



Lobbyist Laws and Rules

Fiscal Year 2018-2019

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COLORADO REVISED STATUTES 2018

GOVERNMENT -STATE

ARTICLE 6

Colorado Sunshine Law

PART 3

REGULATION OF LOBBYISTS

24-6-301. Definitions - legislative declaration. As used in this part 3, unless the context otherwise requires:

(1) "Client" means the person who employs the professional services of a lobbyist. For the purposes of this part 3, a professional lobbyist is not a client of another lobbyist for whom he or she undertakes lobbying on a subcontract basis nor is the professional lobbyist a client of a lobbying firm. Where the client is an organization or entity, nothing in this subsection (1) requires the organization or entity to provide the names of any of its shareholders, investors, business partners, coalition partners, members, donors, or supporters, as applicable.

(1.3) "Communication" includes but is not limited to a transmittal of information, data, ideas, opinions, or anything of a similar nature, either oral, written, or by any other means, to a covered official.

(1.5) "Contribution" means a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution. "Contribution" also includes the compensation and reimbursement for expenses of a person required to file a disclosure statement under section 24-6-302.

(1.7) "Covered official" means:

(a) For the type of lobbying defined in subparagraphs (I), (II.5), and (III) of paragraph (a) of subsection (3.5) of this section, the governor, the lieutenant governor, a member of the general assembly, or the director of research of the legislative council of the general assembly or any member of legislative council staff;

(b) For the type of lobbying defined in subparagraph (IV) of paragraph (a) of subsection (3.5) of this section, a member of a rule-making board or commission or a rule-making official of a state agency which has jurisdiction over the subject matter of a rule, standard, or rate.

(1.9) (a) "Disclosure statement" means a written statement that contains:

(I) The name and address of each client or other professional lobbyist who has made a contribution totaling one hundred dollars or more for lobbying and the amount paid since the previous disclosure report;

(II) The total sum of the contributions made to or for the disclosing person for lobbying since the last disclosure statement which are not stated under subparagraph (I) of this paragraph (a);

(III) The total sum of all contributions made to or for the disclosing person for lobbying since the last disclosure statement and during the fiscal year;

(IV) The name of the covered official to or for whom such expenditures of more than fifty-three dollars have been made by or on behalf of the disclosing person for gift or entertainment purposes in connection with lobbying or for whom an expenditure was made by or on behalf of the disclosing person for a gift of a meal at a fund-raising event of a political party described in section 1-45-105.5 (1) (c) (IV), C.R.S., during either the first six months or the second six months of a state fiscal year and the amount, date, and principal purpose of the gift or entertainment, if the covered official or a member of his or her family actually received such gift or entertainment, but expenditures of one dollar or less shall be reported under subparagraph (V) of this paragraph (a). All amounts that a professional lobbyist spends on a covered official for which the lobbyist is reimbursed, or the source of which is a contribution, shall be deemed to be for gift or entertainment purposes.

(V) The total sum of all such expenditures made by or on behalf of the disclosing person to covered officials for gift or entertainment purposes in connection with lobbying since the last disclosure statement that are not stated under subparagraph (IV) of this paragraph (a);

(VI) (Deleted by amendment, L. 96, p. 1081, § 1, effective August 7, 1996.)

(VII) The total sum of all expenditures made by or on behalf of the disclosing person in connection with lobbying, other than gift and entertainment expenditures, since the last disclosure statement which are not stated under subparagraph (VI) of this paragraph (a);

(VIII) The total sum of all expenditures made by or on behalf of the disclosing person in connection with lobbying since the last disclosure statement and during the fiscal year;

(IX) A statement, which shall only be given by a professional lobbyist, which contains the names of, and the amounts of any expenditures or contributions made to, any papers, periodicals, magazines, radio or television stations, or other media of mass communication to whom expenditures or contributions were made in which the professional lobbyist or his employer or agent has caused to be published any advertisements, articles, or editorials relating to lobbying; except that this information is not required for regular or routine publications sent primarily to the members of the professional lobbyist's organization, which publications contain information relating to his lobbying;

(X) The nature of the legislation, standards, rules, or rates for which the disclosing person is lobbying and, where known, the specific legislation, standards, rules, or rates. In the case of specific legislation, the professional lobbyist shall include the bill number of the legislation, and whether such lobbyist's client is supporting, opposing, amending, or monitoring the legislation at the time of the disclosure statement. The professional lobbyist shall specify that his or her representation is accurate as of the date of disclosure only and that the representation is not binding and is subject to change after the date and before the time the next disclosure statement is due. If a professional lobbyist fails to show any bill numbers or nature of the legislation, as applicable, such lobbyist shall affirm that he or she was not retained in connection with any legislation. Nothing in this subparagraph (X) requires any additional disclosure on the part of a lobbyist before the next applicable reporting deadline pursuant to section 24-6-302 (3). For purposes of this subparagraph (X), "legislation" means the process of making or enacting law in written form in the form of codes, statutes, or rules. Nothing in this subparagraph (X) requires a lobbyist to amend a previously filed disclosure statement upon learning the bill number of a previously disclosed piece of legislation.

(XI) If the client or professional lobbyist is an individual, the name and address of the individual and a description of the business activity in which the individual is engaged. If the client or professional lobbyist is a business entity, a description of the business entity in which the client or lobbyist is engaged and the name or names of the entity's chief executive officer, partners, or other designated contact person, as applicable. If the client or lobbyist is an industry, trade, organization or group of persons, or professional association, a description of the industry, trade, organization or group of persons, or profession that the lobbyist represents.

(XII) A statement detailing any direct business association of the disclosing person in any pending legislation, measure, or question. For purposes of this subparagraph (XII), a "direct business association" means that, in connection with a pending bill, measure, or question, the passage or failure of the bill, measure, or question will result in the disclosing person deriving a direct financial or pecuniary benefit that is greater than any such benefit derived by or shared by other persons in the disclosing person's profession, occupation, or industry. A disclosing person shall not be deemed to have a direct personal relationship in a pending bill, measure, or question where such interest arises from a bill, measure, or question that affects the entire membership of a class to which the disclosing person belongs.

(b) The secretary of state shall prescribe a form for disclosure statements, which shall contain:

- (I) A statement, which the disclosing person may adopt, if true, that no change has occurred since the prior month's disclosure statement, in which case the information required by paragraph (a) of this subsection (1.9) may be omitted;
- (II) A statement, which the disclosing person may adopt, if true, that no unreported contributions for lobbying are receivable and that no unreported expenditures for lobbying will be made during the remainder of the fiscal year;
- (III) A statement which the disclosing person shall sign indicating that the information provided

is correct and complete; but notarization of such statement shall not be required. The disclosing person, in signing such statement, shall be subject to section 18-8-503, C.R.S., concerning false statements made to a public servant.

(c) Whenever a person required to file a disclosure statement under this part 3 solicits, collects, or receives contributions which are used for lobbying as well as for other purposes, or makes an expenditure which is attributable to lobbying as well as to other purposes, such contributions and expenditures shall be allocated between lobbying and other purposes, and the disclosure statement shall contain that portion allocated to lobbying.

(2) "Expenditure" means a payment, distribution, loan, advance, deposit, or gift of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(2.3) "Fiscal year" means the period commencing July 1 of a calendar year and concluding June 30 of the following calendar year.

(2.5) "Gross income for lobbying" means the total amount received from a client, including compensation for services, fees, and similar payments, before any deductions are made, by a professional lobbyist for lobbying or by a lobbying firm.

(3) Repealed.

(3.5) (a) "Lobbying" means communicating directly, or soliciting others to communicate, with a covered official for the purpose of aiding in or influencing:

(I) The drafting, introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, or veto by any covered official on:

(A) Any bill, resolution, amendment, nomination, appointment, or report, whether or not in writing, pending or proposed for consideration by either house of the general assembly or committee thereof, whether or not the general assembly is in session;

(B) Any other matter pending or proposed in writing by any covered official for consideration by either house of the general assembly or a committee thereof, whether or not the general assembly is in session;

(II) Repealed.

(II.5) The preparation of an initial fiscal impact statement required by section 1-40-105.5, C.R.S.;

(III) The convening of a special session of the general assembly or the specification of business to be transacted at such special session;

(IV) The drafting, consideration, amendment, adoption, or defeat of any rule, standard, or rate

of any state agency having rule-making authority.

(b) Subject to the exclusions and provisions of this paragraph (b), for the purpose of determining when contributions and expenditures become reportable in disclosure statements, "lobbying" includes activities undertaken by the person engaging in lobbying and persons acting at his request to prepare for lobbying which in fact ultimately occurs, provided:

(I) No such reports shall be required for activities occurring prior to the preceding fiscal year;

(II) Expenditures shall not be reported when such expenditures are incurred by a person in the ordinary course of the business or affairs of such person and are not made for lobbying. Such nonreportable expenditures will include, but not be limited to, the keeping of books of account and the routine collection of statistics and other data.

(c) "Lobbying" does not include communications made by a person in response to a statute, rule, regulation, or order requiring such a communication.

(d) (I) "Lobbying" does not include communications by a person who appears before a committee of the general assembly or a rule-making board or commission solely as a result of an affirmative vote by the committee, board, or commission issuing a mandatory order or subpoena commanding that the person appear and testify, or making such a person a respondent in such a proceeding whether or not the person is reimbursed by the committee, board, or commission for expenses incurred in making such appearance.

