financial information outside of the most recently completed fiscal year, the Secretary of State will approve the initial registration but the organization must file a renewal or extension request within five days from the initial registration approval. If the organization fails to file a renewal or extension within the five day period, the Secretary will mark the organization's status as "delinquent" and notify the organization that it must update the information or it will be subject to late fees and possible suspension.
- 5.6 A charitable organization may request a deadline extension for renewing a registration or for filing an amendment to replace estimated with actual financial information. This option is not available to professional fundraising consultants or paid solicitors. The organization must file the extension request electronically on the Secretary of State's website. Filing an extension with the IRS or submitting a copy of the request (such as IRS Form 8868) to the Secretary of State is not sufficient to extend a filing deadline. The Secretary of State will not consider requests to waive late filing fees on the grounds that the organization filed for an extension with the IRS but neglected to file an extension with the Secretary of State.

- 5.7 Professional fundraising consultant or paid solicitor registration is valid for one year. The fundraising consultant or paid solicitor may annually renew registration by filing a registration renewal by the anniversary date. The anniversary date each year will be the day and month the initial registration was approved, or the day and month the most recent reinstatement was approved. A professional fundraising consultant or paid solicitor who fails to renew a registration on or before the anniversary date is subject to a late fee.
- 5.8 The renewal period for a professional fundraising consultant or paid solicitor begins 60 days before the consultant's or solicitor's anniversary date.
- 5.9 A paid solicitor must file a completed solicitation notice no later than 15 days before a solicitation campaign starts. Failure to file will subject the paid solicitor to a late fee and up to revocation.
- 5.9.1 For reporting purposes, a solicitation campaigns duration on a solicitation notice may not exceed one year.
- 5.9.2 Prior to the campaign end date listed on an initial solicitation notice, a paid solicitor may amend the initial solicitation notice to extend the campaign duration up to one year. After the campaign end date, the paid solicitor must file a new solicitation notice.
- 5.10 A paid solicitor must submit a solicitation campaign financial report on or before the 90th day following the campaign end date listed on a solicitation notice. A paid solicitor who does not submit a campaign report on or before the deadline may not begin a new solicitation campaign or file a new solicitation notice until the overdue campaign report is approved by the Secretary of State.
- 5.11 If the deadline for filing a document under the CCSA that is required to be filed by electronic means falls on a Saturday, Sunday, legal holiday, or a day the Secretary of State's physical office is closed, the deadline will still be on that day.
- 5.12 If a registration was filed on February 29, the renewal deadline is February 28 of the following year.

Rule 6. Fines

- 6.1 The Secretary will assess a late fee if a charitable organization, professional fundraising consultant, or paid solicitor who fails to properly renew or update a registration, file a solicitation notice, or file a financial report of a solicitation campaign after being sent at least two notices. The Secretary will assess the late fee for an overdue solicitation campaign financial report against the paid solicitor and not the charitable organization in accordance with section 6-16-114, C.R.S.
- 6.1.1 The late fee for a charitable organization is \$60 per overdue report.

