

# Working 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

June 21, 2018

### Disclaimer:

The following is a working draft concerning the Rules for the Administration of the Colorado Charitable Solicitations Act. The Secretary values your input and is seeking feedback about the proposed revisions before a formal notice of rulemaking.

Please send your feedback by 5:00 PM on June 27, 2018. Please reference the specific page and line number in your comments. We will consider all comments submitted by this date for inclusion in the official rulemaking draft.

Please note the following formatting key:

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

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1 *8 CCR 1505-9 is repealed and replaced as follows:*

2 **RULE 1. DEFINITIONS.**

3 AS USED IN THESE RULES AND IN THE COLORADO CHARITABLE SOLICITATIONS ACT:

4 1.1 “ACCOUNTING PERIOD” MEANS THE TIME PERIOD FOR KEEPING RECORDS AND REPORTING  
5 INCOME AND EXPENSES.

6 1.2 “AGENT” MEANS AN INDIVIDUAL WHO, BY THE PRINCIPAL’S WRITTEN AUTHORITY, TRANSACTS  
7 BUSINESS OR MANAGES AFFAIRS FOR THE PRINCIPAL, AND PROVIDES AN ACCOUNTING TO THE  
8 PRINCIPAL. “AGENT” INCLUDES “SUBCONTRACTORS.”

9 1.3 “AUTHORIZED OFFICER” MEANS THE INDIVIDUAL DESIGNATED BY THE FILING ENTITY TO  
10 ELECTRONICALLY SIGN FORMS ON BEHALF OF THE ORGANIZATION IN ACCORDANCE WITH THE  
11 CCSA. THIS INDIVIDUAL MUST BE AN OFFICER OF A NONPROFIT CORPORATION, A TRUSTEE OF A  
12 CHARITABLE TRUST, OR A SENIOR MANAGER MEMBER OF ANY OTHER ENTITY SUBJECT TO THE  
13 FILING REQUIREMENTS OF THE CCSA.

14 1.4 “BONA FIDE PERSONAL EMERGENCY”:

15 1.4.1 INCLUDES:

- 1 (A) A MEDICAL EMERGENCY AFFECTING A REGISTRANT OR MEMBER OF  
2 REGISTRANT'S IMMEDIATE FAMILY, INCLUDING INCAPACITATION,  
3 HOSPITALIZATION, ACCIDENT, OR DEATH.
- 4 (B) A PRACTICAL EMERGENCY INCLUDING EXTRAORDINARY OBSTACLES OUT OF THE  
5 REGISTRANT'S CONTROL THAT PREVENTS TIMELY DISCLOSURE SUCH AS THE  
6 LOSS OR UNAVAILABILITY OF RECORDS OR A COMPUTER DUE TO FIRE, FLOOD, OR  
7 THEFT.
- 8 1.4.2 EXCLUDES:
- 9 (A) FAILURE TO TIMELY FILE DOCUMENTS DUE TO FAILURE TO PLAN;
- 10 (B) ACCOUNTING DELAYS;
- 11 (C) MISUNDERSTANDING OF APPLICABLE DISCLOSURE REQUIREMENTS AND  
12 DEADLINES;
- 13 (D) MISTAKES IN ELECTRONIC FILING SUBMISSION, INCLUDING INCOMPLETE FILINGS  
14 RESULTING IN REJECTION OF THE DOCUMENT;
- 15 (E) LACK OF ACCESS TO INTERNET OR A COMPUTER; AND
- 16 (F) LACK OF CORPORATE CREDIT CARD OR OTHER MEANS OF MAKING ONLINE  
17 PAYMENTS.
- 18 1.5 "CCSA" MEANS THE COLORADO CHARITABLE SOLICITATIONS ACT CODIFIED AT ARTICLE 16 OF  
19 TITLE 6, C.R.S.
- 20 1.6 "DIRECTLY EMPLOYED", AS USED IN SECTION 6-16-103(7)(D), C.R.S., MEANS THE CHARITABLE  
21 ORGANIZATION CONTROLS OR DIRECTS THE MEANS AND METHODS OF ACCOMPLISHING THE  
22 RESULT OF THE INDIVIDUAL'S WORK, REGARDLESS OF WHETHER THE INDIVIDUAL IS EMPLOYED  
23 FULL-TIME OR PART-TIME, IS PAID A SALARY OR ON COMMISSION, OR IS CALLED AN EMPLOYEE  
24 OR AN AGENT OR INDEPENDENT CONTRACTOR.
- 25 1.7 "EIN," AN EMPLOYER IDENTIFICATION NUMBER, MEANS THE FEDERAL TAX IDENTIFICATION  
26 NUMBER USED TO IDENTIFY A BUSINESS ENTITY.
- 27 1.8 "E-MAIL ADDRESS" IN SECTION 6-16-114(1)(B)(II), C.R.S., MEANS THE E-MAIL ADDRESS  
28 PROVIDED BY AND BELONGING TO AN AUTHORIZED OFFICER DURING THE CREATION OF A  
29 REGISTRANT'S ONLINE ACCOUNT.
- 30 1.9 "FISCAL YEAR" MEANS ANNUAL ACCOUNTING PERIOD.
- 31 1.10 "FORM OF THE APPLICANT'S BUSINESS" MEANS AN ENTITY LISTED IN SECTION 7-90-102, C.R.S.,  
32 OR SIMILAR BUSINESS STATUTES IN OTHER STATES BUT EXCLUDES THE ORGANIZATION'S  
33 PURPOSE AND TAX-EXEMPT STATUS.
- 34 1.11 "GROSS REVENUE" MEANS ALL REVENUE RECEIVED FROM ANY SOURCE DURING THE  
35 ORGANIZATION'S ACCOUNTING PERIOD, WITHOUT SUBTRACTING COSTS OR EXPENSES. "GROSS