(II) (Deleted by amendment, L. 2004, p. 431, § 1, effective August 4, 2004.)

(III) (A) **Legislative declaration.** The general assembly hereby declares its support of the "Colorado Sunshine Act of 1972" and the open process that it has brought to the legislative process in Colorado. The general assembly's intent in enacting this subparagraph (III) is to achieve a more uniform application of the lobbying laws to witness testimony and to clarify the ability of the public to provide testimony to the general assembly and to state agencies.

(B) "Lobbying" excludes persons who are not otherwise registered as lobbyists and who limit their activities to appearances to give testimony or provide information to committees of the general assembly or at public hearings of state agencies or who give testimony or provide information at the request of public officials or employees and who clearly identify themselves and the interest for whom they are testifying or providing information.

(e) "Lobbying" does not include communications made by an attorney-at-law when such communications are made on behalf of a client whose name has been identified and when such communications constitute the practice of law subject to control by the judicial branch of the state of Colorado.

(f) "Lobbying" does not include duties performed by employees of the legislative department.

(3.6) "Lobbying firm" means a person or entity employing one or more professional lobbyists to lobby on behalf of a client that is not the person or entity. "Lobbying firm" includes a self-employed professional lobbyist.

(3.7) "Lobbyist" means either a professional or a volunteer lobbyist.

(4) "Person" means an individual, limited liability company, partnership, committee, association, corporation, or any other organization or group of persons.

(5) "Political committee" means any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice-presidential electors or any duly authorized committee or subcommittee of a national, state, or local political party.

(5.5) Repealed.

(6) "Professional lobbyist" means a person, business entity, including a sole proprietorship, or an employee of a client, who is compensated by a client or another professional lobbyist for lobbying. "Professional lobbyist" does not include any volunteer lobbyist, any state official or employee acting in his official capacity, except as provided in section 24-6-303.5, any elected public official acting in his official capacity, or any individual who appears as counsel or advisor in an adjudicatory proceeding.

(7) "Volunteer lobbyist" means any individual who engages in lobbying and whose only receipt of money or other thing of value consists of nothing more than reimbursement for actual and reasonable expenses incurred for personal needs, such as meals, travel, lodging, and parking, while engaged in lobbying or for actual expenses incurred in informing the organization making the reimbursement or the members thereof of his lobbying.

Source: Initiated 72. L. 73: p. 1662, § 1. **C.R.S. 1963:** § 3-37-301. **L. 77:** (1) amended, (1.5), (1.7), (1.9), (3.5), (6), and (7) added, and (3) repealed, pp. 1147, 1154, §§ 1, 12, effective July 1. **L. 79:** (6) amended, p. 1638, § 37, effective December 29. **L. 84:** (3.5)(a)(II) repealed, p. 1121, § 22, June 7. **L. 87:** (6) amended, p. 923, § 1, effective July 3. **L. 89:** IP(1.9)(a) amended and (1.9)(b)(III) added, p. 1018, §§ 1, 2, effective March 15. **L. 90:** (4) amended, p. 447, § 9, effective April 18. **L. 96:** (1.9)(a)(VI) amended and (2.5) added, p. 1081, § 1, effective August 7. **L. 98:** (1.9)(a)(IV) amended, p. 952, § 7, effective April 27. **L. 2000:** IP(1.9)(a) and (1.9)(a)(IV) amended, p. 128, § 11, effective March 15. **L. 2004:** (3.5)(d) amended, p. 431, § 1, effective August 4. **L. 2006:** (1.9)(a)(X) amended and (1.9)(a)(XI), (1.9)(a)(XII), and (5.5) added, p. 2051, §§ 2, 1, effective July 1. **L. 2010:** (1.9)(a)(I), (1.9)(a)(III), (1.9)(a)(IV), (1.9)(a)(VIII), (1.9)(b)(II), and (3.5)(b)(I) amended and (2.3) and (3.7) added, (SB 10-087), ch. 407, p. 2010, § 1, effective June 10. **L. 2012:** (1.9)(a)(IV) and (1.9)(a)(V) amended, (HB 12-1070), ch. 167, p. 584, § 2, effective August 8. **L. 2013:** (1.7)(a) amended, (HB 13-1300), ch. 316, p. 1681, § 50, effective August 7. **L. 2014:** (1), (1.9)(a)(I), (1.9)(a)(X), (1.9)(a)(XI), (2.5), and (6) amended and (1.3) and (3.6) added, (SB 14-217), ch. 398, p. 2001, § 1, effective July 1, 2015; (5.5)(b) added by revision, pp. 2001, 2006, §§ 1, 7. **L. 2015:** (1.7)(a) amended and (3.5)(a)(II.5) added, (HB 15-1057), ch. 198, p. 679, § 7, effective March 26, 2016.

Editor's note: Subsection (5.5)(b) provided for the repeal of subsection (5.5), effective July 1, 2015. (See L. 2014, pp. 2001, 2006.)

24-6-302. Disclosure statements - required.

(1) (Deleted by amendment, L. 96, p. 1081, 2, effective August 7, 1996.)

(2) Any person who makes expenditures for gifts or entertainment purposes for the benefit of covered officials in the aggregate amount of two hundred dollars in a state fiscal year shall file disclosure statements with the secretary of state in accordance with this section. Such disclosure statements shall not include actual and reasonable expenses incurred for personal needs, such as meals, travel, lodging, and parking.

(2.5) (a) A professional lobbyist and any lobbying firm shall file a monthly disclosure statement with the secretary of state no later than the fifteenth day after the end of the first calendar month, and each subsequent month, in which the lobbyist received any income or made any expenditures for lobbying. In the case of a single-member lobbying firm, if a disclosure statement includes the name of the professional lobbyist and the name of a lobbying firm that solely employs the lobbyist, a single disclosure statement may be filed with the secretary of state on behalf of both the professional lobbyist and the lobbying firm.

(b) No disclosure statement shall be required of a person who is described in a disclosure statement of a professional lobbyist pursuant to paragraph (a) of this subsection (2.5).

(c) Nothing in this subsection (2.5) shall be construed to require a professional lobbyist or a firm organized for professional lobbying purposes that is engaged in lobbying for a trade association, public interest group, or governmental organization to include in the disclosure statement of such lobbyist or firm any dues, assessments, or fees collected by such association, group, or organization for lobbying purposes.

(3) (a) (Deleted by amendment, L. 2014.)

(b) In addition to the monthly disclosure statement, a professional lobbyist shall file with the secretary of state an annual disclosure statement for the entire fiscal year no later than July 15 that covers the immediately preceding fiscal year. The annual disclosure statement must contain the name of and total gross income for lobbying received from each client or other professional lobbyist for whom the lobbyist lobbied during the previous fiscal year. If a professional lobbyist receives business from another professional lobbyist on a subcontract basis, the lobbyist receiving such business shall describe in an annual disclosure statement the total gross income received from the professional lobbyist under the subcontract who is contemporaneously reporting the subcontracting business on his or her annual disclosure statement.

(4) If a professional lobbyist determines at any time during a fiscal year that he or she will not lobby or receive lobbying income for the remainder of the fiscal year, the lobbyist may file an annual disclosure statement at such time, and thereafter need not file subsequent monthly disclosure statements until he or

she resumes lobbying.

(5) This section shall not apply to any political committee, volunteer lobbyist, citizen who lobbies on his or her own behalf, state official or employee acting in his or her official capacity, except as provided in section 24-6-303.5, or elected public official acting in his or her official capacity.

(6) (a) During the period that the general assembly is not in session, a professional lobbyist shall notify the secretary of state in writing within five working days after an oral or written agreement to engage in lobbying for any person not disclosed in the registration statement filed pursuant to section 24-6-303 (1). During the period that the general assembly is in session, a professional lobbyist shall notify the secretary of state after an agreement to engage in lobbying for any person not disclosed in the registration statement filed pursuant to section 24-6-303 (1), either by means of the electronic filing system created in section 24-6-303 (6.3) or by facsimile transmission in accordance with the following:

(I) In the case of a written agreement to engage the lobbyist, disclosure shall be made within twenty-four hours after the date of the agreement; and

(II) In the case of an oral agreement to engage the lobbyist, the disclosure shall be made within twenty-four hours after the date of a subsequent written agreement between the parties, the commencing of lobbying activities, or the date the lobbyist receives any payment on the agreement, whichever occurs first.

(b) A professional lobbyist who provides the notification under paragraph (a) of this subsection (6) shall file, concurrently with the next disclosure statement due after such notification, a signed written statement that contains:

(I) The name and address of the person described in such notification; and

(II) A summary of the terms related to lobbying under the agreement between such person and the professional lobbyist. A professional lobbyist shall also update his or her registration within twenty-four hours if he or she agrees to lobby for a client or other lobbyist on a subcontract basis who is not disclosed in the lobbyist's original registration statement.

