



Help Shape Colorado's Lobbyist Rules

Topic: lobbyist rules recodification

August 13, 2013

What is this about?

The Secretary of State is considering possible amendments to the rules concerning lobbyist regulation (8 CCR 1505-8). We invite you to share your thoughts and recommendations as we develop a preliminary draft of proposed rules.

Please see the attached working draft rules. The following highlights the primary aims of the proposed draft rules:

- Recodify the rules to improve organization and readability.
- Clarify what a professional lobbyist for a nonprofit organization must submit with a fee waiver request.
- Clarify registration filing requirements for individuals who own or are employed by a principal organized for lobbying purposes.
- Clarify disclosure requirements for professional lobbyists and state liaisons.
- Repeal rules concerning admonishment.
- Establish new rules that clarify the enforcement process.
- Other revisions include: edits to simplify language, repeal of obsolete rules, and removal of language that is duplicative of statute.

Why does the Secretary need my help?

The Secretary values your feedback and we would very much like to hear your thoughts. We need your help to identify necessary revisions or additional guidance in order to propose a constructive and comprehensive draft rule for consideration during the formal rulemaking proceedings. Overall, your opinions and recommendations will help shape Colorado's Lobbyist Rules.

How do I submit my comments and what is the deadline?

You may email your written comments to SOS.Rulemaking@sos.state.co.us. To ensure consideration of your comments before the proposed draft is issued, we must receive your comments by 5:00 p.m. on August 19, 2013.

Will my comments become part of the official record for the anticipated rulemaking?

Yes, we will incorporate your comments into the official record when we commence with formal rulemaking. Our office will identify your comments as information received in anticipation of rulemaking to support the development of the proposed draft rule. Please note that you will have an additional opportunity to provide testimony and/or written comments regarding the proposed rule during the rulemaking proceeding.

To promote transparency and to help generate discussion, our office will post a copy of your comments on the Secretary of State's website. We appreciate privacy concerns and will redact personal contact information that may appear in your comments prior to posting (including your home address, personal email address, and telephone number). To view the comments that we receive, please visit: www.sos.state.co.us/pubs/rule_making/lobbyRuleComments.html.

Preliminary Draft of Proposed Rules

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

Revised August 13, 2013

1 **Disclaimer:**

2 This is a proposed recodification of the Colorado Rules Concerning Lobbyist Regulation.
3 Current 8 CCR 1505-8, is stricken in its entirety and re-codified as follows. Some current rule
4 language is retained either in full or as amended.

5 This is a working draft of the recodification. We are involving you at this early stage because the
6 Secretary values your feedback.

7 Please send your feedback by August 19, 2013. We will consider all comments submitted by this
8 date for inclusion in the official rulemaking draft.

9 Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
Strikethrough	Deletions
<i>[Italic blue font text]</i>	Annotations

10 *[Current 8 CCR 1505-8 is stricken in its entirety and re-codified as follows:]*

11 **Rule 1. Definitions**

12 *[Current Rule 1.1 concerning bona fide personal emergency is amended and integrated into New*
13 *Rule 5.5.1(g)]*

14 *[Current Rules 1.2 – 1.4 concerning rate, rule-making official, standard are amended and*
15 *relocated to New Rule 2.1]*

16 ~~1.5~~-1.1 “State Liaison” means the one person designated by each principal department of state
17 government who is responsible for any lobbying by a state official or employee on behalf
18 of the principal department, in accordance with section 24-6-303.5(1)(a), C.R.S.

19 ~~1.6~~ — “Substantial Violation” means any one of the following violations of Part 3 of Article 6 of Title
20 ~~24, C.R.S.:~~

21 ~~1.6.1~~ Failure to register as a lobbyist in accordance with sections ~~24-6-303 or 24-6-303.5,~~
22 ~~C.R.S.;~~

1 ~~1.6.2 Failure to file a monthly disclosure statement within 15 days after the due date while the~~
2 ~~general assembly is in session, in accordance with sections 24-6-303(3)(a) and~~
3 ~~24-6-303.5(2)(b), C.R.S.;~~

4 ~~1.6.3 Failure to file a monthly disclosure statement within 30 days after the due date while the~~
5 ~~general assembly is not in session, in accordance with sections 24-6-303(3)(a) and~~
6 ~~24-6-303.5(2)(b), C.R.S.;~~