- 1 REVENUE” EXCLUDES RECEIPT OF FUNDS BY A PASS-THROUGH AGENT THAT LACKS THE RIGHT TO  
2 USE OR BENEFIT FROM THEM.
- 3 1.12 “NAME OR NAMES,” AS USED IN SECTION 6-16-104(2)(A), C.R.S., INCLUDES:
- 4 1.12.1 “DOING BUSINESS AS,” “ALSO KNOWN AS,” OR TRADE NAMES; AND
- 5 1.12.2 THE NAME OF ANY DONOR-ADVISED FUND THAT SOLICITS CONTRIBUTIONS FROM THE  
6 PUBLIC USING ITS OWN NAME, UNLESS, IN ALL WRITTEN AND ORAL SOLICITATIONS, THE  
7 FUND CLEARLY IDENTIFIES ITSELF AS A “DONOR-ADVISED FUND” OF A SPECIFIED  
8 CHARITABLE ORGANIZATION THAT IS EITHER REGISTERED WITH THE SECRETARY OF  
9 STATE OR EXEMPT UNDER SECTION 6-16-104(6)(A) THROUGH (D), C.R.S.
- 10 1.13 “NEWLY-FORMED CHARITABLE ORGANIZATION” MEANS AN ORGANIZATION THAT HAS NOT  
11 REACHED THE 15TH DAY OF THE FIFTH MONTH FOLLOWING THE CLOSE OF ITS FIRST FISCAL YEAR.
- 12 1.14 “PERSON” AS USED IN SECTION 6-16-103(8), C.R.S., INCLUDES THE COLORADO COMBINED  
13 CAMPAIGN
- 14 1.15 “PERSON RESPONSIBLE FOR DIRECTING AND SUPERVISING THE CONDUCT OF THE CAMPAIGN”, AS  
15 USED IN SECTION 6-16-104.6(7)(B), C.R.S., INCLUDES A PAID SOLICITOR’S AGENTS AND  
16 SUBCONTRACTORS.
- 17 1.16 “PRINCIPAL PLACE OF BUSINESS” MEANS THE STREET ADDRESS OF THE ORGANIZATION’S USUAL  
18 PLACE OF BUSINESS AND EXCLUDES POST OFFICE BOX AND PRIVATE MAILBOX ADDRESSES.
- 19 1.17 “REGISTRANT,” AS USED IN THESE RULES, REFERS COLLECTIVELY TO CHARITABLE  
20 ORGANIZATIONS, PROFESSIONAL FUNDRAISING CONSULTANTS, AND PAID SOLICITORS SUBJECT TO  
21 CCSA REQUIREMENTS.
- 22 1.18 “SHORT-PERIOD REGISTRATION AND FINANCIAL STATEMENT” MEANS A REGISTRATION AND  
23 FINANCIAL STATEMENT COVERING A PERIOD OF LESS THAN 12 MONTHS.
- 24 1.19 “STATE ELECTIONS COMMISSION” INCLUDES, FOR PURPOSES OF SECTION 6-16-104(6)(B), C.R.S.,  
25 THE SECRETARY OF STATE’S CAMPAIGN AND POLITICAL FINANCE PROGRAM.
- 26 1.20 “SUBCONTRACTOR,” INCLUDES A PAID SOLICITOR’S AGENT BUT EXCLUDES A PAID SOLICITOR’S  
27 EMPLOYEE WHO SOLICITS ON BEHALF OF THE PAID SOLICITOR FOR THE BENEFIT OF A  
28 CHARITABLE ORGANIZATION THAT CONTRACTED WITH THE PAID SOLICITOR.

29 **RULE 2. ELECTRONIC FILING**

- 30 2.1 REGISTRANTS MUST FILE ALL DOCUMENTS ELECTRONICALLY USING THE SECRETARY OF STATE’S  
31 ONLINE SYSTEM.
- 32 2.2 THE SECRETARY OF STATE WILL ISSUE A UNIQUE USER IDENTIFICATION AND PASSWORD FOR USE  
33 OF THE ONLINE SYSTEM. TO RECEIVE ACCESS, AN INDIVIDUAL MUST PROVIDE HIS OR HER NAME,  
34 VALID EMAIL ADDRESS AND AN EIN. REGISTRANTS MUST UPDATE THIS INFORMATION PROMPTLY  
35 IF IT CHANGES. FILING WITH THE USER IDENTIFICATION AND PASSWORD WILL CONSTITUTE THE  
36 FILER'S OFFICIAL SIGNATURE, IN ACCORDANCE WITH SECTION 24-71.3-102(8), C.R.S.

1 **RULE 3. EXPEDITED HEARING DEADLINES**

2 3.1 THE SECRETARY OF STATE WILL SET AND GIVE NOTICE OF THE HEARING WITHIN SEVEN DAYS OF  
3 RECEIVING A REQUEST FOR HEARING PER SECTION 6-16-111(6)(B), C.R.S. THE SECRETARY WILL  
4 SET THE HEARING NO SOONER THAN 20 AND NO LATER THAN 45 DAYS AFTER THE MAILING OF  
5 THE NOTICE.