- 6.1.2 The late fee for a professional fundraising consultant or paid solicitor is \$200 per overdue report and applies to an overdue renewal or overdue campaign report.
 - 6.1.3 If a charitable organization, professional fundraising consultant, or paid solicitor is assessed a late fee, the late fee is in addition to the regular filing fee.
 - 6.1.4 To become compliant, and to avoid additional late fees or other possible penalties, a charitable organization, professional fundraising consultant, or paid solicitor must file all past due documents in sequence from oldest to newest.
- 6.2 A charitable organization that, after notification in accordance with section 6-16-114, C.R.S., continues to solicit contributions prior to registering with the Secretary of State will be fined \$300.
- 6.2.1 An exempt charitable organization, in accordance with section 6-16-104(6)(a) through (d), C.R.S., will not be fined. The charitable organization, however, must respond to the Secretary of State's notice and state that it is exempt from the requirement to register and cite the basis for its exemption.
 - 6.2.2 If an organization is fined for soliciting while unregistered, it must pay the fine in addition to the regular filing fee.
 - 6.2.3 If a charitable organization that is not exempt solicits contributions in Colorado before filing its initial registration or reinstating its registration, it must provide financial reports for the last two fiscal years or for the period of solicitation, which ever is shorter.
- 6.3 Paid solicitors that, after notification, continue to solicit contributions prior to registering with the Secretary of State, will be fined \$1,000.
- 6.4 A charitable organization, professional fundraising consultant, or paid solicitor registered with the Secretary of State or subject to registration under Article 16 of Title 6, C.R.S., may ask the Secretary to reduce or excuse an imposed fine by letter, email, fax. The Secretary of State may consider excusing or waiving a fine only in the case of a bona fide personal emergency as defined below, or if a timely filing was not possible due to website or administrator errors, or if the organization was not subject to the requirement to register at any time during the period for which it was assessed a fine, and the organization requests to withdraw its registration. The request must include:
- 6.4.1 The name of the charitable organization, professional fundraising consultant, or paid solicitor;
 - 6.4.2 The request date;
 - 6.4.3 The due date of the delinquently filed registration document(s);
 - 6.4.4 The actual filing date of the delinquently filed registration document(s);

- 6.4.5 A brief summary of the reason, circumstance, or other justification for the bona fide personal emergency;
 - 6.4.6 Measures that the charitable organization, professional fundraising consultant, or paid solicitor instituted or plan to institute to avoid future delinquencies, if applicable;
 - 6.4.7 The basis for claiming an exemption, if applicable; and
 - 6.4.8 Other relevant information, such as a detailed description of the website error that prevented filing the registration document on time.
- 6.5 If the charitable organization, professional fundraising consultant, or paid solicitor asks the Secretary to reduce or excuse a fine, the Secretary's staff will conduct an investigation and notify the charitable organization, professional fundraising consultant, or paid solicitor registrant of the decision.
- 6.5.1 The Secretary of State must receive waiver requests no later than 30 days after the date the penalty notification was mailed.
- 6.6 The Secretary of State will issue decisions depending on individual facts and circumstances. The criteria considered are the establishment of a bona fide personal emergency or the demonstration of a website error that made it impossible to file a required registration document. If uncertain, the Secretary may also consider the frequency of requests to excuse or reduce fines within a two-year period, and the registrant's demonstration of commitment to fulfill the requirements of Colorado's laws concerning charitable solicitations.
- 6.7 If payment is not received by the 90th day following the day the organization was notified of a penalty, the Secretary of State will forward the penalty to the State's Central Collection Agency.

Rule 7. Suspensions and Revocations

- 7.1 No charitable organization, paid solicitor, or professional fundraising consultant may solicit contributions, provide consulting services in connection with a solicitation campaign, file a solicitation notice, or conduct a solicitation campaign in Colorado while suspended or revoked.
- 7.2 If the Secretary of State does not receive an overdue registration or renewal, an overdue solicitation campaign financial report, or a request for a hearing from a delinquent charitable organization, professional fundraising consultant, or paid solicitor by the 60th day after the deadline or a deadline extension granted by Secretary of State, the registration will be suspended.

Rule 8. Withdrawing a Registration

- 8.1 A charitable organization, professional fundraising consultant, or paid solicitor may withdraw its registration by notifying the Secretary of State. Upon approving such a request, the Secretary of State will list the registration status as withdrawn.
- 8.2 A charitable organization, professional fundraising consultant, or paid solicitor that incurs a late fee for failure to file a document on time must either pay the outstanding late fee or obtain a waiver of late fee as described in Rule 6, before the Secretary of State will approve a registration withdrawal.
- 8.3 A charitable organization may not withdraw its registration unless it files a final renewal and financial report for the most recent fiscal year that it was subject to the CCSA, unless it is a newly-formed charitable organization.
- 8.3.1 If a charitable organization solicited contributions in Colorado during its fiscal year, and it was not exempt under section 6-16-104(6), C.R.S., it must file a renewal and financial report for that fiscal year before registration withdrawal.
- 8.3.2 If an organization is terminating, it may file a short-period registration renewal and financial statement covering the final fiscal year up to the date of dissolution or termination.
- 8.4 A newly-formed charitable organization may withdraw its registration unconditionally if it determines that it registered by mistake.
- 8.5 A paid solicitor may not withdraw its registration unless the paid solicitor files a registration renewal for the most recent fiscal year that it was subject to the CCSA, a solicitation campaign financial report for every solicitation campaign for which the paid solicitor has filed a solicitation notice, and solicitation notice for every solicitation campaign conducted by the paid solicitor in Colorado.
- 8.6 A professional fundraising consultant may not withdraw its registration unless the professional fundraising consultant files a registration renewal for the most recent fiscal year in which it was subject to the CCSA.