7 ~~1.6.4 Knowingly underreporting any item of income or expenditures by any amount on the~~
8 ~~disclosure statement;~~

9 ~~1.6.5 Underreporting income or expenditures by twenty percent or more on the entire~~
10 ~~disclosure statement;~~

11 ~~1.6.6 Any violation of sections 24-6-306, 24-6-307, or 24-6-308, C.R.S.;~~

12 ~~1.6.7 Any other violation that the Secretary of State finds “substantial,” taking into~~
13 ~~consideration the following factors:~~

14 *[Current Rules 1.6 is repealed, except current Rules 1.6.7(a)-(c) are amended and moved to New*
15 *Rule 5.6]*

16 *Amendments to current Rule 2:*

17 **Rule 2. Fees-REGISTRATION**

18 ~~1.3-2.1 “Rule-making official,” as used in section 24-6-301(1.7)(b), C.R.S., means A RULE-~~
19 ~~MAKING OFFICIAL INCLUDES an official of a state agency who has jurisdiction or authority~~
20 ~~to adopt any rule, standard, or rate.OF THE FOLLOWING:~~

21 2.1.1 RULE;

22 ~~1.2-2.1.2 “Rate,” as used in sections 24-6-301(1.7)(b) and 24-6-301(3.5)(a)(IV),~~
23 ~~C.R.S., means MEANING a ratio of valuation, percentage, percentage change,~~
24 ~~annual adjustment, or an amount charged for a good or service, adopted by a state~~
25 ~~agency having rulemaking authority.; OR~~

26 ~~1.4-2.1.3 “Standard,” as used in sections 24-6-301(1.7)(b) and 24-6-301(3.5)(a)(IV),~~
27 ~~C.R.S., means MEANING a criterion measuring acceptability, quality, accuracy,~~
28 ~~weight, or an amount, or a threshold for agency jurisdiction adopted by a state~~
29 ~~agency having rulemaking authority.~~

30 *[Current Rules 1.2, 1.3, and 1.4 are amended and relocated to New Rule 2.1 as shown above]*

31 ~~2.1-2.2~~ PROFESSIONAL LOBBYISTS

32 2.2.1 The fee for filing a professional lobbyist registration statement is \$40.00.

33 ~~2.2-2.2.2~~ WAIVER OF REGISTRATION FEE

1 (A) Upon written request, the Secretary of State may waive the registration fee
2 for a professional lobbyist for a ~~not-for-profit~~ NONPROFIT organization if:

3 2.2.1(1) The lobbyist derives compensation solely from the
4 organization; and

5 2.2.2(2) (a)(I) The organization can demonstrate that it is
6 operating under financial hardship conditions; or

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

10 2.3(B) To receive a registration fee waiver, a professional lobbyist for a ~~not-for-~~
11 ~~profit~~ NONPROFIT organization must obtain SECRETARY OF STATE approval
12 prior to filing the BEFORE registration. The written request must:

13 2.3.1(1) State the information required by Rule 2.2 of these rules
14 2.2.2(A); and

15 2.3.2(2) Include A COPY OF the organization's MOST RECENTLY FILED
16 Internal Revenue Service form 4024, or 990, if requesting a waiver
17 under Rule 2.2.2(a) of these rules 990EZ, OR 990-N FORM
18 SHOWING GROSS ANNUAL REVENUE OF \$50,000 OR LESS.

19 2.2.3 IN ACCORDANCE WITH SECTION 24-6-302(2.5)(A), C.R.S., AN INDIVIDUAL THAT
20 OWNS OR IS EMPLOYED BY A PRINCIPAL ORGANIZED FOR LOBBYING PURPOSES MUST
21 FILE SEPARATE REGISTRATION STATEMENTS APART FROM THE PRINCIPAL.

22 2.3 A STATE LIAISON'S REGISTRATION STATEMENTS MUST INCLUDE INFORMATION FOR:

23 2.3.1 EACH "STATE OFFICIAL OR EMPLOYEE," AS DEFINED IN SECTION 24-6-303.5(3),
24 C.R.S., LOBBYING FOR STATE PRINCIPAL DEPARTMENTS, INCLUDING ANY
25 SUBDIVISION.