6 3.2 FOR GOOD CAUSE SHOWN, THE SECRETARY OF STATE MAY CONTINUE A PROCEEDING FOR NO  
7 MORE THAN 15 DAYS.

8 3.3 THE SECRETARY WILL TAKE FINAL AGENCY ACTION WITHIN TEN DAYS FOLLOWING THE  
9 HEARING.

10 **RULE 4. REGISTRATION**

11 4.1 ALL REGISTRANTS

12 4.1.1 IF THE SECRETARY OF STATE APPROVES AN INITIAL OR RENEWAL REGISTRATION  
13 STATEMENT, THE SECRETARY WILL ISSUE A PERMANENT REGISTRATION NUMBER OR  
14 UPDATE THE REGISTRANT'S STATUS AND SEND CONFIRMATION TO THE REGISTRANT'S  
15 AUTHORIZED OFFICER AND ADDRESS OF RECORD.

16 4.1.2 A REGISTRANT WILL HAVE GOOD STANDING STATUS IF ITS REGISTRATION HAS NOT BEEN  
17 DENIED, SUSPENDED, REVOKED, WITHDRAWN, OR EXPIRED. ONLY A REGISTRANT WITH  
18 GOOD STANDING STATUS MAY OBTAIN A REGISTRATION CERTIFICATE VERIFYING THAT  
19 STATUS.

20 4.2 CHARITABLE ORGANIZATIONS

21 4.2.1 IF THE CHARITABLE ORGANIZATION WAS NOT IN EXISTENCE FOR AN ENTIRE ACCOUNTING  
22 PERIOD, CHANGES ITS ACCOUNTING PERIOD, OR MERGES OUT OF EXISTENCE OR  
23 DISSOLVES BEFORE THE END OF ITS ACCOUNTING PERIOD, IT MUST FILE A SHORT-PERIOD  
24 REGISTRATION AND FINANCIAL STATEMENT.

25 4.2.2 A CHARITABLE ORGANIZATION MUST USE THE SAME ACCOUNTING PERIOD TO FILE  
26 REGISTRATION DOCUMENTS WITH THE SECRETARY OF STATE THAT IT USES TO MAINTAIN  
27 FINANCIAL RECORDS INTERNALLY AND TO FILE IRS FORM 990 WITH THE IRS.

28 4.2.3 THE SECRETARY OF STATE MAY REQUIRE A CHARITABLE ORGANIZATION TO PROVIDE A  
29 COPY OF THE APPROPRIATE IRS FORM 990 TO MEET COLORADO'S REPORTING  
30 REQUIREMENTS.

31 4.2.4 IF THE SECRETARY OF STATE IDENTIFIES INCONSISTENCIES, BETWEEN A CHARITABLE  
32 ORGANIZATION'S REGISTRATION STATEMENT AND THE IRS FORM 990, THE SECRETARY  
33 OF STATE MAY REQUIRE THE ORGANIZATION TO FILE AN AMENDED IRS FORM 990 WITH  
34 THE SECRETARY OF STATE, OR OTHERWISE CORRECT THE INCONSISTENCY TO COMPLETE  
35 THE STATE FILING. FAILURE TO CORRECT THE INCONSISTENCY MAY RESULT IN DENIAL  
36 OR SUSPENSION OF REGISTRATION IN ACCORDANCE WITH SECTION 6-16-111(6), C.R.S.

37 4.3 PAID SOLICITORS

1 4.3.1 IN ACCORDANCE WITH SECTION 6-16-104.6(4), C.R.S., A PAID SOLICITOR MAY REGISTER  
2 AND PAY A SINGLE FEE ON BEHALF OF ITS AGENTS (INCLUDING SUBCONTRACTORS)  
3 LISTED ON THE PAID SOLICITOR'S REGISTRATION,

4 4.3.2 FOR A SPECIFIC SOLICITATION CAMPAIGN, AN AGENT OR SUBCONTRACTOR NOT  
5 DIRECTLY UNDER CONTRACT TO THE REGISTERED PAID SOLICITOR MUST FILE ITS OWN  
6 REGISTRATION. SEE RULE 11 FOR ADDITIONAL SUBCONTRACTOR REQUIREMENTS.

7 **RULE 5. FILING DEADLINES AND EXTENSION OF FILING DEADLINES**

8 5.1 CHARITABLE ORGANIZATIONS.

9 5.1.1 INITIAL REGISTRATION

10 (A) IF A CHARITABLE ORGANIZATION, AT THE TIME OF INITIAL REGISTRATION,  
11 REPORTS FINANCIAL INFORMATION OUTSIDE OF THE MOST RECENTLY  
12 COMPLETED FISCAL YEAR, THE SECRETARY OF STATE MAY APPROVE THE INITIAL  
13 REGISTRATION BUT THE ORGANIZATION MUST FILE A RENEWAL OR EXTENSION  
14 REQUEST WITHIN FIVE DAYS FROM THE INITIAL REGISTRATION APPROVAL.

15 (B) IF THE ORGANIZATION FAILS TO FILE A RENEWAL OR EXTENSION WITHIN THE  
16 FIVE DAY PERIOD, THE SECRETARY MAY MARK THE ORGANIZATION'S STATUS AS  
17 "DELINQUENT" AND NOTIFY THE ORGANIZATION THAT IT MUST UPDATE THE  
18 INFORMATION OR IT WILL BE SUBJECT TO FINES AND POSSIBLE SUSPENSION OR  
19 REVOCATION.