Rule 9. Reinstating a Suspended or Withdrawn Registration

- 9.1 A charitable organization, professional fundraising consultant, or paid solicitor may reinstate a suspended or withdrawn registration.
- 9.2 A withdrawn charity may reinstate by filing a registration renewal and completing the following requirements:
- 9.2.1 If the organization was exempt from registration for each fiscal year since its registration was withdrawn, it must submit a statement to that effect to the Secretary of State. In addition, the organization must file a financial statement containing actual financial information for the most recently concluded fiscal

year. If it is not possible to file financial information for the most recent fiscal year at the time of reinstatement, the organization must file a registration and financial statement for the prior fiscal year and file an extension of the renewal deadline for the most recent fiscal year.

- 9.2.2 If the organization was not exempt from registration for all fiscal years since its registration was withdrawn, it must pay any applicable late fees for all years during which it was delinquent or suspended and retroactively renew its registration.
- 9.3 Before reinstatement, a suspended charitable organization, professional fundraising consultant, or paid solicitor must correct the deficiency for which it was suspended, and, if it was subject to the registration requirements of the CCSA during the suspension period, it must retroactively renew its registration and pay applicable late fees for all years during which it was delinquent or suspended.
- 9.4 Before reinstatement, a paid solicitor must file solicitation notices and campaign reports and pay all applicable late fees for solicitation campaigns conducted while registration was suspended.

Rule 10. Application of Registration Requirements to Internet Solicitation

10.1 As used in this Rule 10:

10.1.1 “An interactive website” means a website that permits a contributor to make a contribution or purchase a product in connection with a charitable solicitation electronically, such as by submitting credit card information or by authorizing an electronic funds transfer. Interactive websites include sites through which a donor may complete a financial transaction online even if completion requires the use of linked or redirected sites. Such a website is interactive regardless of whether donors actually use it.

10.1.2 “To specifically target persons physically located in Colorado for solicitation” means either:

- (a) To include on a website a reference to soliciting contributions from Colorado; or
- (b) To otherwise appeal to residents of Colorado, such as by advertising or sending messages to persons located in Colorado (electronically or otherwise) when the entity knows or reasonably should know the recipient is physically located in Colorado. Charities operating on a purely local basis, or within a limited geographic area, do not target states outside their operating area, if their web site makes clear in context that their fundraising focus is limited to that area even if they receive contributions from outside that area on less than a repeated and ongoing basis or on a substantial basis.