26 2.3.2 LOBBYISTS HIRED BY THE PRINCIPAL DEPARTMENT ON A CONTRACT BASIS WHO ARE
27 NOT REGISTERED AS PROFESSIONAL LOBBYISTS AS DESCRIBED IN RULE 3.3.1 BUT
28 EXCLUDING PERSONS LOBBYING ON BEHALF OF AN INSTITUTION OR GOVERNING
29 BOARD OF HIGHER EDUCATION.

30 *Current Rule 4 is amended and relocated to New Rule 3:*

31 **Rule 4.3. Disclosure**

32 4.1-3.1 Article XXIX of the Colorado Constitution prohibits lobbyists from offering or giving a
33 gift or thing of value; of any kind or nature to a covered official.

34 4.2 ~~Contents of the monthly disclosure statement:~~

1 ~~4.2.1 The monthly disclosure statement for A professional lobbyist must meet the~~
2 ~~requirements of sections 24-6-301(1.9) and 24-6-302(2.5), C.R.S.~~

3 ~~4.2.2 The monthly disclosure statement for a lobbying firm must meet the requirements~~
4 ~~of sections 24-6-301(1.9) and 24-6-302(2), C.R.S.~~

5 ~~4.2.3 The monthly disclosure statement for state liaisons and state officials or~~
6 ~~employees lobbying on behalf of an institution or governing board of higher~~
7 ~~education must meet the requirements of section 24-6-303.5(2)(a), C.R.S.~~

8 3.2 PROFESSIONAL LOBBYISTS

9 ~~4.2.3(a)3.2.1 Professional lobbyists registered under sections 24-6-302 or 24-6-303,~~
10 ~~C.R.S., and who contract A PROFESSIONAL LOBBYIST WHO CONTRACTS to lobby on~~
11 ~~behalf of a principal department or an institution or governing board of higher~~
12 ~~education and who are not state officials or employees must continue to file~~
13 ~~PROFESSIONAL LOBBYIST disclosure statements in accordance with sections~~
14 ~~24-6-302 and 24-6-303, C.R.S.~~

15 3.2.2 THE FOLLOWING SUBCONTRACTOR REQUIREMENTS APPLY TO A LOBBYIST OR ANY
16 FIRM ORGANIZED FOR PROFESSIONAL LOBBYING PURPOSES THAT CONTRACTS TO
17 PERFORM ANY LOBBYING ACTIVITIES FOR ANOTHER LOBBYIST OR LOBBYING FIRM.

18 (A) A LOBBYIST OR LOBBYING FIRM THAT SUBCONTRACTS LOBBYING
19 ACTIVITIES TO ANOTHER LOBBYIST OR LOBBYING FIRM MUST DISCLOSE:

20 (1) THE NAME OF EACH SUBCONTRACTOR;

21 (2) THE DATE AND AMOUNT OF EACH PAYMENT OR OTHER
22 COMPENSATION FOR SUBCONTRACTING WORK; AND

23 (3) THE NAME OF THE PRINCIPAL FOR WHOM THE SUBCONTRACTOR IS
24 PERFORMING THE LOBBYING ACTIVITIES.

25 (B) A SUBCONTRACTOR THAT PERFORMS LOBBYING ACTIVITIES FOR ANOTHER
26 LOBBYIST OR LOBBYIST FIRM MUST DISCLOSE:

27 (1) THE NAME OF THE LOBBYIST OR LOBBYING FIRM PAYING THE
28 SUBCONTRACTOR TO PERFORM LOBBYING ACTIVITIES;

29 (2) THE DATE AND AMOUNT OF EACH PAYMENT OR OTHER
30 COMPENSATION RECEIVED FROM THE LOBBYIST OR LOBBYING FIRM
31 FOR PERFORMING LOBBYING ACTIVITIES; AND

32 (3) A DESCRIPTION OF THE LOBBYING ACTIVITY, POSITION TAKEN, AND
33 THE NAME OF THE PRINCIPAL FOR WHOM THE SUBCONTRACTOR
34 PERFORMS THE LOBBYING ACTIVITIES.

1 3.3 LOBBYING BY STATE OFFICIALS AND EMPLOYEES

2 ~~4.2.4~~3.3.1 In accordance with section 24-6-303.5(3), C.R.S., lobbyists hired on a
3 contract basis to lobby on behalf of a principal department ~~and~~ who are not
4 registered as professional lobbyists under sections 24-6-302 or 24-6-303, C.R.S.,
5 at the time of hiring must report their lobbying activities to the state liaison for the
6 principal department.