(7) In addition to the criminal penalty provided for in section 24-6-309 (1), the secretary of state, after proper notification by certified mail, shall impose an additional penalty of twenty dollars per day for each business day that a disclosure statement required to be filed by this section is not filed by the close of the business day on the day due up to and including the first ten business days on which the disclosure statement has not been filed after the day due. For failure to file a disclosure statement required to be filed by this section by the close of the eleventh business day on which the disclosure statement has not been filed after the day due, in addition to the criminal penalty provided for in section 24-6-309 (1), the secretary of state shall impose an additional penalty of fifty dollars for each day thereafter that a disclosure statement required to be filed by this section is not filed by the close of the business day. The secretary of state may excuse the payment of any penalty imposed by this subsection (7), or reduce the amount of any penalty imposed, for bona fide personal emergencies. Revenues collected from penalties assessed by the secretary of state shall be deposited in the department of state cash fund created in section 24-21-104 (3).

(8) Notwithstanding any other provision of this part 3, an attorney who is a professional lobbyist is required to disclose information about the clients for whom he or she lobbies in accordance with this part 3 to the same extent as a professional lobbyist who is not an attorney.

Source: Initiated 72. L. 73: p. 1662, § 1. **C.R.S. 1963:** § 3-37-302. **L. 77:** Entire section R&RE, p. 1150, § 2, effective June 19. **L. 87:** (5) amended, p. 923, § 2, effective July 3. **L. 96:** (1) and (3) amended and (2.5), (6), and (7) added, p. 1081, § 2, effective August 7. **L. 2001:** (2) amended, p. 1273, § 30, effective June 5; (3)(b), (6)(a), and (6)(b)(III) amended, p. 147, § 1, effective July 1. **L. 2010:** (2), (2.5), (3), (4), (5), IP(6)(a), IP(6)(b), (6)(b)(II), and (7) amended, (SB 10-087), ch. 407, p. 2011, § 2, effective June 10. **L. 2012:** (2) amended, (HB 12-1070), ch. 167, p. 584, § 3, effective August 8. **L. 2014:** (2.5)(a), (3), (4), and (6)(b) amended and (8) added, (SB 14-217), ch. 398, p. 2003, § 2, effective July 1, 2015.

24-6-303. Registration as professional lobbyist - filing of disclosure statements - certificate of registration - legislative declaration.

(1) Before lobbying, a professional lobbyist shall file an electronic registration statement with the secretary of state that contains:

- (a) His or her full legal name, business address, and business telephone number;
- (b) The name, address, and telephone number of his or her employer, if applicable;
- (c) The name, address, and telephone number of the client for whom he or she will be lobbying;
and
- (d) The name, address, and telephone number of any other professional lobbyist for whom he or she is lobbying on a subcontract basis.

(1.3) (a) At the time a professional lobbyist files a registration statement in accordance with subsection (1) of this section prior to engaging in lobbying, and each time such lobbyist files an updated registration statement in accordance with subsection (1.5) of this section, such individual shall pay a registration fee in an amount that shall be set by the secretary of state by rule promulgated in accordance with article 4 of this title and shall be set at a level that offsets the costs to the secretary of state of providing electronic access to information pursuant to section 24-6-304 (2), and in processing and maintaining the disclosure information required by this part 3. The secretary of state shall charge a reduced fee to a professional lobbyist that files his or her registration statement pursuant to paragraph (b) of subsection (6.3) of this section. The secretary of state may waive the fee of a professional lobbyist for a not-for-profit organization who derives his or her compensation solely from the organization. A volunteer lobbyist shall be exempt from the requirement to pay the registration fee mandated by this paragraph (a).

- (b) All fees collected pursuant to the provisions of this subsection (1.3) shall be credited to the department of state cash fund created in section 24-21-104 (3) (b).

(1.5) A professional lobbyist shall file an updated registration statement on or before July 15 of each year unless at that time he or she is no longer a professional lobbyist. Registration under this subsection (1.5) shall be effective until July 1 of the next year.

(2) A professional lobbyist shall file disclosure statements as required by section 24-6-302.

(3) Consistent with the requirements of subsection (6.3) of this section, a hard copy of all registration statements and disclosure statements of professional lobbyists and lobbying firms must be compiled by the secretary of state within thirty days after the end of the calendar month for which such information is filed and shall be organized alphabetically according to the names of the lobbyists and firms.

(4) No individual shall act as a professional lobbyist unless he has received a certificate of registration as provided in section 24-6-305 (1).

(5) An individual shall not be considered a lobbyist solely because of his or her appearance as a witness in rule, standard, or rate-making proceedings.

(6) This section shall not apply to any political committee, volunteer lobbyist, citizen who lobbies on his or her own behalf, state official or employee acting in his or her official capacity, except as provided in section 24-6-303.5, or elected public official acting in his or her official capacity.

(6.3) (a) No later than January 1, 2002, the secretary of state shall establish, operate, and maintain a system that enables electronic filing of the reports required by this part 3 by utilizing the internet. Rules concerning the manner in which reports required by this part 3 may be filed electronically, including but not limited to the information to be contained in such reports, the procedure for amending such reports, and public access to the electronic filing system, shall be promulgated by the secretary of state in accordance with article 4 of this title.

(b) In addition to any other method of filing, any person subject to the filing requirements of this part 3 or his or her duly authorized agent may use the electronic filing system described in paragraph (a) of this subsection (6.3) in order to meet such filing requirements.

Source: Initiated 72. L. 73: p. 1663, § 1. **C.R.S. 1963:** § 3-37-303. **L. 77:** Entire section R&RE p. 1151, § 3, effective June 19. **L. 79:** (1)(a) amended, pp. 853, 1638, §§ 1, 2, 38, effective December 29. **L. 87:** Entire section R&RE, p. 923, § 3, effective July 3. **L. 96:** (1)(d) amended, p. 1083, § 3, effective August 7. **L. 2001:** IP(1), (1)(d), (1.5), and (3) amended and (1.3) added, p. 148, § 2, effective July 1 and (6.3) added, p. 148, § 2, effective January 1, 2002. **L. 2010:** (1), (1.3)(a), (2), (3), (5), and (6) amended, (SB 10-087), ch. 407, p. 2013, § 3, effective June 10. **L. 2014:** (1) and (3) amended, (SB 14-217), ch. 398, p. 2004, § 3, effective July 1, 2015.

24-6-303.5. Lobbying by state officials and employees. (1) (a) Each principal department of state government, as defined in section 24-1-110, shall designate one person who shall be responsible for any lobbying of the type defined in section 24-6-301 (3.5) (a) (I) or (3.5) (a) (III) by a state official or

employee on behalf of said principal department. All designated persons from the principal departments, as well as any person lobbying, as defined in section 24-6-301 (3.5) (a) (I) or (3.5) (a) (III), on behalf of an institution or governing board of higher education, shall register with the secretary of state by filing a written statement on or before January 15 of each year. Such registration statement shall be on a form prescribed by the secretary of state and shall include the following:

(I) The designated person's full legal name, principal department address, and business telephone number;

(II) The name of any state official or employee who is lobbying on behalf of the principal department, the name of such person's division or unit within the principal department, his classification or job title, and the address and telephone number of his division or unit.

(b) Copies of the original documents filed with the secretary of state shall be filed with the governor's office, the secretary of the senate, and the chief clerk of the house of representatives.

(c) Any amendments to the original registration statement shall be filed with the secretary of state within seven days of the pertinent change.

(2) (a) In addition to the registration statement filed pursuant to subsection (1) of this section, the designated person, and any person lobbying on behalf of an institution or governing board of higher education, shall file, monthly, a disclosure statement with the secretary of state in accordance with this subsection (2). The secretary of state shall prescribe the form for such disclosure statement, which shall include:

(I) The legislation on which lobbying is being performed;

(II) Any expenditure of public funds used for lobbying and the amount thereof;

(III) An estimate of the time spent on lobbying or preparation thereof by any state official or employee named in the registration statement or any other employee of the principal department.

(b) Disclosure statements shall be filed within fifteen days after the end of the first calendar month and shall be filed within fifteen days after the end of each subsequent month during the fiscal year.

(3) For purposes of this section, "state official or employee" means an individual who is compensated by a state of Colorado warrant and receives state of Colorado employee benefits except a lobbyist hired on a contract basis if he is currently registered under sections 24-6-302 and 24-6-303 or a lobbyist who registers as a professional lobbyist pursuant to sections 24-6-302 and 24-6-303.

(4) This section shall not apply to the following persons:

(a) Members of the public utilities commission, the industrial claim appeals office, the state board of land commissioners, the office of the property tax administrator, the state parole board, and the state personnel board;

- (b) Members of any board or commission serving without compensation except for per diem allowances provided by law and reimbursement of expenses;
- (c) Members of the governor's cabinet and personal staff employees in the offices of the governor and the lieutenant governor whose functions are confined to such offices and who report directly to the governor or lieutenant governor;
- (d) Appointees to fill vacancies in elective offices;
- (e) One deputy of each elective officer other than the governor and lieutenant governor specified in section 1 of article IV of the state constitution;
- (f) Members, officers, and employees of the legislative branch;
- (g) Members, officers, and employees of the judicial branch; specifically, municipal, state, and federal judges and the state court administrator and his designee; and
- (h) Any state official or employee communicating with a covered official in response to an inquiry of that covered official or when testifying before any committee of the general assembly upon request of a committee member.

(5) Any person who engages in lobbying for a principal department but who is not a state official or employee shall comply with the requirements of sections 24-6-302 and 24-6-303.