20 5.1.2 REGISTRATION RENEWAL AND FINANCIAL REPORT.

21 (A) IF A CHARITABLE ORGANIZATION DOES NOT FILE A DEADLINE EXTENSION WITH  
22 THE IRS, THE CHARITABLE ORGANIZATION MUST FILE ITS REGISTRATION  
23 RENEWAL AND A FINANCIAL REPORT FOR THE MOST RECENT FISCAL YEAR BY  
24 THE 15TH DAY OF THE FIFTH CALENDAR MONTH AFTER THE CLOSE OF EACH  
25 FISCAL YEAR IN WHICH THE CHARITABLE ORGANIZATION SOLICITED IN  
26 COLORADO.

27 (B) IF A CHARITABLE ORGANIZATION FILES A DEADLINE EXTENSION WITH THE IRS,  
28 THE CHARITABLE ORGANIZATION MUST FILE ITS REGISTRATION RENEWAL AND  
29 FINANCIAL REPORT BY THE 15TH DAY OF THE EIGHTH CALENDAR MONTH AFTER  
30 THE CLOSE OF EACH FISCAL YEAR IN WHICH THE CHARITABLE ORGANIZATION  
31 SOLICITED IN COLORADO.

32 5.1.3 A CHARITABLE ORGANIZATION MAY RENEW ITS REGISTRATION, REPLACE INITIAL  
33 ESTIMATES WITH ACTUAL FINANCIAL INFORMATION, OR REQUEST AN EXTENSION NO  
34 EARLIER THAN THE CLOSE OF THE ACCOUNTING PERIOD TO WHICH THE FILING APPLIES.

35 5.2 FOR A PROFESSIONAL FUNDRAISING CONSULTANT OR PAID SOLICITOR, THE RENEWAL PERIOD  
36 BEGINS 60 DAYS BEFORE THE EXPIRATION DATE OF THE CONSULTANT'S OR SOLICITOR'S  
37 REGISTRATION, WHICH IS EITHER:

38 5.2.1 THE DAY AND MONTH THE INITIAL REGISTRATION WAS APPROVED; OR

- 1           5.2.2   THE DAY AND MONTH THE MOST RECENT REINSTATEMENT WAS APPROVED.
- 2   5.3   PAID SOLICITORS
- 3           5.3.1   FOR REPORTING PURPOSES, A SOLICITATION CAMPAIGNS DURATION ON A SOLICITATION  
4                    NOTICE MAY NOT EXCEED ONE YEAR.
- 5           5.3.2   BEFORE THE CAMPAIGN END DATE LISTED ON AN INITIAL SOLICITATION NOTICE, A PAID  
6                    SOLICITOR MAY AMEND THE INITIAL SOLICITATION NOTICE TO EXTEND THE CAMPAIGN  
7                    DURATION UP TO ONE YEAR. AFTER THE CAMPAIGN END DATE, THE PAID SOLICITOR  
8                    MUST FILE A NEW SOLICITATION NOTICE.
- 9           5.3.3   A PAID SOLICITOR MUST SUBMIT A SOLICITATION CAMPAIGN FINANCIAL REPORT ON OR  
10                   BEFORE THE 90TH DAY FOLLOWING THE CAMPAIGN END DATE LISTED ON A SOLICITATION  
11                   NOTICE. A PAID SOLICITOR WHO DOES NOT SUBMIT A CAMPAIGN REPORT ON OR BEFORE  
12                   THE DEADLINE MAY NOT BEGIN A NEW SOLICITATION CAMPAIGN OR FILE A NEW  
13                   SOLICITATION NOTICE UNTIL THE SECRETARY OF STATE APPROVES THE OVERDUE  
14                   CAMPAIGN REPORT.
- 15   5.4   FOR ANY FILING, INCLUDING REGISTRATION, THAT REQUIRES THE NAME AND ADDRESS OF A  
16           PERSON WITH CUSTODY OF A REGISTRANT’S RECORDS, THE REGISTRANT MUST INCLUDE:
- 17           5.4.1   THE NAME OF AN INDIVIDUAL; AND
- 18           5.4.2   THE INDIVIDUAL’S PRINCIPAL PLACE OF BUSINESS OR, IF THE INDIVIDUAL LACKS A  
19                    PRINCIPAL PLACE OF BUSINESS, THE INDIVIDUAL’S RESIDENTIAL STREET ADDRESS.
- 20   5.5   IF THE DEADLINE FOR FILING A REGISTRANT’S DOCUMENT UNDER THE CCSA FALLS ON A  
21           SATURDAY, SUNDAY, LEGAL HOLIDAY, OR A DAY THE SECRETARY OF STATE’S PHYSICAL OFFICE  
22           IS CLOSED, THE DEADLINE WILL STILL BE ON THAT DAY.
- 23   5.6   IF A REGISTRATION WAS FILED ON FEBRUARY 29, THE RENEWAL DEADLINE IS FEBRUARY 28 OF  
24           THE FOLLOWING YEAR.