7 ~~4.3~~3.3.2 ~~The registration and disclosure statements of each state liaison must~~
8 ~~include the information required by section 24-6-303.5, C.R.S., for every “state~~
9 ~~official or employee”, as that term is defined in section 24-6-303.5(3), C.R.S.,~~
10 ~~within the state principal department, including state officials and employees~~
11 ~~lobbying on behalf of any commission, board, council, agency, or other~~
12 ~~subdivision of the principal department, and including any lobbyist hired by the~~
13 ~~principal department on a contract basis who is not registered as a professional~~
14 ~~lobbyist as described in Rule 4.2.4, but excluding persons lobbying on behalf of~~
15 ~~an institution or governing board of higher education. A STATE LIAISON’S~~
16 ~~DISCLOSURE STATEMENTS MUST INCLUDE INFORMATION FOR:~~

17 (A) EACH “STATE OFFICIAL OR EMPLOYEE,” AS DEFINED IN SECTION
18 24-6-303.5(3), C.R.S., LOBBYING FOR STATE PRINCIPAL DEPARTMENTS,
19 INCLUDING ANY SUBDIVISION.

20 (B) LOBBYISTS HIRED BY THE PRINCIPAL DEPARTMENT ON A CONTRACT BASIS
21 WHO ARE NOT REGISTERED AS PROFESSIONAL LOBBYIST AS DESCRIBED IN
22 RULE 3.3.1 BUT EXCLUDING PERSONS LOBBYING ON BEHALF OF AN
23 INSTITUTION OR GOVERNING BOARD OF HIGHER EDUCATION.

24 4.43.3.3 Nothing in these rules or section 24-6-303.5, C.R.S., authorizes a state
25 liaison to manage, control, supervise, or direct the lobbying activities of any state
26 official or employee ~~of the principal department~~ except as ~~may be necessary to~~
27 enable the state liaison to comply with ~~the registration and reporting requirements~~
28 ~~of the statutes and these rules.~~

29 *Current Rule 3 is amended and renumbered as New Rule 4:*

30 **Rule 3-4. Electronic ~~Filing~~ FILING AND RECORD RETENTION**

31 ~~3.1 A lobbyist must electronically file all registration and disclosure statements~~
32 ~~required by Part 3 of Article 6 of Title 24, C.R.S. The Secretary of State will not~~
33 ~~accept manual filings. The Secretary must make a computer terminal available in~~
34 ~~the Secretary’s main office for filing electronic registration and disclosure~~
35 ~~statements.~~

36 4.1 ELECTRONIC FILING.

1 4.1.1 A PROFESSIONAL LOBBYIST OR STATE LIAISON MUST FILE REGISTRATION AND
2 DISCLOSURE STATEMENTS ELECTRONICALLY USING THE SECRETARY OF STATE'S
3 SYSTEM.

4 ~~3.2~~4.1.2 The Secretary of State may grant an exception to the electronic filing
5 requirement based on hardship or good cause shown.

6 3.3(A) All applications for an exception must include a brief statement of the
7 hardship or good cause for the requested exception.

8 (B) A lobbyist must submit an application to the Secretary of State at least 15
9 calendar days prior to the first applicable filing deadline, unless the
10 exception is based on emergency circumstances arising after the deadline,
11 in which case the lobbyist must describe the nature of the emergency in
12 the application.

13 (C) Filing the application for exception based on emergency circumstances
14 does not delay any reporting deadlines. If, however, a penalty is imposed
15 for failure to file a disclosure statement on the due date, the Secretary of
16 State may reduce or set the penalty aside in accordance with section
17 24-6-302(7), C.R.S.

18 ~~3.4~~ For the purposes of this Rule 3, "electronic filing" means filing the registration and
19 disclosure statements required by Part 3 of Article 6 of Title 24, C.R.S., using the internet
20 system created by the Secretary of State in accordance with section 24-6-303(6.3)(a),
21 C.R.S.

22 ~~3.5~~4.1.3 When a lobbyist or authorized agent uses the electronic filing system to
23 submit a registration or disclosure statement, the submission constitutes the
24 lobbyist's or agent's electronic signature in accordance with section 24-71-101,
25 C.R.S., under penalty of perjury.

26 ~~3.6~~ Automated extraction of bulk data from the Secretary of State's web site by means of
27 computerized "robots" or "data mining", is prohibited. Upon request, the Secretary of
28 State will provide bulk data for a fee established in accordance with section 24-21-104,
29 C.R.S.