Source: L. 77: Entire section added, p. 1152, § 4, effective June 19. **L. 79:** (4)(a) amended, p. 1638, § 39, effective July 19. **L. 87:** Entire section R&RE, p. 924, § 4, effective July 3. **L. 2010:** IP(1)(a) and (2)(b) amended, (SB 10-087), ch. 407, p. 2014, § 4, effective June 10.

24-6-304. Records - preservation - public inspection - electronic access.

(1) Each person required to file statements or reports under this part 3 shall maintain for a period of five years such records relating to such statements or reports as the secretary of state determines by regulation are necessary for the effective implementation of this part 3.

(2) (a) Any statement required by this part 3 to be filed with the secretary of state shall be preserved by the secretary of state for a period of five years after the date of filing, shall constitute part of the public records of that office, and shall be open and readily accessible for public inspection. The secretary of state shall implement a computer information system that will allow computer users to cross-reference and review, using the name of a professional lobbyist or any other person, any disclosure statement or other written statement filed pursuant to section 24-6-302 and registration statement filed pursuant to section 24-6-303 on which the name of such lobbyist or other person appears.

(b) No later than January 1, 2002, the secretary of state shall establish, operate, and maintain a web site on the internet, or modify an existing site, that will allow computer users electronic read-only access

to the information required to be filed by this part 3 free of charge. All information required to be filed by this part 3 that is filed electronically shall be made available:

(I) On the web site within twenty-four hours after filing; and

(II) In a form that allows a computer user to cross-reference and review, using the name of a professional lobbyist or any other person, any disclosure statement or other written statement filed pursuant to section 24-6-302 and registration statement filed pursuant to section 24-6-303 on which the name of such lobbyist or other person appears.

Source: Initiated 72. L. 73: p. 1663, § 1. **C.R.S. 1963:** § 3-37-304. **L. 77:** Entire section R&RE, p. 1152, § 5, effective June 19. **L. 96:** (2) amended, p. 1083, § 4, effective August 7. **L. 2001:** (2) amended, p. 149, § 3, effective January 1, 2002. **L. 2010:** (2)(a) and (2)(b)(II) amended, (SB 10-087), ch. 407, p. 2015, § 5, effective June 10.

24-6-304.5. Examination of books and records. (1) The secretary of state has the power to request to examine or cause to be examined the books and records of any individual who has received or is seeking to renew a certificate of registration as a lobbyist as such books and records may relate to lobbying.

(2) Failure of a registrant or an applicant for renewal of the certificate of registration to comply with a request from the secretary of state to furnish the information in subsection (1) of this section shall be grounds for the secretary of state to proceed to use his powers to revoke or suspend a certificate of registration or bar an individual from registration as provided in section 24-6-305.

Source: L. 77: Entire section added, p. 1152, § 6, effective June 19. **L. 79:** (1) amended, p. 1638, § 40, effective July 19.

24-6-305. Powers of the secretary of state - granting and revoking of certificates - barring from registration - imposition of penalties - notification of substantial violation. (1) It is the duty and responsibility of the secretary of state:

(a) To grant a certificate of registration as a lobbyist to any individual who registers under the provisions of this section and who supplies the information required in this part 3;

(b) To revoke the certificate of registration of any individual who has been convicted of violating any of the provisions of this part 3;

(c) and (d) Repealed.

(e) To revoke the certificate of registration of any individual whose lobbying privileges before the general assembly have been suspended following action on a written complaint against the person in accordance with the rules on lobbying practices promulgated by the general assembly.

(1.5) (a) In the case of revocation of a certificate of registration in accordance with the provisions of paragraph (b) or (e) of subsection (1) of this section, the secretary of state shall additionally indicate the revocation on the web site and shall send written notice of the revocation by United States mail to each client or other lobbyist for whom the individual lobbies as shown on the individual's registration statement filed pursuant to section 24-6-303 (1).

(b) In the case of censure that has been adopted by the general assembly, the secretary of state shall send a copy of the resolution by United States mail to each client or other lobbyist for whom the individual lobbies as shown on the individual's registration statement filed pursuant to section 24-6-303 (1).

(2) In addition to any other powers conferred by this section, the secretary of state may:

(a) Revoke, or suspend for a maximum period of one year, or bar from registration for a maximum period of one year or the remainder of the legislative biennium, whichever is longer, the certificate of registration required by section 24-6-303 for failure to file the reports required by section 24-6-303, provide the information required by section 24-6-304.5, or pay fully any penalty imposed pursuant to section 24-6-302 (7); but no certificate may be revoked or suspended within thirty days after the failure to file such a report if, prior to the last day for filing such reports, the secretary of state has been informed in writing of extenuating circumstances justifying such failure. Any revocation or suspension of a certificate of registration or bar from registration shall be in accordance with the provisions of article 4 of this title.

(b) Adopt rules and regulations in accordance with the provisions of article 4 of this title to define, interpret, implement, and enforce the provisions of this part 3 and to prevent the evasion of the requirements of this part 3;

(c) On his or her own motion or on the verified complaint of any person, investigate the activities of any person who is or who has allegedly been engaged in lobbying and who may be in violation of the requirements of this part 3;

(d) Apply to the district court of the city and county of Denver for the issuance of an order requiring any individual who is believed by the secretary of state to be engaging in lobbying as a professional lobbyist as defined in section 24-6-301 without having received a certificate of registration as required by the provisions of section 24-6-303 to produce documentary evidence which is relevant or material or to give testimony which is relevant or material to the matter in question.

(3) If the secretary of state has reasonable grounds to believe that any person is in violation of section 24-6-302 or 24-6-303, the secretary of state may, after notice has been given and a hearing held in accordance with the provisions of article 4 of this title, issue a cease-and-desist order. Such order shall set forth the provisions of this part 3 found to be violated and the facts found to be the violation. Any person subject to a cease-and-desist order shall be entitled, upon request, to judicial review in accordance with the provisions of article 4 of this title.

(4) The secretary of state shall timely inform the president of the state senate and the speaker of the state

house of representatives whenever the secretary of state has reasonable grounds to believe that a violation of section 24-6-302 or 24-6-303 has occurred that the secretary of state deems substantial.

Source: Initiated 72. L. 73: p. 1664, § 1. **C.R.S. 1963:** § 3-37-305. **L. 77:** (1)(c) and (1)(d) repealed, (2) amended, and (3) added, pp. 1153, 1154, §§ 7, 12, effective June 19. **L. 79:** (1)(a), (1)(b), and (2)(d) amended, p. 1638, § 41, effective July 19. **L. 96:** (2)(a) amended, p. 1084, § 5, effective August 7. **L. 2001:** (3) amended and (4) added, p. 150, § 4, effective July 1. **L. 2010:** (1)(e) and (1.5) added and (2) amended, (SB 10-087), ch. 407, p. 2015, §§ 6, 7, effective June 10. **L. 2014:** (1.5) amended, (SB 14-217), ch. 398, p. 2005, § 4, effective July 1, 2015.

24-6-306. Employment of legislators, legislative employees, or state employees - filing of statement.

If any person who engages in lobbying employs or causes his employer to employ any member of the general assembly, any member of a rule-making board or commission, any rule-making official of a state agency, any employee of the general assembly, or any full-time state employee who remains in the partial employ of the state or any agency thereof, the new employer shall file a statement under oath with the secretary of state within fifteen days after such employment. The statement shall specify the nature of the employment, the name of the individual to be paid thereunder, and the amount of pay or consideration to be paid thereunder.

Source: Initiated 72. L. 73: p. 1665, § 1. **C.R.S. 1963:** § 3-37-306. **L. 77:** Entire section amended, p. 1154, § 8, effective June 19. **L. 79:** Entire section amended, p. 1638, § 42, effective July 19.

24-6-307. Employment of unregistered persons. It is unlawful for any person to employ for pay or any consideration, or pay or agree to pay any consideration to, an individual to engage in lobbying who is not registered except upon condition that such individual register forthwith.

Source: Initiated 72. L. 73: p. 1665, § 1. **C.R.S. 1963:** § 3-37-307. **L. 77:** Entire section amended, p. 1154, § 9, effective June 19. **L. 79:** Entire section amended, p. 1639, § 43, effective July 19.

24-6-308. Prohibited practices. (1) No person engaged in lobbying shall:

- (a) Make any agreement under which any consideration is to be given, transferred, or paid to any person contingent upon the passage or defeat of any legislation; the making or defeat of any rule, standard, or rate by any state agency; or the approval or veto of any legislation by the governor of this state;
- (b) Knowingly attempt to deceive, or make a false statement to, a covered official regarding any material fact relating to a matter that is within the scope of duties of the covered official;
- (c) Conceal from a covered official the identity of the person or entity for whom the lobbyist is

lobbying;

(d) Knowingly use a fictitious name, or a real name without the consent of the person whose name is used, to communicate with a covered official;

(e) Knowingly represent an interest adverse to the lobbyist's client without first obtaining the consent of the client after full disclosure by the lobbyist of the adverse interest;

(f) Make any form of payment to a covered official as compensation for any interest in real or personal property or the provision of services in excess of the amount of compensation that would be paid by a person who is not a lobbyist for such interest or services in the ordinary course of business;

(g) Make a loan to a covered official or engage in any other transaction with a covered official with the intention of making the covered official personally obligated to the lobbyist;

(h) Attempt to influence the vote of a covered official in connection with any pending matter by threat of a political reprisal, including without limitation the promise of financial support of, or opposition to, the covered official's candidacy at any future election;

(i) Seek to influence a covered official by communicating with the covered official's employer;

(j) Cause to be introduced, or influence the introduction of, any bill, resolution, amendment, standard, rule, or rate for the purpose of afterwards being employed to secure its passage or defeat;

(k) Receive compensation for lobbying while serving as a state officer or employee of the state central committee of a political party;

(l) Make a campaign contribution in excess of the applicable limitations established by law or rule or make, solicit, or promise to solicit a campaign contribution during the period when lobbyists are prohibited from making such contributions under section 1-45-105.5, C.R.S.;

(m) Employ, subcontract, or pay compensation to a person for lobbying who has not registered as a lobbyist; or

(n) Engage in any other practice that discredits the practice of lobbying or the general assembly.