25   **RULE 6.       FINES**

- 26   6.1   CHARITABLE ORGANIZATION
- 27           6.1.1   THE FINE FOR A CHARITABLE ORGANIZATION IS \$100 PER OVERDUE REPORT, INCLUDING  
28                    AN OVERDUE UPDATE OF ESTIMATED FINANCIAL INFORMATION.
- 29           6.1.2   THE FINE FOR A CHARITABLE ORGANIZATION THAT, AFTER NOTIFICATION CONTINUES TO  
30                    SOLICIT CONTRIBUTIONS BEFORE REGISTERING IS \$300.
- 31           6.1.3   IN RESPONSE TO A SECRETARY OF STATE INQUIRY, AN EXEMPT CHARITABLE  
32                    ORGANIZATION MUST INDICATE THAT IT IS EXEMPT FROM REGISTRATION AND CITE THE  
33                    BASIS FOR ITS EXEMPTION.
- 34           6.1.4   AN ORGANIZATION FINED FOR SOLICITING WHILE UNREGISTERED MUST PAY BOTH THE  
35                    FINE AND THE REGULAR FILING FEE.

- 1           6.1.5   IF A NONEXEMPT CHARITABLE ORGANIZATION SOLICITS CONTRIBUTIONS IN COLORADO  
2                   BEFORE FILING ITS INITIAL REGISTRATION OR REINSTATING ITS REGISTRATION, IT MUST  
3                   PROVIDE FINANCIAL REPORTS FOR THE LAST TWO FISCAL YEARS OR FOR THE PERIOD OF  
4                   SOLICITATION, WHICHEVER IS SHORTER.
- 5   6.2   PAID SOLICITOR
- 6           6.2.1   THE FINE FOR A PAID SOLICITOR IS \$200 PER OVERDUE SOLICITATION NOTICE AND  
7                   OVERDUE CAMPAIGN FINANCIAL REPORT.
- 8           6.2.2   THE FINE FOR A PAID SOLICITOR THAT, AFTER NOTIFICATION, CONTINUES TO SOLICIT  
9                   CONTRIBUTIONS BEFORE REGISTERING IS \$1,000.
- 10   6.4   WAIVER OF FINE
- 11           6.4.1   A REGISTRANT MAY ASK THE SECRETARY OF STATE TO REDUCE OR EXCUSE AN IMPOSED  
12                   FINE BY SUBMITTING A WRITTEN REQUEST BY LETTER, EMAIL, OR FAX.
- 13           6.4.2   THE SECRETARY MUST RECEIVE THE REQUEST WITHIN THIRTY DAYS OF THE MAILING  
14                   DATE OF THE FINE NOTICE.
- 15           6.4.3   THE REQUEST MUST INCLUDE:
- 16                   (A)    THE NAME OF THE CHARITABLE ORGANIZATION, PROFESSIONAL FUNDRAISING  
17                   CONSULTANT, OR PAID SOLICITOR;
- 18                   (B)    THE REQUEST DATE;
- 19                   (C)    THE DUE DATE OF THE DELINQUENTLY FILED REGISTRATION DOCUMENT(S);
- 20                   (D)    THE ACTUAL FILING DATE OF THE DELINQUENTLY FILED REGISTRATION  
21                   DOCUMENT(S);
- 22                   (E)    MEASURES THAT THE CHARITABLE ORGANIZATION, PROFESSIONAL  
23                   FUNDRAISING CONSULTANT, OR PAID SOLICITOR INSTITUTED OR PLAN TO  
24                   INSTITUTE TO AVOID FUTURE DELINQUENCIES, IF APPLICABLE;
- 25                   (F)    A DETAILED EXPLANATION OF THE REASON, CIRCUMSTANCE, OR OTHER  
26                   JUSTIFICATION SUCH AS:
- 27                           (1)    A BONA FIDE EMERGENCY AS DEFINED IN RULE 1.4;
- 28                           (2)    A TIMELY FILING WAS NOT POSSIBLE DUE TO WEBSITE OR EMERGENCY  
29                           ERRORS; OR
- 30                           (3)    THE ORGANIZATION WAS NOT REQUIRED TO REGISTER DURING THE TIME  
31                           PERIOD OF FINE ASSESSMENT.
- 32                   (G)    THE BASIS FOR CLAIMING AN EXEMPTION, IF APPLICABLE; AND
- 33                   (H)    ANY OTHER RELEVANT INFORMATION.

1           6.4.4   THE SECRETARY OF STATE MAY ALSO CONSIDER THE FREQUENCY OF REQUESTS TO  
2                    EXCUSE OR REDUCE FINES WITHIN A THREE-YEAR PERIOD AND ANY PAST CCSA  
3                    VIOLATIONS.

4           6.4.5   THE SECRETARY OF STATE MAY ALSO CONSIDER THE FREQUENCY OF REQUESTS TO  
5                    EXCUSE OR REDUCE FINES WITHIN A THREE-YEAR PERIOD AND ANY PAST CCSA  
6                    VIOLATIONS.

7           6.4.6   IF THE SECRETARY OF STATE DOES NOT RECEIVE PAYMENT BY THE 60<sup>TH</sup> DAY FOLLOWING  
8                    THE DATE OF THE FINE NOTICE, THE SECRETARY OF STATE WILL FORWARD THE PENALTY  
9                    TO THE STATE’S CENTRAL COLLECTION AGENCY.

10   **RULE 7.            SUSPENSIONS AND REVOCATIONS**

11   7.1       A REGISTRANT MAY NOT SOLICIT CONTRIBUTIONS, PROVIDE CONSULTING SERVICES IN  
12                    CONNECTION WITH A SOLICITATION CAMPAIGN, FILE A SOLICITATION NOTICE, OR CONDUCT A  
13                    SOLICITATION CAMPAIGN IN COLORADO WHILE SUSPENDED OR REVOKED.