30 *[Current Rule 3.6 is repealed.]*

31 **Rule 5. Record Retention**

32 ~~5.1~~4.2 Professional lobbyists and lobbyist firms ANY PERSON WHO IS REQUIRED TO FILE
33 STATEMENTS OR REPORTS UNDER PART 3 OF ARTICLE 6 OF TITLE 24, C.R.S., must retain
34 the following in accordance with section 24-6-304(1), C.R.S.: RECEIPTS FOR
35 EXPENDITURES OR CONTRIBUTIONS MADE, DOCUMENTATION OF INCOME, AND CONTRACTS
36 FOR FIVE YEARS.

37 ~~5.1.1~~ Receipts for expenditures or contributions made;

1 ~~5.1.2 Documentation of income; and~~

2 ~~5.1.3 Contracts.~~

3 *[Current Rule 5 is amended and integrated into New Rule 4 as shown above.]*

4 *[Current Rule 6 is amended and renumbered New Rule 5]*

5 **Rule 6-5. Enforcement**

6 5.1 FOR THE PURPOSES OF THIS RULE 5, THE TERM “LOBBYIST” INCLUDES A PROFESSIONAL
7 LOBBYIST, STATE LIAISON, AND A STATE OFFICIAL OR EMPLOYEE LOBBYING ON BEHALF OF
8 AN INSTITUTION OR GOVERNING BOARD OF HIGHER EDUCATION, UNLESS OTHERWISE
9 SPECIFIED.

10 ~~6.2-5.2~~ Complaints. Any person who believes a lobbyist or lobbyist firm is not complying
11 with the Colorado Lobbyist Regulation laws or ~~Rule 4~~ THESE RULES, may file a complaint
12 with the Secretary of State in accordance with Section 24-6-305(2)(c), C.R.S. ~~For the~~
13 ~~purposes of this Rule 6.2, “lobbyist” includes a state liaison and state official or employee~~
14 ~~lobbying on behalf of an institution or governing board of higher education.~~

15 ~~6.2-1-5.2.1~~ A written complaint filed with the Secretary of State must be VERIFIED
16 AND notarized and contain the following information-:

- 17 (a) The complainant’s name;
- 18 (b) The complainant’s ~~full residence~~ RESIDENTIAL address and mailing address
19 (if different from residence);
- 20 (c) The alleged violation, which may include a reference to the ~~particular~~
21 SPECIFIC statute or rule;
- 22 (d) The lobbyist or ~~firm’s~~ FIRM name;
- 23 (e) The date and location of the alleged violation, if known; and
- 24 (f) Other applicable or relevant information.

25 ~~6.2-2-5.2.2~~ The Secretary of State will review all properly submitted complaints and
26 investigate as appropriate. If the Secretary determines that a violation occurred,
27 the Secretary must take appropriate action under section 24-6-305, C.R.S.

28 ~~6.2-3-5.2.3~~ Upon receipt of a properly submitted complaint, the Secretary of State
29 must:

- 30 (a) Notify the person against whom the complaint is filed by certified mail;
31 and

- 1 (b) In the case of a state liaison, notify the head of the principal department in
2 writing;
- 3 (c) In the case of a state official or employee lobbying on behalf of a principal
4 department, notify the state liaison in writing; or
- 5 (d) In the case of a state official or employee lobbying on behalf of an
6 institution or governing board of higher education, notify the institution or
7 governing board in writing.

8 ~~6.2.4~~5.2.4 Notification of a complaint in accordance with Rule ~~6.2.3~~5.2.3 must
9 include:

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

16 *[Current Rule 6.2 is amended and renumbered New Rule 5.2]*

17 ~~6.1.5.3 Waiver Process.~~ PENALTY WAIVER PROCESS

18 ~~6.1.1~~5.3.1 Under section ~~24-6-302(7), C.R.S., any~~ A REGISTERED professional
19 lobbyist or lobbyist firm registered with the Secretary of State may ask the
20 Secretary OF STATE to excuse or reduce an imposed fine by submitting a written
21 request by ~~letter~~ MAIL, email, fax or hand-delivery within 30 days of the
22 imposition of fine. The request should include:

- 23 (a) The ~~registered~~ PROFESSIONAL lobbyist's name;
- 24 (b) The request date;
- 25 (c) The due date of the delinquently filed disclosure statement(s);
- 26 (d) The filing date the PROFESSIONAL lobbyist actually filed the disclosure
27 statement(s);
- 28 (e) ~~A brief summary of the reason, circumstance, or other justification of the~~
29 ~~"bona fide personal emergency", as defined in Rule 1.1;~~

30 *[Current Rule 6.1.1(e) is amended and relocated to New Rule 5.3.1(g) below]*

- 31 (f) Any measures the PROFESSIONAL lobbyist or firm has instituted or plans to
32 institute to avoid future delinquencies, if applicable; and

1 ~~(g) — Other relevant information.~~

2 ~~(e)-(G) A brief summary of the reason, circumstance, or other justification of the~~
3 ~~“bona fide personal emergency”, as defined in Rule 1.1;~~

4 1.1(1) A “Bona fide personal emergency,” as used in section 24-6-302(7),
5 C.R.S., means INCLUDES:

6 1.1.1(A) A medical emergency involving the individual
7 responsible for filing or the individual’s immediate family.
8 The medical emergency can include but is not limited to
9 incapacitation, hospitalization, death, or debilitating illness
10 or injury.

11 1.1.2(B) A practical emergency, including extraordinary
12 obstacles ~~out of~~ BEYOND the control of the PROFESSIONAL
13 lobbyist or lobbyist firm, that ~~preclude~~ PRECLUDES timely
14 disclosure. For example:

15 ~~(a)-(I)~~ (I) The loss or unavailability of records, or a computer
16 due to fire, flood, or theft;

17 ~~(b)-(II)~~ (II) A web site error that made it impossible to file a
18 required registration document; or

19 ~~(e)-(III)~~ (III) Other compelling reasons beyond the PROFESSIONAL
20 lobbyist’s or lobbyist firm’s control.

21 1.1.3(2) The following are not a “bona fide personal emergency
22 EMERGENCIES:”

23 ~~(a)-(A)~~ (A) Failure to timely file registration documents due to failure
24 to plan;

25 ~~(b)-(B)~~ (B) Misunderstandings of applicable disclosure requirements
26 and deadlines;

27 ~~(e)-(C)~~ (C) Mistakes in electronic filing submissions, including
28 incomplete filings;

29 ~~(d)-(D)~~ (D) Lack of access to the internet or personal computer; or

30 ~~(e)-(E)~~ (E) Lack of credit card or other means ~~for~~ OF making online
31 payments.

32 *[Current Rule 1.1 is amended and integrated into New Rule 5.3.1(g) as shown above.]*

1 ~~6.1.2-5.3.2~~ The Secretary of State may take into account all appropriate facts and
2 circumstances when granting or rejecting a waiver request or in reducing an
3 imposed fine. The Secretary may also consider the frequency of the requests to
4 excuse or reduce a fine within a two-year period, efforts to mitigate or remedy the
5 failure to register or file, and the registrant’s demonstrated commitment to meet
6 the requirements of Colorado’s laws concerning PROFESSIONAL lobbyist
7 regulation.

8 ~~6.3 — Suspension, Revocation, and Other Appropriate Actions.~~

9 ~~6.3.1-5.4~~ The Secretary of State will investigate, provide notice OF HEARINGS, and hold
10 hearings for a violation of Part 3 of Article 6 of Title 24, C.R.S., in accordance with
11 ~~section 24-4-105, C.R.S.~~ THE STATE ADMINISTRATIVE PROCEDURE ACT (ARTICLE 4 OF
12 TITLE 24, C.R.S.).

13 ~~6.3.2~~ If the Secretary of State finds a violation that does not warrant suspension or
14 revocation, the Secretary may admonish the professional lobbyist.

15 ~~(a) — The Secretary of State may admonish a professional lobbyist if:~~

16 ~~(1) — The lobbyist violates a provision of Part 3 of Article 6 of Title 24,~~
17 ~~C.R.S., but the violation is not a substantial violation as defined in~~
18 ~~Rule 1.6 of these Rules;~~

19 ~~(2) — The lobbyist commits a substantial violation, as defined by Rule~~
20 ~~1.6 of these Rules, but takes prompt action to correct or remedy the~~
21 ~~violation;~~

22 ~~(3) — The lobbyist fails to pay penalties within 45 days of the assessment~~
23 ~~of the penalties; or~~