(2) Any person who believes that a lobbyist has committed any act or omission in violation of this section may file a complaint with the secretary of state or any member of the executive committee of the general assembly in accordance with the procedures for filing a complaint against a lobbyist under the joint rules of the senate and the house of representatives. Upon receipt of a complaint, the secretary of state may act upon alleged violations of this section to enforce governing laws or rules or may refer the matter to the executive committee of the general assembly.

Source: Initiated 72. L. 73: p. 1665, § 1. **C.R.S. 1963:** § 3-37-308. **L. 77:** Entire section

amended, p. 1154, § 10, effective June 19. **L. 2010:** Entire section amended, (SB 10-087), ch. 407, p. 2016, § 8, effective June 10. **L. 2014:** (1)(e) amended, (SB 14-217), ch. 398, p. 2005, § 5, effective July 1, 2015.

24-6-309. Offenses - penalties - injunctions. (1) Any person who violates any of the provisions of this part 3, except for the commission of any of the practices listed in section 24-6-308 (1) (b) to (1) (e) and (1) (h) to (1) (n), willfully files any document provided for in this part 3 that contains any materially false statement or material omission, or willfully fails to comply with any material requirement of this part 3 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the county jail for not more than twelve months, or by both such fine and imprisonment.

(2) Whenever it appears that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this part 3 or any rule or order under this part 3, the secretary of state may bring an action in district court to enjoin the acts or practices and to enforce compliance with this part 3 or any rule or order under this part 3.

Source: Initiated 72. L. 73: p. 1665, § 1. **C.R.S. 1963:** § 3-37-309. **L. 77:** (2) R&RE, p. 1154, § 11, effective July 1, 1979. **L. 78:** (2) R&RE, p. 266, § 66, effective May 23. **L. 2014:** (1) amended, (SB 14-119), ch. 106, p. 392, § 1, effective April 7.

Editor's note: The effective date for amendments made to this section by chapter 216, L. 77, was changed from July 1, 1978, to April 1, 1979, by chapter 1, First Extraordinary Session, L. 78, and was subsequently changed to July 1, 1979, by chapter 157, § 23, L. 79. See *People v. McKenna*, 199 Colo. 452, 611 P.2d 574 (1980).

Title 1, Article 45 (Fair Campaign Practices Act) Sections of Interest

1-45-103.7. Contribution limits - definitions

(5)(a) No limited liability company shall make any contribution to a candidate committee or political party if one or more of the individual members of the limited liability company is:

- (I) A corporation;
- (II) A labor organization;
- (III) A natural person who is not a citizen of the United States;
- (IV) A foreign government;
- (V) A professional lobbyist, volunteer lobbyist, or the principal of a professional or volunteer lobbyist, and the contribution is prohibited under section 1-45-105.5 (1).

1-45-105.5. Contributions to members of general assembly and governor during consideration of legislation.

(1)(a) No professional lobbyist, volunteer lobbyist, or principal of a professional lobbyist or volunteer lobbyist shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for:

- (I) A member of the general assembly or candidate for the general assembly, when the general assembly is in regular session;
- (II) (A) The governor or a candidate for governor when the general assembly is in regular session or when any measure adopted by the general assembly in a regular session is pending before the governor for approval or disapproval; or
(B) The lieutenant governor, the secretary of state, the state treasurer, the attorney general, or a candidate for any of such offices when the general assembly is in regular session.

(b) As used in this subsection (1):

- (I) "Principal" means any person that employs, retains, engages, or uses, with or without compensation, a professional or volunteer lobbyist. One does not become a principal, nor may one be considered a principal, merely by belonging to an organization or owning stock in a corporation that employs a lobbyist.

(II) The terms "professional lobbyist" and "volunteer lobbyist" shall have the meanings ascribed to them in section 24-6-301, C.R.S.

(c) (I) Nothing contained in this subsection (1) shall be construed to prohibit lobbyists and their principals from raising money when the general assembly is in regular session or when regular session legislation is pending before the governor, except as specifically prohibited in paragraph (a) of this subsection (1).

(II) Nothing contained in this subsection (1) shall be construed to prohibit a lobbyist or principal of a lobbyist from participating in a fund-raising event of a political party when the general assembly is in regular session or when regular session legislation is pending before the governor, so long as the purpose of the event is not to raise money for specifically designated members of the general assembly, specifically designated candidates for the general assembly, the governor, or specifically designated candidates for governor.

(III) A payment by a lobbyist or a principal of a lobbyist to a political party to participate in such a fund-raising event shall be reported as a contribution to the political party pursuant to section 1-45-108; except that, if the lobbyist or principal of a lobbyist receives a meal in return for a portion of the payment, only the amount of the payment in excess of the value of the meal shall be considered a contribution to the political party. The political party shall determine the value of the meal received for such payment, which shall approximate the actual value of the meal.

(IV) A gift of a meal described in subparagraph (III) of this paragraph (c) by a lobbyist or a principal of a lobbyist to an incumbent in or a candidate elected to any office described in paragraph (a) of this subsection (1) shall be reported as follows:

(A) The lobbyist shall report the value of the meal in the lobbyist disclosure statement filed pursuant to section 24-6-302, C.R.S.

(B) The incumbent or candidate shall report the value of the meal in the public official disclosure statement filed pursuant to section 24-6-203, C.R.S.

Source: L. 2000: Entire section added with relocations, p. 118, § 1, effective March 15.

Editor's note: This section is similar to former § 1-45-104 (13) as it existed prior to 2000.

House Rule 39 - Lobbyists

- (a) For the purposes of this Rule and Rules 38A, 40 and 41 of the House, a lobbyist is any person defined as such in the Joint Rules of the Senate and House of Representatives.
- (b) No lobbyist shall be admitted to the floor of the House:
 - (1) At any time the House is in session, including while it is sitting as a committee of the whole.
 - (2) Under any circumstances prior to 12 o'clock noon of any day the House is in session.
 - (3) Unless the lobbyist is a former member of the House who has been admitted pursuant to Rule 38 (d).
- (b.1) No member of the Governor's staff shall be admitted to the floor of the House:
 - (1) Unless the member of the Governor's staff has been authorized to be admitted by the Speaker, in his or her sole discretion, while the House is not considering or otherwise taking action on any legislation, including while it is sitting as a committee of the whole.
 - (2) Unless the member of the Governor's staff is a former member of the House who has been admitted pursuant to Rule 38 (d).
- (c) Repealed, House Resolution 17-1006, March 8, 2017.
- (d) Repealed, House Resolution 17-1006, March 8, 2017.

House Rule 40: Registration of Lobbyists

(a) Any lobbyist, except a volunteer lobbyist, desiring to observe the session of the House or to appear before any committee of the House shall first register as a lobbyist with the Secretary of State as required in Section 24-6-303 or 24-6-303.5, Colorado Revised Statutes. A volunteer lobbyist shall first register with the chief clerk.

(b) The sergeant-at-arms shall thereupon conduct said person to the desk of the chief clerk, where said person shall register in the record kept for that purpose, entering thereon his or her name, address, and the interest or interests he or she represents, and also the bill or bills upon which he or she desires to be heard. The chief clerk shall thereupon issue a card to said person, which card shall permit said person to appear before the committee or committees to which said bill or bills have been referred.

(c) At any meeting of any committee of the House, the chairman thereof, or majority of the committee, may permit an interested person to address the committee upon said person's stating to the chairman his or her name and address and the subject upon which said person desires to be heard.

Senate Rule 31 - Use of Senate Chamber and Privileges

(a) No person not a member of the General Assembly or an officer or employee required to be on the floor of the Senate in the course of legislative business, other than the judges of the district and supreme courts, the Governor and elected state officers, members of the congressional delegation, ex-members of the Senate, duly accredited representatives of the state press, and such other persons as may be invited by the President or members of the Senate and families of members of the Senate, shall be admitted to the Senate chamber and adjoining cloak rooms or antechambers, and any such persons shall only be entitled to the quiet and orderly occupancy of the seats provided for visitors or for representatives of the press, and in no event to the privileges of the floor; except that former members of the Senate may address the members of the Senate regarding a Senate memorial, Senate joint memorial, or House joint memorial expressing sentiment on the death of any person who served as a member of the Senate pursuant to subsection (g) of this rule. Persons invited by members of the Senate shall occupy the seats in the rear of the floor of the Senate and on the sides, and any five Senators may demand that the Senate floor be cleared of persons invited by members of the Senate. Other persons shall be admitted to the galleries of the Senate or to the lobby located at the main entrance of the chamber. It shall be the duty of the sergeant-at-arms to enforce this rule.