14   7.2       IF THE SECRETARY OF STATE DOES NOT RECEIVE AN OVERDUE SOLICITATION CAMPAIGN  
15                    FINANCIAL REPORT, OR A REQUEST FOR A HEARING FROM A DELINQUENT REGISTRANT BY THE  
16                    60<sup>TH</sup> DAY AFTER THE DEADLINE OR A DEADLINE EXTENSION GRANTED BY SECRETARY OF STATE,  
17                    THE SECRETARY OF STATE MAY INITIATE SUSPENSION PROCEEDINGS.

18   **RULE 8.            WITHDRAWING AND REINSTATING A REGISTRATION**

19   8.1       WITHDRAWAL

20       8.1.1   A REGISTRANT MAY REQUEST TO WITHDRAW ITS REGISTRATION BY NOTIFYING THE  
21                    SECRETARY OF STATE.

22       8.1.2   A NEWLY-FORMED CHARITABLE ORGANIZATION MAY WITHDRAW ITS REGISTRATION  
23                    UNCONDITIONALLY IF IT DETERMINES THAT IT REGISTERED BY MISTAKE.

24       8.1.3   THE SECRETARY OF STATE WILL NOT APPROVE A WITHDRAWAL REQUEST UNLESS AND  
25                    UNTIL:

26            (A)       A REGISTRANT PAYS ANY AND ALL OUTSTANDING FINES OR OBTAINS A WAIVER  
27                    UNDER RULE 6.4;

28            (B)       A CHARITABLE ORGANIZATION FILES ITS FINAL FINANCIAL REPORT FOR THE  
29                    MOST RECENT FISCAL YEAR THAT IT WAS SUBJECT TO THE CCSA;

30            (D)       A PAID SOLICITOR FILES A SOLICITATION CAMPAIGN FINANCIAL REPORT FOR  
31                    EVERY SOLICITATION CAMPAIGN FOR WHICH THE PAID SOLICITOR FILED A  
32                    SOLICITATION NOTICE AND A SOLICITATION NOTICE FOR EVERY SOLICITATION  
33                    CAMPAIGN CONDUCTED IN COLORADO.

34       8.1.4   IF AN ORGANIZATION IS TERMINATING, IT MAY FILE A SHORT-PERIOD FINANCIAL  
35                    STATEMENT COVERING THE FINAL FISCAL YEAR UP TO THE DATE OF DISSOLUTION OR  
36                    TERMINATION.



1 8.2 REINSTATEMENT

2 8.2.1 AN EXPIRED OR WITHDRAWN CHARITY MUST COMPLETE THE FOLLOWING REQUIREMENTS  
3 TO REINSTATE ITS REGISTRATION:

4 (A) FILE A REINSTATEMENT FORM, AND WITH RESPECT TO EACH FISCAL YEAR SINCE  
5 THE CHARITY’S REGISTRATION EXPIRED OR WAS WITHDRAWN, CERTIFYING  
6 WHETHER IT WAS REQUIRED TO BE REGISTERED UNDER THE CCSA;

7 (B) FILE A FINANCIAL FORM FOR EACH FISCAL YEAR THE CHARITY SHOULD HAVE  
8 BEEN REGISTERED UNDER THE CCSA, UP TO A MAXIMUM OF THE PAST THREE  
9 CONSECUTIVE FISCAL YEARS;

10 (C) FILE A FINANCIAL FORM FOR THE MOST RECENT FISCAL YEAR; AND

11 (D) PAY ALL APPLICABLE FEES AND FINES.

12 8.2.2 AN EXPIRED OR WITHDRAWN PAID SOLICITOR OR PROFESSIONAL FUNDRAISING CONSULT  
13 MUST COMPLETE THE FOLLOWING REQUIREMENTS TO REINSTATE ITS REGISTRATION:

14 (A) FILE A REINSTATEMENT FORM, AND WITH RESPECT TO EACH YEAR SINCE THE  
15 PAID SOLICITOR’S OR PROFESSIONAL FUNDRAISING CONSULTANT’S  
16 REGISTRATION EXPIRED OR WAS WITHDRAWN, CERTIFYING AS TO WHETHER IT  
17 WAS REQUIRED TO BE REGISTERED UNDER THE CCSA;

18 (B) PAY ALL APPLICABLE FEES AND FINES; AND

19 (C) FOR PAID SOLICITORS, FILE SOLICITATION NOTICES AND CAMPAIGN REPORTS  
20 AND PAY ALL APPLICABLE FINES FOR SOLICITATION CAMPAIGNS CONDUCTED IN  
21 COLORADO WHILE ITS REGISTRATION WAS EXPIRED OR WITHDRAWN.

22 8.2.3 A PAID SOLICITOR MUST FILE SOLICITATION NOTICES AND CAMPAIGN REPORTS AND PAY  
23 ALL APPLICABLE FINES FOR SOLICITATION CAMPAIGNS CONDUCTED DURING SUSPENSION.

24 8.2.4 ALL SUSPENDED REGISTRANTS MUST CURE ALL DEFICIENCIES, PAY ALL APPLICABLE  
25 FINES, AND SATISFY ANY OTHER OBLIGATIONS THAT MAY BE REQUIRED AS THE  
26 OUTCOME OF ANY ADJUDICATORY PROCEEDINGS UNDER THE STATE ADMINISTRATIVE  
27 PROCEDURE ACT (ARTICLE 4, TITLE 24, C.R.S.)