- 10.1.3 “To receive contributions from Colorado on a repeated and ongoing basis or a substantial basis” means receiving contributions within the entity’s fiscal year that are sufficient to establish the regular or significant (as opposed to rare, isolated, or insubstantial) nature of those contributions. An entity receives contributions on a repeated and ongoing basis if it receives at least 50 online contributions during a fiscal year. An entity receives substantial contributions if it receives the lesser of \$25,000 or 1% of its total contributions in online contributions during a fiscal year.
- 10.1.4 An entity that solicits Colorado residents via e-mail will be treated the same as one that solicits Colorado residents via telephone or direct mail.
- 10.2 An entity domiciled in Colorado and using the internet to conduct charitable solicitations in Colorado must register with the Secretary of State, unless it is exempt from the registration requirements in accordance with section 6-16-104(6), C.R.S., regardless of whether the solicitation methods are passive or interactive and regardless of whether the internet solicitation methods are maintained by itself or another entity with which it contracts, or whether it conducts solicitations in any other manner.
- 10.2.1 An entity is domiciled within Colorado if its principal place of business is in Colorado.
- 10.3 An entity domiciled outside of Colorado must register with the Secretary of State, unless it is exempt in accordance with section 6-16-104(6), C.R.S., if:
- 10.3.1 Its non-Internet activities are sufficient to require registration in Colorado, or
- 10.3.2 If the entity solicits contributions through an interactive website and the entity either:
- (a) Specifically targets persons physically located in Colorado for solicitation, or
 - (b) Receives contributions from Colorado on a repeated and ongoing basis or a substantial basis through its website; or
- 10.3.3 The entity solicits contributions through a site that is not interactive, but either specifically invites further offline activity to complete a contribution, or establishes other contacts with Colorado, such as sending e-mail messages or other communications that promote the website; and
- (a) Specifically targets persons physically located in Colorado for solicitation, or
 - (b) Receives contributions from Colorado on a repeated and ongoing basis or a substantial basis through its website.

- 10.4 Solicitations for the sale of a product or service that include a representation that some portion of the price is devoted to a charitable organization or charitable purpose (often referred to as “commercial coventuring” or “cause marketing” and defined in section 6-16-103(3), C.R.S., as a “charitable sales promotion”) are governed by the same standards outlined in this Rule 10 and in accordance with section 6-16-104(1), C.R.S.
- 10.5 Nothing in this Rule 10 is intended to limit or expand upon the exception to the definition of a paid solicitor listed in section 6-16-103(7)(f), C.R.S., which states that a person whose only responsibility in connection with a charitable contribution is to provide a merchant account to process credit card payments using the internet is not considered a paid solicitor.

Rule 11. Contact Information for Custodians of Books and Records

- 11.1 If a filing, including a solicitation campaign financial report, calls for the name and address of a person with custody of books and records, the name must be for an individual and the address must be a street address of that individual’s principal office or usual place of business. If the individual does not have a principal office address or usual place of business, the address must be the street address of the individual residence.

Rule 12. Paid Solicitor Registration

- 12.1 In accordance with section 6-16-104.6(4), C.R.S., a paid solicitor may register and pay a single fee on behalf of its agents (including subcontractors) listed on the paid solicitor’s registration.
- 12.2 For a specific solicitation campaign, agent or subcontractor not directly under contract to the registered paid solicitor must file its own registration.
- 12.3 As referenced in section 6-16-104.6(2), C.R.S., and in Rule 13.2.1, a copy of a contract provided to a charitable organization or the Secretary of State must be the most recent complete version of the agreement signed by an authorized official of the charitable organization and by the paid solicitor, and it must include the original agreement and all addenda.

Rule 13. Subcontractors

13.1 Filing Requirements

- 13.1.1 A subcontractor operating under a contract with a registered paid solicitor in connection with the paid solicitor’s work on behalf of a charitable organization to solicit contributions will be treated as an agent of that paid solicitor and is not required to register. The paid solicitor must file all solicitation notices and campaign reports and ensure that the subcontractor provides written confirmation of contribution statements and makes all the required oral disclosures that apply to paid solicitors in sections 6-16-105 and 6-16-105.3, C.R.S., respectively.

13.1.2 A subcontractor who makes an oral solicitation regarding a charitable contribution to a person by a telephone call received in Colorado must state their own first and last name and state that they are calling on behalf of the registered paid solicitor.

13.1.3 An agent (but not an employee) of a subcontractor operating under a contract with that subcontractor to solicit contributions must register separately.

13.2 Authorization to Solicit

13.2.1 A subcontractor must operate under a written contract with a registered paid solicitor and the contract must be provided to the Secretary of State upon request in accordance with section 6-16-104.6(2), C.R.S.

13.2.2 A subcontractor must keep records in accordance with section 6-16-109, C.R.S., and must furnish the originals or copies to the paid solicitor.