The desks, materials, and papers of Senators are not to be touched by any person other than Senate employees under the direction of the sergeant-at-arms or the secretary of the Senate. Persons visiting the Senate chambers are not permitted to place material upon the desks of Senators. Any material that any person desires to have distributed to the desks of one or more Senators, except through the mail, must be delivered to the sergeant-at-arms. Such material must bear the name of the organization or person who was responsible for its preparation and distribution. It should be constructively stated and courteously expressed. If facts or statistics from other sources are used, such sources should be identified. Lobbyists and the public are encouraged to communicate with their Senators and to furnish to them factual data concerning the merits of legislative proposals. If the sergeant-at-arms has any question as to the propriety of the material to be distributed to the members of the Senate, the sergeant-at-arms shall consult the President of the Senate, or the presiding officer, or in the absence of both, the majority and minority floor leaders. Lobbyists shall not be permitted on the floor of the Senate unless the lobbyist is a former member who is otherwise authorized pursuant to this subsection (a) to address the members of the Senate regarding a Senate memorial, Senate joint memorial, or House joint memorial expressing sentiment on the death of any person who served as a member of the Senate.

(b) No committee of the Senate shall occupy the Senate chamber for public hearings on any matter, without permission having been granted by the consent of a majority of the members elected.

(c) At no time, whether the Senate be in session or not, shall any employee of the Senate, or any persons whatsoever other than the President or a Senator or a Representative be permitted to occupy the chair or use the desk of the President or that of any Senator.

(d) Any employee of the Senate or of its committees, soliciting or inviting any Senator to vote or influence any bill or matter before the Senate, shall be at once dismissed from service and employment; and any person entitled to the privileges of the floor of the Senate who shall, while on the floor during the session of the Senate, solicit or invite any Senator to vote or influence any bill or matter before the Senate shall forfeit the privileges of the floor of the Senate. Nothing in this

subsection (d) shall prohibit an employee of the Senate or of its committees from exercising the same rights and privileges as other citizens of Colorado with regard to legislation of interest if such attempts are made away from the premises of the state Capitol and not while fulfilling the responsibilities of whatever position the employee has been hired to perform. In addition, nothing in this subsection (d) shall prohibit an officer or employee of the Senate from appearing as a witness before a committee of reference or other committee of the General Assembly to provide analysis, data, research, or statistics or any other similar factual information upon the request of any member of the committee or upon the request of the sponsor of a bill or other measure so long as the officer or employee does not urge the committee to vote for or against any bill or measure.

(e) Any person known as a lobbyist, except a volunteer lobbyist, as such term is defined in the Joint Rules of the Senate and House of Representatives, desiring to appear before any committee of the Senate shall first be registered with the Secretary of State as required in section 24-6-303 or 24-6-303.5, Colorado Revised Statutes. A volunteer lobbyist shall be registered with the chief clerk of the House of Representatives.

(f) There shall be no introduction of visitors or groups in the Senate gallery. Introduction of guests on the floor of the Senate shall be limited to the immediate families of members, former members of the Senate, present or former elected state officials, members of Congress, elected officials of other states or the United States, and foreign dignitaries. In addition, a senator may introduce and recognize any individual who is serving in the military, the family members of an individual who died in combat while serving in the military, or individuals who have been recognized statewide for a significant accomplishment or achievement or the members of an academic or athletic group or organization who have achieved a significant goal such as winning a league, state, or national title, competition, or championship. No introductions shall be made during deliberations by the committee of the whole or when the Senate is engaged in third reading of bills.

g) At the discretion of the president, any former member of the Senate may be admitted to the floor of the Senate chamber in order to address the members of the Senate regarding a Senate memorial, Senate joint memorial, or House joint memorial expressing sentiment on the death of any person who served as a member of the Senate. Prior to the commencement of an address by a former member concerning a Senate memorial, senate joint memorial, or House joint memorial, the Senate shall recess for the purpose of hearing the address.

Joint Rule 36: Lobbying Practices

(a) Definitions. As used in this Joint Rule, unless the context otherwise requires:

(1) "Lobbying" shall have the meaning set forth in section 24-6-301 (3.5), Colorado Revised Statutes.

(2) "Lobbyist" means a professional lobbyist or a volunteer lobbyist as defined in section 24-6-301 (6) and (7), Colorado Revised Statutes or any state official or employee, engaged in lobbying pursuant to section 24-6-303.5, Colorado Revised Statutes. However, such terms and the provisions of this Joint Rule shall only apply to lobbying which relates to the legislative process.

(b) Prohibited practices. No person engaging in lobbying shall:

(1) Attempt to influence any legislator or elected or appointed state official or state employee or legislative employee by means of deceit or by threat of violence or economic or political reprisal against any person or property, with intent thereby to alter or affect said legislator's, elected or appointed state official's, state employee's, or legislative employee's decision, vote, opinion, or action concerning any matter which is to be considered or performed by him or her or the agency or body of which he or she is a member;

(2) Knowingly provide false information to any legislator or elected or appointed state official or state employee or legislative employee as to any material fact pertaining to any legislation;

(3) Knowingly omit, conceal, or falsify in any manner information required by the registration and lobbyist disclosure reports;

(4) Become an active participant in the internal organization or leadership races of the General Assembly;

(5) Cause or influence the introduction of any bill or amendment for the purpose of afterwards being employed to secure its passage or defeat;

(5.5) File against another lobbyist a complaint subsequently found by the Executive Committee to be frivolous.

(6) Misappropriate or misuse state office supplies;

(7) Use state reproduction machines without paying for such use;

(8) Enter or use a legislator's or elected or appointed state official's or state employee's or legislative employee's office, phone, or parking space without explicit permission;

(9) Attempt to remove or remove any document from any legislative office, desk, file cabinet, reproduction machine, or any other place without explicit permission.

(10) Repealed. Senate Joint Resolution 13-036.

(c) Registration filing of disclosure statements disclosure of relationship with client.

(1) Any lobbyist, except a volunteer lobbyist, shall register with the Secretary of State in accordance with section 24-6-303 or 24-6-303.5, Colorado Revised Statutes. The Secretary of State should provide from the registration statements filed by lobbyists such information as the chief clerk of the House of Representatives and the secretary of the Senate request for purposes of conducting the business of the chief clerk and secretary and to provide legislators with information pertinent to the performance of their legislative duties. Such information should be updated at least monthly during the legislative session. This procedure shall be in lieu of any additional registration requirement of the House of Representatives or the Senate.

(2) A volunteer lobbyist, as defined in section 24-6-301 (7), Colorado Revised Statutes, shall register with the chief clerk of the House of Representatives.

(3) If the secretary of state learns of the existence of a substantial violation of part 3 of article 6 of title 24, C.R.S., by a person engaged in lobbying, the secretary of state shall promptly notify both the President of the Senate who shall notify all members of the Senate and the Speaker of the House of Representatives who shall notify all members of the House of Representatives. If such a notice is received and if a complaint pursuant to subsection (d) of this rule is filed, upon the adoption of a resolution, either house may restrict the access of the person identified in the notice to members, committees, and other activities of that house pending the outcome of the complaint.

(d) Violations complaint.

(1) Any person who has knowledge of a violation of any provisions of this Joint Rule may file a written complaint, signed by the complainant and describing the alleged violation, with any member of the Executive Committee. The President and the Speaker shall inform the person accused of a violation of the fact that a complaint has been filed, the nature of the complaint, and the name or names of the person or persons filing the complaint. As soon as possible after the complaint has been filed and notwithstanding the provisions of part 4 of article 6 of title 24, the Executive Committee shall meet in executive session to discuss the complaint. The President and the Speaker may ask the lobbyist complained against to provide an explanation of his or her understanding of the issues raised in the complaint for the purpose of assisting the Executive Committee in making a preliminary determination of whether or not the complaint appears to be meritorious. During the executive session, the Executive Committee may dismiss the complaint. If the complaint is dismissed prior to the appointment of a committee of legislators, the complaint shall remain confidential. If the Executive Committee finds that a complaint filed by a lobbyist against another lobbyist was frivolous, the Executive Committee may direct that the President and Speaker inform the accusing lobbyist of the finding and appoint a committee of legislators pursuant to paragraph (2) of this subsection (d).

(2) If the complaint is not dismissed, the Executive Committee may direct the President and the Speaker to appoint a committee of legislators to interview the parties involved, as well as any other persons who may be able to provide relevant information, and to present to the Executive Committee such facts and information obtained. Once a committee is appointed, the President and the Speaker shall provide the person who is the subject of the written complaint with a copy of the written complaint.

(3) The committee shall consist of one legislator appointed by the Speaker of the House of Representatives, one legislator appointed by the President of the Senate, and one legislator designated by the two appointees. No more than two members of the committee shall be from the same political party. The legislators appointed to the committee shall have no personal interest in the alleged violation and shall have no business interest in or affiliation with the complainant or the alleged violator.

(4) All proceedings of the committee shall be public. The accused shall be entitled to be present during the proceedings. The committee members shall submit a report to the Executive Committee.