24 ~~(4) — The lobbyist’s violation was inadvertent, was an isolated event,~~
25 ~~and the lobbyist has made a good faith effort to comply.~~

26 ~~(b) — Upon issuing an admonishment, the Secretary of State must notify the~~
27 ~~lobbyist and give the lobbyist 30 days to respond. The Secretary of State~~
28 ~~may reverse the admonishment, based on any additional information~~
29 ~~provided by the lobbyist.~~

30 ~~6.3.3~~ The Secretary of State may pursue suspension of a professional lobbyist’s
31 certificate of registration if:

32 ~~(a) — The lobbyist commits a substantial violation and takes no action to remedy~~
33 ~~or correct the violation;~~

34 ~~(b) — The lobbyist was previously admonished by the Secretary of State and~~
35 ~~commits the same violation; or~~

1 ~~(e) The lobbyist has a pattern of noncompliance and the Secretary of State~~
2 ~~reasonably believes that the pattern of noncompliance will likely continue.~~

3 ~~6.3.4 The Secretary of State will pursue revocation of a professional lobbyist's~~
4 ~~certificate of registration if:~~

5 ~~(a) The lobbyist knowingly and willfully commits a substantial violation of~~
6 ~~Part 3 of Article 6 of Title 24, C.R.S.;~~

7 ~~(b) The lobbyist continues to lobby during the period of suspension of the~~
8 ~~lobbyist's certificate of registration; or~~

9 ~~(c) The lobbyist was suspended by the Secretary of State and willfully~~
10 ~~commits the same violation.~~

11 *[Current Rule 6.3 is repealed except Current Rule 6.3.1 is amended and renumbered New Rule*
12 *5.4 as shown above]*

13 5.5 IN ACCORDANCE WITH SECTION 24-6-305(2), C.R.S., THE SECRETARY OF STATE MAY:

14 5.5.1 SUSPEND, REVOKE, OR BAR FROM REGISTRATION ANY LOBBYIST WHO FAILS TO:

15 (A) FILE DISCLOSURE STATEMENTS UNDER SECTION 24-6-303, C.R.S.;

16 (B) UPON REQUEST OF THE SECRETARY OF STATE, PROVIDE BOOKS AND
17 RECORDS FOR THE SECRETARY OF STATE'S EXAMINATION UNDER SECTION
18 24-6-304.5, C.R.S.; OR

19 (C) PAY PENALTIES IN FULL UNDER SECTION 24-6-302(7), C.R.S.

20 5.5.2 THE SECRETARY OF STATE WILL ALSO REVOKE THE REGISTRATION CERTIFICATE OF
21 AN INDIVIDUAL WHO:

22 (A) IS CONVICTED IN DISTRICT COURT OF VIOLATING ANY PROVISION OF PART 3
23 OF ARTICLE 6 OF TITLE 24, C.R.S.; OR

24 (B) HAS BEEN SUSPENDED FROM LOBBYING BY THE GENERAL ASSEMBLY.

25 5.6 IF THE SECRETARY OF STATE DEEMS ANY OF THE VIOLATIONS CONTAINED IN RULE 5.5 TO
26 BE SUBSTANTIAL VIOLATIONS, THE SECRETARY OF STATE WILL NOTIFY THE PRESIDENT OF
27 THE SENATE AND SPEAKER OF THE HOUSE. IN DETERMINING WHETHER THE VIOLATION IS
28 SUBSTANTIAL, THE SECRETARY OF STATE WILL CONSIDER:

29 (a) The extent of noncompliance;

30 (b) The purpose of the applicable provision and whether that purpose is
31 substantially achieved despite the alleged noncompliance; and

1 (c) Whether there was a good-faith effort to comply or whether
2 noncompliance is based on a conscious decision to lobby covered officials
3 without registering or filing disclosure statements.

4 *[Current Rules 1.6.7(a)-(c) are amended and moved to New Rule 5.6 as shown above]*

5 **Rule 7. Collections**

6 ~~7.1 — If a lobbyist or firm fails to pay a penalty within 90 days, the Secretary of State will send~~
7 ~~the penalty to collections.~~

8 ~~7.2 — The Secretary of State will remove a registration statement restriction if a Lobbyist or~~
9 ~~firm with penalties in collections is making payments and showing a good faith effort to~~
10 ~~cure the fine.~~

11 *[Current Rule 7 is repealed.]*

DRAFT