28 **RULE 9. APPLICATION OF REGISTRATION REQUIREMENTS TO INTERNET SOLICITATION**

29 9.1 AS USED IN THIS RULE 9:

30 9.1.1 “INTERACTIVE WEBSITE” MEANS A WEBSITE THAT PERMITS A CONTRIBUTOR TO MAKE A  
31 CONTRIBUTION OR PURCHASE A PRODUCT IN CONNECTION WITH A CHARITABLE  
32 SOLICITATION ELECTRONICALLY, SUCH AS BY SUBMITTING CREDIT CARD INFORMATION  
33 OR BY AUTHORIZING AN ELECTRONIC FUNDS TRANSFER. INTERACTIVE WEBSITES  
34 INCLUDE SITES THROUGH WHICH A DONOR MAY COMPLETE A FINANCIAL TRANSACTION  
35 ONLINE EVEN IF COMPLETION REQUIRES THE USE OF LINKED OR REDIRECTED SITES. SUCH  
36 A WEBSITE IS INTERACTIVE REGARDLESS OF WHETHER DONORS ACTUALLY USE IT.

- 1 9.1.2 “RECEIVES CONTRIBUTIONS FROM COLORADO ON A REPEATED AND ONGOING BASIS OR A  
2 SUBSTANTIAL BASIS” MEANS RECEIVING CONTRIBUTIONS WITHIN THE ENTITY’S FISCAL  
3 YEAR THAT ARE SUFFICIENT TO ESTABLISH THE REGULAR OR SIGNIFICANT (AS OPPOSED  
4 TO RARE, ISOLATED, OR INSUBSTANTIAL) NATURE OF THOSE CONTRIBUTIONS.
- 5 (A) AN ENTITY RECEIVES CONTRIBUTIONS ON A REPEATED AND ONGOING BASIS IF IT  
6 RECEIVES AT LEAST 50 ONLINE CONTRIBUTIONS DURING A FISCAL YEAR.
- 7 (B) AN ENTITY RECEIVES SUBSTANTIAL CONTRIBUTIONS IF IT RECEIVES THE LESSER  
8 OF \$25,000 OR 1% OF ITS TOTAL CONTRIBUTIONS IN ONLINE CONTRIBUTIONS  
9 DURING A FISCAL YEAR.
- 10 9.1.3 “SPECIFICALLY TARGETS PERSONS PHYSICALLY LOCATED IN COLORADO FOR  
11 SOLICITATION” MEANS:
- 12 (A) TO INCLUDE ON A WEBSITE A REFERENCE TO SOLICITING CONTRIBUTIONS FROM  
13 COLORADO; OR
- 14 (B) TO OTHERWISE APPEAL TO RESIDENTS OF COLORADO, SUCH AS BY ADVERTISING  
15 OR SENDING MESSAGES TO PERSONS LOCATED IN COLORADO (ELECTRONICALLY  
16 OR OTHERWISE) WHEN THE ENTITY KNOWS OR REASONABLY SHOULD KNOW THE  
17 RECIPIENT IS PHYSICALLY LOCATED IN COLORADO. CHARITIES OPERATING ON A  
18 PURELY LOCAL BASIS, OR WITHIN A LIMITED GEOGRAPHIC AREA, DO NOT TARGET  
19 STATES OUTSIDE THEIR OPERATING AREA, IF THEIR WEB SITE MAKES CLEAR IN  
20 CONTEXT THAT THEIR FUNDRAISING FOCUS IS LIMITED TO THAT AREA EVEN IF  
21 THEY RECEIVE CONTRIBUTIONS FROM OUTSIDE THAT AREA ON LESS THAN A  
22 REPEATED AND ONGOING BASIS OR ON A SUBSTANTIAL BASIS.
- 23 9.2 THE SECRETARY OF STATE WILL TREAT AN ENTITY THAT SOLICITS COLORADO RESIDENTS VIA E-  
24 MAIL THE SAME AS ONE THAT SOLICITS COLORADO RESIDENTS VIA TELEPHONE OR DIRECT MAIL.
- 25 9.3 AN ENTITY WITH A PRINCIPAL PLACE OF BUSINESS IN COLORADO THAT USES THE INTERNET TO  
26 CONDUCT CHARITABLE SOLICITATIONS IN COLORADO MUST REGISTER WITH THE SECRETARY OF  
27 STATE, UNLESS IT IS EXEMPT FROM THE REGISTRATION REQUIREMENTS PER SECTION 6-16-104(6),  
28 C.R.S., REGARDLESS OF WHETHER THE SOLICITATION METHODS ARE PASSIVE OR INTERACTIVE  
29 AND WHETHER THE INTERNET SOLICITATION METHODS ARE EMPLOYED BY ITSELF OR ANOTHER  
30 ENTITY WITH WHICH IT CONTRACTS, OR IT CONDUCTS SOLICITATIONS IN ANY OTHER MANNER.
- 31 9.4 AN ENTITY WITH A PRINCIPAL PLACE OF BUSINESS OUTSIDE OF COLORADO MUST REGISTER WITH  
32 THE SECRETARY OF STATE, UNLESS IT IS EXEMPT PER SECTION 6-16-104(6), C.R.S., IF:
- 33 9.4.1 ITS NON-INTERNET ACTIVITIES ARE SUFFICIENT TO REQUIRE REGISTRATION IN  
34 COLORADO;
- 35 9.4.2 THE ENTITY SOLICITS CONTRIBUTIONS THROUGH AN INTERACTIVE WEBSITE AND THE  
36 ENTITY EITHER:
- 37 (A) SPECIFICALLY TARGETS PERSONS PHYSICALLY LOCATED IN COLORADO FOR  
38 SOLICITATION; OR