(5) After receiving the facts and information from the committee and after such facts and information have been provided to the person who is the subject of the written complaint, the Executive Committee shall act on said complaint at its next meeting or at a special meeting called for that purpose; however, the person who is the subject of the written complaint shall receive a reasonable opportunity to be heard by the Executive Committee and has the right to be present during its deliberations. The Executive Committee may dismiss the complaint or, if it determines that said violation occurred, it may prescribe such remedial measures as it deems appropriate, including, but not limited to, suspension of lobbying privileges before the General Assembly or any of its committees, or it may issue a letter of admonition or recommend a resolution of censure to be acted upon by the General Assembly. If the Executive Committee of the Legislative Council finds that the issuance of subpoenas is necessary in any such investigation, it may request such power, in accordance with Joint Rule No. 33, from the General Assembly or when the General Assembly is not in session from the entire Legislative Council.

(6) Repealed. Senate Joint Resolution 13-036.

COLORADO SECRETARY OF STATE

8 CCR 1505-8

Secretary of State Rules Concerning Lobbyist Regulation

Rule 1. Definitions

- 1.1 “Client” means a person or entity who initially hires, engages, or otherwise pays or contributes money to a professional lobbyist for lobbying services. “Client” does not include a lobbying firm that employs a professional lobbyist or a professional lobbyist who is, on a subcontract basis, working for another professional lobbyist.¹
- 1.2 “Covered official” means the governor, lieutenant governor, a member of the general assembly, any member of legislative council staff, a member of a rulemaking board or commission, or a rulemaking official of a state agency who has jurisdiction over the subject matter of a rule, standard, or rate.²
- 1.3 “Lobbying:”
- 1.3.1 Means communicating directly, or soliciting others to communicate, with a covered official for the purpose of aiding or influencing:
- (a) The drafting, introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, or veto on any:
 - (1) Bill, resolution, amendment, nomination, appointment, or report, whether or not in writing, pending or proposed for consideration by the general assembly, whether or not the general assembly is in session;
 - (2) Any other matter pending or proposed in writing by a covered official, whether or not the general assembly is in session;
 - (b) The preparation of an initial fiscal impact statement for an initiated measure to be considered by the title setting board;
 - (c) The convening of a special session of the general assembly or the specification of business to be transacted during the special session; or
 - (d) The drafting, consideration, amendment adoption, or defeat of any rule, standard, or rate of any state agency that has rulemaking authority.³

¹ Section 24-6-301 (1), C.R.S.

² Section 24-6-301 (1.7), C.R.S.

³ Section 24-6-301 (3.5), C.R.S.

1.3.2 Does not include:

- (a) Communications required by a statute, rule, regulation, or order;⁴
- (b) Appearing before a committee of the general assembly or a rulemaking board or commission if the committee, board, or commission issued a mandatory order or subpoena commanding appearance and testimony or commanding a person to appear as a respondent;⁵
- (c) Appearing before a committee of the general assembly or a rulemaking board or commission at the request of public official or employees. This exemption applies only to a person who is not already registered as a lobbyist, and the person must clearly identify themselves and the interest for whom they are testifying.⁶
- (d) Communications made by an attorney at law on behalf of a client that constitute the practice of law if the client is clearly identified.⁷ This exemption applies only to an attorney who is representing his or her client's legal rights before a tribunal or adjudicative body that contains covered officials. Examples include, but are not limited to, the state title setting board, administrative licensure hearings, and legislative ethics panels. This exemption does not extend to an attorney who is merely lobbying, as defined above, on behalf of a client.
- (e) Appearance as a witness in a rule, standard, or rate-making proceeding;⁸
- (f) A political committee, volunteer, lobbyist, or citizen who lobbies on his or her own behalf, a state official acting in his or her official capacity, or a public official acting in his or her official capacity.⁹
- (g) Activity that could otherwise be considered lobbying if that activity is performed by an employee of an organization and the activity occurs once a year or less and the employee is not paid solely to lobby. This exclusion from lobbying covers "grassroots" lobbying by employees of an organization who contact members of the organization in response to a piece of legislation or rule.

1.4 "Lobbying firm" means a person or entity who employs a professional lobbyist on behalf of a client that is not the person or entity. "Lobbying firm" includes a self-employed professional lobbyist.¹⁰

1.5 "Monitoring" status means that a registered lobbyist is not currently communicating support or opposition, or influencing or attempting to influence a covered official on the drafting, introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, or veto of any bill, resolution, amendment, nomination, appointment, or report, pending or proposed.

⁴ Section 24-6-301 (3.5) (c), C.R.S.

⁵ Section 24-6-301 (3.5) (d), C.R.S.

⁶ Section 24-6-301 (3.5) (d), C.R.S.

⁷ Section 24-6-301 (3.5) (e), C.R.S.

⁸ Section 24-6-303 (5), C.R.S.

⁹ Section 24-6-303 (6), C.R.S.

¹⁰ Section 24-6-301 (3.6), C.R.S.

- 1.6 “Professional lobbyist” means a person, a business entity, including a sole proprietorship, or an employee of a client, who is compensated by a client, another professional lobbyist, or lobbying firm for lobbying services.¹¹
- 1.7 “Rate” means 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.
- 1.8 “Standard” means a criterion measuring acceptability, quality, accuracy, weight, or an amount, or a threshold for agency jurisdiction adopted by a state agency having rulemaking authority.
- 1.9 “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.¹²
- 1.10 “Volunteer lobbyist” means a person who engages in lobbying but whose only receipt of money for doing so consists of nothing more than reimbursement for actual and reasonable expenses such as meals, travel, lodging and parking.¹³

Rule 2. Professional Lobbyists

2.1 Registration

- 2.1.1 A professional lobbyist must register electronically via the Secretary of State’s website before lobbying. The statement must contain:
- (a) The professional lobbyist’s full name, business address, and business telephone number;
 - (b) The name, address, and telephone number of the lobbying firm or any other person or entity that employs the professional lobbyist;
 - (c) The name, address, and telephone number of all clients that engage the professional lobbyist;
 - (d) The name, address, and telephone number of any other professional lobbyist for whom the professional lobbyist is lobbying on a subcontract basis.¹⁴
- 2.1.2 The fee for filing a professional lobbyist registration statement is \$40.00.
- (a) Upon request, the Secretary of State may waive the registration fee for a professional lobbyist who is lobbying for a nonprofit organization if the professional lobbyist’s only compensation is from the nonprofit organization. To receive a waiver, the professional lobbyist must submit a written request to the Secretary of State along with a copy of the nonprofit organization’s most recent IRS form 990, 990EZ, or 990-N showing gross annual revenue of \$50,000 or less.¹⁵

¹¹ Section 24-6-301 (6), C.R.S

¹² Section 24-6-303.5 (1) (a), C.R.S.

¹³ Section 24-6-301 (7), C.R.S.

¹⁴ Section 24-6-303 (1), C.R.S.

¹⁵ Section 24-6-303 (1.3) (a), C.R.S.

2.1.3 A professional lobbyist must file an updated registration statement on or before July 15 each year.¹⁶

2.2 Disclosure

2.2.1 A professional lobbyist must file a monthly disclosure statement electronically via the Secretary of State's website on or before the 15th day of the month following the month in which the professional lobbyist began lobbying, and monthly thereafter. The statement must contain:¹⁷

- (a) The name and address of each client or other professional lobbyist who has paid the professional lobbyist \$100 or more for lobbying and the amount paid by the client or other professional lobbyist since the previous disclosure statement;¹⁸
 - (1) If the client or other professional lobbyist is an individual, a description of the business activity in which the individual is engaged;
 - (2) If the client or other professional lobbyist is a business entity, a description of the business in which the entity is engaged and the names of any chief executive officer, partners, or other designated contact person; or
 - (3) If the client or other professional lobbyist is an industry, trade, organization, or group of persons, or professional association, a description of the industry, trade, organization, or group of persons, or professional association.¹⁹
- (b) The total amount of money paid to or for the professional lobbyist since the previous disclosure statement and during the fiscal year;²⁰
- (c) If the professional lobbyist has made an expenditure that exceeds the current dollar gift limit, as established by the Independent Ethics Commission and posted on the Secretary of State website, on behalf of a covered official for gift or entertainment purposes, whether or not the professional lobbyist was reimbursed:
 - (1) The name of the covered official; and
 - (2) The amount, date, and principal purpose of the gift or entertainment;²¹
- (d) The total amount of expenditures made by or on behalf of the professional lobbyist in connection with lobbying, other than for gift or entertainment purposes;²²

¹⁶ Section 24-6-303 (1.5), C.R.S.

¹⁷ Section 24-6-302 (2.5), C.R.S.

¹⁸ Section 24-6-301 (1.9) (a) (1), C.R.S.

¹⁹ Section 24-6-301 (1.9) (a) (XI), C.R.S.

²⁰ Section 24-6-301 (1.9) (a) (II), (III), and (VIII), C.R.S.

²¹ Section 24-6-301 (1.9) (a) (1) (IV), C.R.S.

²² Section 24-6-301 (1.9) (a) (1) (V) and (VII), C.R.S.

