

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

**Contents**

Rule 1. Definitions .....	2
Rule 2. Registration.....	2
Rule 3. Disclosure .....	3
Rule 4. Electronic filing and record retention .....	4
Rule 5. Enforcement.....	5
Rule 6. Collections .....	8

## **Rule 1. Definitions**

- 1.1 “State Liaison” means the one person designated by each principal department of state government who is responsible for any lobbying by a state official or employee on behalf of the principal department, in accordance with section 24-6-303.5(1)(a), C.R.S.

## **Rule 2. Registration**

- 2.1 A rule-making official includes an official of a state agency who has jurisdiction or authority to adopt any of the following:

2.1.1 A rule;

2.1.2 A rate, meaning a ratio of valuation, percentage, percentage change, annual adjustment, or an amount charged for a good or service, adopted by a state agency having rulemaking authority; or

2.1.3 A standard, meaning a criterion measuring acceptability, quality, accuracy, weight, or an amount, or a threshold for agency jurisdiction adopted by a state agency having rulemaking authority.

- 2.2 Professional lobbyists

2.2.1 The fee for filing a professional lobbyist registration statement is \$40.00.

2.2.2 Waiver of registration fee

- (a) Upon written request, the Secretary of State may waive the registration fee for a professional lobbyist for a nonprofit organization if:

(1) The lobbyist derives compensation solely from the organization; and

(2) (i) The organization can demonstrate that it is operating under financial hardship conditions; or

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

- (b) To receive a registration fee waiver, a professional lobbyist for a nonprofit organization must obtain Secretary of State approval before registration. The written request must:

(1) State the information required by Rule 2.2.2(a); and

- (2) Include a copy of the organization's most recently filed Internal Revenue Service form 990, 990EZ, or 990-N form showing gross annual revenue of \$50,000 or less.

2.2.3 In accordance with section 24-6-302(2.5)(a), C.R.S., the following must file separate registration statements:

- (a) An individual that owns or is employed by a principal organized for lobbying purposes; and
- (b) The principal.

2.3 A state liaison's registration statements must include information for:

2.3.1 Each "state official or employee," as defined in section 24-6-303.5(3), C.R.S., lobbying for state principal departments, including any subdivision.

2.3.2 Lobbyists hired by the principal department on a contract basis who are not registered as professional lobbyists as described in Rule 3.3.1 but excluding persons lobbying on behalf of an institution or governing board of higher education.

### **Rule 3. Disclosure**

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

3.2 Professional lobbyists

3.2.1 A professional lobbyist who contracts to lobby on behalf of a principal department or an institution or governing board of higher education must continue to file professional lobbyist disclosure statements.

3.2.2 The following subcontractor requirements apply to a lobbyist or any firm organized for professional lobbying purposes that contracts to perform any lobbying activities for another lobbyist or lobbying firm.

- (a) A lobbyist or lobbying firm that subcontracts lobbying activities to another lobbyist or lobbying firm must disclose:
  - (1) The name of each subcontractor;
  - (2) The date and amount of each payment or other compensation for subcontracting work; and
  - (3) The name of the principal for whom the subcontractor is performing the lobbying activities.

- (b) A subcontractor that performs lobbying activities for another lobbyist or lobbyist firm must disclose:
  - (1) The name of the lobbyist or lobbying firm paying the subcontractor to perform lobbying activities;
  - (2) The date and amount of each payment or other compensation received from the lobbyist or lobbying firm for performing lobbying activities; and
  - (3) a description of the lobbying activity, position taken, and the name of the principal for whom the subcontractor performs the lobbying activities.

### 3.3 Lobbying by state officials and employees

3.3.1 In accordance with section 24-6-303.5(3), C.R.S., lobbyists hired on a contract basis to lobby on behalf of a principal department who are not registered as professional lobbyists under sections 24-6-302 or 24-6-303, C.R.S., at the time of hiring must report their lobbying activities to the state liaison for the principal department.

3.3.2 A state liaison's disclosure statements must include information for:

- (a) Each "state official or employee," as defined in section 24-6-303.5(3), C.R.S., lobbying for state principal departments, including any subdivision.
- (b) Lobbyists hired by the principal department on a contract basis who are not registered as professional lobbyist as described in Rule 3.3.1 but excluding persons lobbying on behalf of an institution or governing board of higher education.

3.3.3 Nothing in these rules or section 24-6-303.5, C.R.S., authorizes a state liaison to manage, control, supervise, or direct the lobbying activities of any state official or employee except as necessary to enable the state liaison to comply with registration and reporting requirements.

## **Rule 4. Electronic filing and record retention**

### 4.1 Electronic filing.

4.1.1 A professional lobbyist or state liaison must file registration and disclosure statements electronically using the Secretary of State's system.

4.1.2 The Secretary of State may grant an exception to the electronic filing requirement based on hardship or good cause shown.