- 1 (B) RECEIVES CONTRIBUTIONS FROM COLORADO ON A REPEATED AND ONGOING  
2 BASIS OR A SUBSTANTIAL BASIS THROUGH ITS WEBSITE; OR
- 3 9.4.3 THE ENTITY SOLICITS CONTRIBUTIONS THROUGH A NON-INTERACTIVE SITE, BUT EITHER  
4 SPECIFICALLY INVITES FURTHER OFFLINE ACTIVITY TO COMPLETE A CONTRIBUTION, OR  
5 ESTABLISHES OTHER CONTACTS WITH COLORADO, SUCH AS SENDING E-MAIL MESSAGES  
6 OR OTHER COMMUNICATIONS THAT PROMOTE THE WEBSITE; AND
- 7 (A) SPECIFICALLY TARGETS PERSONS PHYSICALLY LOCATED IN COLORADO FOR  
8 SOLICITATION, OR
- 9 (B) RECEIVES CONTRIBUTIONS FROM COLORADO ON A REPEATED AND ONGOING  
10 BASIS OR A SUBSTANTIAL BASIS THROUGH ITS WEBSITE.
- 11 9.5 SOLICITATIONS FOR THE SALE OF A PRODUCT OR SERVICE THAT INCLUDE A REPRESENTATION  
12 THAT SOME PORTION OF THE PRICE IS DEVOTED TO A CHARITABLE ORGANIZATION OR  
13 CHARITABLE PURPOSE (ALSO CALLED “CAUSE MARKETING” OR “COMMERCIAL COVENTURING,”  
14 AS DEFINED IN SECTION 6-16-103(3), C.R.S., AS A “CHARITABLE SALES PROMOTION”) ARE  
15 GOVERNED BY THE SAME STANDARDS OUTLINED IN THIS RULE 9 AND IN ACCORDANCE WITH  
16 SECTION 6-16-104(1), C.R.S.
- 17 9.6 NOTHING IN THIS RULE 9 IS INTENDED TO LIMIT OR EXPAND UPON THE EXCEPTION TO THE  
18 DEFINITION OF A “PAID SOLICITOR” IN SECTION 6-16-103(7)(F), C.R.S., WHICH STATES THAT A  
19 PERSON WHOSE ONLY RESPONSIBILITY IN CONNECTION WITH A CHARITABLE CONTRIBUTION IS TO  
20 PROVIDE A MERCHANT ACCOUNT TO PROCESS CREDIT CARD PAYMENTS USING THE INTERNET IS  
21 NOT CONSIDERED A PAID SOLICITOR.

22 **RULE 10. SUBCONTRACTORS TO PAID SOLICITORS**

23 10.1 FILING REQUIREMENTS

24 10.1.1 THE SECRETARY OF STATE WILL TREAT THE SUBCONTRACTOR OPERATING UNDER A  
25 CONTRACT WITH A REGISTERED PAID SOLICITOR TO SOLICIT CHARITABLE  
26 CONTRIBUTIONS AS AN AGENT OF THAT PAID SOLICITOR AND THE SUBCONTRACTOR IS  
27 NOT REQUIRED TO REGISTER. THE PAID SOLICITOR MUST FILE ALL SOLICITATION NOTICES  
28 AND CAMPAIGN REPORTS AND ENSURE THAT THE SUBCONTRACTOR PROVIDES WRITTEN  
29 CONFIRMATION OF CONTRIBUTION STATEMENTS AND MAKES ALL THE REQUIRED ORAL  
30 DISCLOSURES THAT APPLY TO PAID SOLICITORS IN SECTIONS 6-16-105 AND 6-16-105.3,  
31 C.R.S., RESPECTIVELY.

32 10.1.2 A SUBCONTRACTOR WHO MAKES AN ORAL SOLICITATION REGARDING A CHARITABLE  
33 CONTRIBUTION TO A PERSON BY A TELEPHONE CALL RECEIVED IN COLORADO MUST  
34 STATE THEIR OWN FIRST AND LAST NAME AND THAT THEY ARE CALLING ON BEHALF OF  
35 THE REGISTERED PAID SOLICITOR.

36 10.1.3 AN AGENT (BUT NOT AN EMPLOYEE) OF A SUBCONTRACTOR OPERATING UNDER A  
37 CONTRACT WITH THAT SUBCONTRACTOR TO SOLICIT CONTRIBUTIONS MUST REGISTER  
38 SEPARATELY.

39 10.2 AUTHORIZATION TO SOLICIT

1           10.2.1 A SUBCONTRACTOR MUST OPERATE UNDER A WRITTEN CONTRACT WITH A REGISTERED  
2           PAID SOLICITOR AND THE CONTRACT MUST BE PROVIDED TO THE SECRETARY OF STATE  
3           UPON REQUEST IN ACCORDANCE WITH SECTION 6-16-104.6(2), C.R.S.

4           10.2.2 A SUBCONTRACTOR MUST KEEP RECORDS IN ACCORDANCE WITH SECTION 6-16-109,  
5           C.R.S., AND MUST FURNISH THE ORIGINALS OR COPIES TO THE PAID SOLICITOR AND,  
6           UPON REQUEST, TO THE SECRETARY OF STATE.