- (e) If the professional lobbyist has made an expenditure or given a contribution to a paper, periodical, magazine, radio or TV station, or other media of mass communication:
 - (1) The name of the entity; and
 - (2) The amount given to the entity;²³
- (f) The specific legislation, standards, rules, or rates for which the professional lobbyist is lobbying or, if not known, the nature of the legislation, standards, rules, or rates, including:
 - (1) The bill number of the legislation; and
 - (2) Whether the lobbyist is supporting, opposing, amending, or monitoring the legislation.²⁴
- (g) Any direct business association the professional lobbyist has with any pending legislation, measure, or question.²⁵

2.2.2 In addition to the monthly disclosure statement described in Rule 2.2.1, a professional lobbyist must file an annual disclosure statement for the entire fiscal year no later than July 15. The annual disclosure statement must include the name of and total gross income the professional lobbyist has received from each client or other professional lobbyist. If a subcontract relationship exists between two professional lobbyists, both lobbyists must disclose the amount of money paid and received on the annual disclosure statement.²⁶

2.2.3 In addition to the monthly and annual disclosure statements described in Rules 2.2.1 and 2.2.2, when a professional lobbyist enters into a new oral or written agreement with a client or other professional lobbyist for lobbying that isn't disclosed in the registration statement described in Rule 2.1.1, the professional lobbyist must notify the Secretary of State.

- (a) If the new engagement occurs while the general assembly is not in session the professional lobbyist must notify the Secretary within five working days.
- (b) If the new engagement occurs while the general assembly is in session the professional lobbyist must notify the Secretary within 24 hours, except that, if the agreement is oral, the notification must occur within 24 hours after the date of the subsequent written agreement.

²³ Section 24-6-301 (1.9) (a) (1) (IX), C.R.S.

²⁴ Section 24-6-301 (1.9) (a) (1) (X), C.R.S.

²⁵ Section 24-6-301 (1.9) (a) (1) (XII), C.R.S.

²⁶ Section 24-6-302 (3), C.R.S.

- (c) In addition to the notification, the professional lobbyist must:
 - (1) File, concurrently with the next disclosure statement, a signed written statement that contains the name and address of the new client and a summary of the terms of the agreement including:
 - (A) Client contact information;
 - (B) If client is a business, the organization name, business type, industry/trade type, and the name(s) of the entity's chief executive officer or partners;
 - (C) Date the lobbyist was hired; and
 - (D) Date the lobbyist's employment will end, if known.
 - (2) Update the professional lobbyist's registration statement within 24 hours.²⁷

2.2.4 Effective January 1, 2019, a professional lobbyist must log by date all position changes (monitoring, oppose, and support) on a bill and file the log covering the preceding month with the monthly disclosure statement required by Rule 2.2.1.

Rule 3. Lobbying Firms

3.1 Registration

3.1.1 There is no registration requirement for a lobbying firm, but a lobbyist firm must file disclosure statements in accordance with statute and as described in Rule 3.2 below.

3.2 Disclosure

3.2.1 Except as specified in paragraph (a) below, a lobbying firm must file a monthly disclosure statement electronically via the Secretary of State's website on or before the 15th day of the month following the month in which the lobbying firm began lobbying, and monthly thereafter.²⁸

- (a) A single-member lobbying firm that consists solely of one professional lobbyist need not file a lobbying-firm disclosure statement if the professional lobbyist's disclosure statement contains the name of both the professional lobbyist and the single-member firm that employs the professional lobbyist.²⁹

3.2.2 The statement must contain:³⁰

²⁷ Section 24-6-302 (6) (b), C.R.S.

²⁸ Section 24-6-302 (2.5) (a), C.R.S.

²⁹ Section 24-6-302 (2.5) (a), C.R.S.

³⁰ Section 24-6-302 (2.5), C.R.S.

- (a) The name and address of each client or other professional lobbyist who has paid the lobbying firm \$100 or more for lobbying and the amount paid by the client or other professional lobbyist since the previous disclosure statement;³¹
 - (1) If the client or other professional lobbyist is an individual, a description of the business activity in which the individual is engaged;
 - (2) If the client or other professional lobbyist is a business entity, a description of the business in which the entity is engaged and the names of any chief executive officer, partners, or other designated contact person; or
 - (3) If the client or other professional lobbyist is an industry, trade, organization, or group of persons, or professional association, a description of the industry, trade, organization, or group of persons, or professional association.³²
- (b) The total amount of money paid to or for the lobbying firm since the previous disclosure statement and during the fiscal year;³³
- (c) If the lobbying firm has made an expenditure that exceeds the current dollar gift limit, as established by the Independent Ethics Commission and posted on the Secretary of State website, on behalf of a covered official for gift or entertainment purposes, whether or not the professional lobbyist was reimbursed:
 - (1) The name of the covered official; and
 - (2) The amount, date, and principal purpose of the gift or entertainment;³⁴
- (d) The total amount of expenditures made by or on behalf of the lobbying firm in connection with lobbying, other than for gift or entertainment purposes;³⁵
- (e) If the lobbying firm has made an expenditure or given a contribution to a paper, periodical, magazine, radio or TV station, or other media of mass communication:
 - (1) The name of the entity; and
 - (2) The amount given to the entity;³⁶
- (f) The specific legislation, standards, rules, or rates for which the lobbying firm is lobbying or, if not known, the nature of the legislation, standards, rules, or rates, including:

³¹ Section 24-6-301 (1.9) (a) (1), C.R.S.

³² Section 24-6-301 (1.9) (a) (XI), C.R.S.

³³ Section 24-6-301 (1.9) (a) (II), (III), and (VIII), C.R.S.

³⁴ Section 24-6-301 (1.9) (a) (1) (IV), C.R.S.

³⁵ Section 24-6-301 (1.9) (a) (1) (V) and (VII), C.R.S.

³⁶ Section 24-6-301 (1.9) (a) (1) (IX), C.R.S.

- (1) The bill number of the legislation; and
 - (2) Whether the lobbying firm is supporting, opposing, amending, or monitoring the legislation.³⁷
- (g) Any direct business association the lobbying firm has with any pending legislation, measure, or question.³⁸

Rule 4. Complaints and Enforcement

4.1 Any person who believes that 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.³⁹

4.1.1 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.

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

4.1.3 Upon receipt of a properly submitted complaint, the Secretary of State will:

- (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.

³⁷ Section 24-6-301 (1.9) (a) (1) (X), C.R.S.

³⁸ Section 24-6-301 (1.9) (a) (1) (XII), C.R.S.

³⁹ Section 24-6-305 (2) (c), C.R.S.

4.1.4 Notification of a complaint in accordance with Rule 4.1.3 will 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.

4.2 Penalty waiver process

4.2.1 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 must 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;
- (e) Any measures the professional lobbyist or firm has instituted or will institute to avoid future delinquencies, if applicable; and
- (f) 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.

4.2.2 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.

4.3 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.).

4.4 In accordance with section 24-6-305, C.R.S., the Secretary of State:

4.4.1 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.

4.4.2 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.

4.5 If the Secretary of State deems any of the violations contained in Rule 4.4 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:

4.5.1 The extent of noncompliance;

4.5.2 The purpose of the applicable provision and whether that purpose is substantially achieved despite the alleged noncompliance; and

4.5.3 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 5. Electronic Filing Hardship Exemption

- 5.1 The Secretary of State may grant an exception to the electronic filing requirement based on hardship or good cause shown.
 - 5.1.1 All applications for an exception must include a brief statement of the hardship or good cause for the requested exception.
 - 5.1.2 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.
 - 5.1.3 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.

Rule 6. Contributions to members of the general assembly or elected members of the executive branch during consideration of legislation.

- 6.1 No professional lobbyist, volunteer lobbyist, or principal of a professional lobbyist or volunteer lobbyist may make or promise to make a contribution to, or solicit or promise to solicit a contribution for:⁴⁰
 - 6.1.1 A member of the general assembly or candidate for the general assembly, when the general assembly is in regular session;⁴¹
 - 6.1.2 The governor or a candidate for governor when the general assembly is in regular session or when any measure adopted by the general assembly in a regular session is pending before the governor for approval or disapproval;⁴² or
 - 6.1.3 The lieutenant governor, the secretary of state, the state treasurer, the attorney general, or a candidate for any of such offices when the general assembly is in regular session.⁴³
- 6.2 As used in this rule, “Principal” means any person that employs, retains, engages, or uses, with or without compensation, a professional or volunteer lobbyist. A person serving as an officer, employee, member, shareholder, or partner of an organization or business entity that employs, retains, engages, or uses a lobbyist is not considered a principal.⁴⁴

⁴⁰ Section 1-45-105.5 (1) (a), C.R.S.

⁴¹ Section 1-45-105.5 (1) (a) (I), C.R.S.

⁴² Section 1-45-105.5 (1) (a) (II) (A), C.R.S.

⁴³ Section 1-45-105.5 (1) (a) (II) (B), C.R.S.

⁴⁴ Section 1-45-105.5 (1) (b) (I), C.R.S.

Editor's Notes

History

Entire rule eff. 01/01/2008.

Entire rule eff. 06/30/2011.

Entire rule eff. 11/14/2012.

Entire rule eff. 11/30/2013.

Rules 3.2.2, 5.3.1, 6.2 eff. 05/30/2015. Rule 2.2.3 repealed eff. 05/30/2015.

Entire rule eff. 06/30/2018.