- (a) All applications for an exception must include a brief statement of the hardship or good cause for the requested exception.
- (b) A lobbyist must submit an application to the Secretary of State at least 15 calendar days before the first applicable filing deadline, unless the exception is based on emergency circumstances arising after the deadline, in which case the lobbyist must describe the nature of the emergency in the application.
- (c) Filing the application for exception based on emergency circumstances does not delay any reporting deadlines. If, however, a penalty is imposed for failure to file a disclosure statement on the due date, the Secretary of State may reduce or set the penalty aside in accordance with section 24-6-302(7), C.R.S.

4.1.3 When a lobbyist or authorized agent uses the electronic filing system to submit a registration or disclosure statement, the submission constitutes the lobbyist's or agent's electronic signature in accordance with section 24-71-101, C.R.S., under penalty of perjury.

4.2 Any person who is required to file statements or reports under Part 3 of Article 6 of Title 24, C.R.S., must retain receipts for expenditures or contributions made, documentation of income, and contracts for five years.

## **Rule 5. Enforcement**

5.1 For the purposes of this Rule 5, the term "lobbyist" includes a professional lobbyist, state liaison, and a state official or employee lobbying on behalf of an institution or governing board of higher education, unless otherwise specified.

5.2 Complaints. Any person who believes a lobbyist or lobbyist firm is not complying with the Colorado Lobbyist Regulation laws or these rules, may file a complaint with the Secretary of State in accordance with Section 24-6-305(2)(c), C.R.S.

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

- (a) The complainant's name;
- (b) The complainant's residential address and mailing address (if different from residence);
- (c) The alleged violation, which may include a reference to the specific statute or rule;
- (d) The lobbyist or firm name;
- (e) The date and location of the alleged violation, if known; and

(f) Other applicable or relevant information.

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

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

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

5.2.4 Notification of a complaint in accordance with Rule 5.2.3 must include:

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

### 5.3 Penalty waiver process

5.3.1 A registered professional lobbyist or lobbyist firm may ask the Secretary of State to excuse or reduce an imposed fine by submitting a written request by mail, email, fax or hand-delivery within 30 days of the imposition of fine. The request should include:

- (a) The professional lobbyist's name;
- (b) The request date;
- (c) The due date of the delinquently filed disclosure statement;
- (d) The filing date the professional lobbyist actually filed the disclosure statement;

- (f) Any measures the professional lobbyist or firm has instituted or plans to institute to avoid future delinquencies, if applicable; and
- (g) A brief summary of the reason, circumstance, or other justification of the bona fide personal emergency;
  - (1) A Bona fide personal emergency, includes:
    - (A) A medical emergency involving the individual responsible for filing or the individual's immediate family. The medical emergency can include but is not limited to incapacitation, hospitalization, death, or debilitating illness or injury.
    - (B) A practical emergency, including extraordinary obstacles beyond the control of the professional lobbyist or lobbyist firm, that precludes timely disclosure. For example:
      - (i) The loss or unavailability of records, or a computer due to fire, flood, or theft;
      - (ii) A web site error that made it impossible to file a required registration document; or
      - (iii) Other compelling reasons beyond the professional lobbyist's or lobbyist firm's control.
  - (2) The following are not bona fide personal emergencies:
    - (A) Failure to timely file registration documents due to failure to plan;
    - (B) Misunderstandings of applicable disclosure requirements and deadlines;
    - (C) Mistakes in electronic filing submissions, including incomplete filings;
    - (D) Lack of access to the internet or personal computer; or
    - (E) Lack of credit card or other means of making online payments.

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

- 5.4 The Secretary of State will investigate, provide notice of hearings, and hold hearings for a violation of Part 3 of Article 6 of Title 24, C.R.S., in accordance with the State Administrative Procedure Act (Article 4 of Title 24, C.R.S.).
- 5.5 In accordance with section 24-6-305, C.R.S., the Secretary of State:
- 5.5.1 May suspend, revoke, or bar from registration any lobbyist who fails to:
- (a) File disclosure statements under section 24-6-303, C.R.S.;
  - (b) Upon request of the Secretary of State, provide books and records for the Secretary of State's examination under section 24-6-304.5, C.R.S.; or
  - (c) Pay penalties in full under section 24-6-302(7), C.R.S.
- 5.5.2 Will revoke the registration certificate of an individual who:
- (a) Is convicted in district court of violating any provision of Part 3 of Article 6 of Title 24, C.R.S.; or
  - (b) Has been suspended from lobbying by the General Assembly.
- 5.6 If the Secretary of State deems any of the violations contained in Rule 5.5 to be substantial violations, the Secretary of State will notify the president of the senate and speaker of the house. In determining whether the violation is substantial, the Secretary of State will consider:
- (a) The extent of noncompliance;
  - (b) The purpose of the applicable provision and whether that purpose is substantially achieved despite the alleged noncompliance; and
  - (c) Whether there was a good-faith effort to comply or whether noncompliance is based on a conscious decision to lobby covered officials without registering or filing disclosure statements.

## **Rule 6. Collections**

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