

**Preliminary Draft of Proposed Rules  
(Clean Version)**

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

March 15, 2018

**Disclaimer:**

In accordance with the State Administrative Procedure Act, this draft is filed with the Secretary of State and submitted to the Department of Regulatory Agencies.<sup>1</sup>

This is a preliminary draft of the proposed rules that may be revised before the April 16, 2018 rulemaking hearing. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State’s website no later than **April 11, 2018**.<sup>2</sup>

Please note the following formatting key:

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

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1 *[8 CCR 1505-8 is stricken in its entirety and recodified as follows.]*

2 **RULE 1. DEFINITIONS**

3 1.1 “CLIENT” MEANS A PERSON OR ENTITY WHO INITIALLY HIRES, ENGAGES, OR OTHERWISE PAYS OR  
4 CONTRIBUTES MONEY TO A PROFESSIONAL LOBBYIST FOR LOBBYING SERVICES. “CLIENT” DOES  
5 NOT INCLUDE A LOBBYING FIRM THAT EMPLOYS A PROFESSIONAL LOBBYIST OR A PROFESSIONAL  
6 LOBBYIST WHO IS, ON A SUBCONTRACT BASIS, WORKING FOR ANOTHER PROFESSIONAL  
7 LOBBYIST.<sup>3</sup>

8 1.2 “COVERED OFFICIAL” MEANS THE GOVERNOR, LIEUTENANT GOVERNOR, A MEMBER OF THE  
9 GENERAL ASSEMBLY, ANY MEMBER OF LEGISLATIVE COUNCIL STAFF, A MEMBER OF A  
10 RULEMAKING BOARD OR COMMISSION, OR A RULEMAKING OFFICIAL OF A STATE AGENCY WHO  
11 HAS JURISDICTION OVER THE SUBJECT MATTER OF A RULE, STANDARD, OR RATE.<sup>4</sup>

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<sup>1</sup> Sections 24-4-103(2.5) and (3)(a), C.R.S. (2017). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

<sup>2</sup> Section 24-4-103(4)(a), C.R.S. (2017). “[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

<sup>3</sup> Section 24-6-301 (1), C.R.S.

<sup>4</sup> Section 24-6-301 (1.7), C.R.S

- 1 1.3 “LOBBYING:”
- 2 1.3.1 MEANS COMMUNICATING DIRECTLY, OR SOLICITING OTHERS TO COMMUNICATE, WITH A  
3 COVERED OFFICIAL FOR THE PURPOSE OF AIDING OR INFLUENCING:
- 4 (A) THE DRAFTING, INTRODUCTION, SPONSORSHIP, CONSIDERATION, DEBATE,  
5 AMENDMENT, PASSAGE, DEFEAT, APPROVAL, OR VETO ON ANY:
- 6 (1) BILL, RESOLUTION, AMENDMENT, NOMINATION, APPOINTMENT, OR  
7 REPORT, WHETHER OR NOT IN WRITING, PENDING OR PROPOSED FOR  
8 CONSIDERATION BY THE GENERAL ASSEMBLY, WHETHER OR NOT THE  
9 GENERAL ASSEMBLY IS IN SESSION;
- 10 (2) ANY OTHER MATTER PENDING OR PROPOSED IN WRITING BY A COVERED  
11 OFFICIAL, WHETHER OR NOT THE GENERAL ASSEMBLY IS IN SESSION;
- 12 (B) THE PREPARATION OF AN INITIAL FISCAL IMPACT STATEMENT FOR AN INITIATED  
13 MEASURE TO BE CONSIDERED BY THE TITLE SETTING BOARD;
- 14 (C) THE CONVENING OF A SPECIAL SESSION OF THE GENERAL ASSEMBLY OR THE  
15 SPECIFICATION OF BUSINESS TO BE TRANSACTED DURING THE SPECIAL SESSION;  
16 OR
- 17 (D) THE DRAFTING, CONSIDERATION, AMENDMENT ADOPTION, OR DEFEAT OF ANY  
18 RULE, STANDARD, OR RATE OF ANY STATE AGENCY THAT HAS RULEMAKING  
19 AUTHORITY.<sup>5</sup>
- 20 1.3.2 DOES NOT INCLUDE:
- 21 (A) COMMUNICATIONS REQUIRED BY A STATUTE, RULE, REGULATION, OR ORDER;<sup>6</sup>
- 22 (B) APPEARING BEFORE A COMMITTEE OF THE GENERAL ASSEMBLY OR A  
23 RULEMAKING BOARD OR COMMISSION IF THE COMMITTEE, BOARD, OR  
24 COMMISSION ISSUED A MANDATORY ORDER OR SUBPOENA COMMANDING  
25 APPEARANCE AND TESTIMONY OR COMMANDING A PERSON TO APPEAR AS A  
26 RESPONDENT;<sup>7</sup>
- 27 (C) APPEARING BEFORE A COMMITTEE OF THE GENERAL ASSEMBLY OR A  
28 RULEMAKING BOARD OR COMMISSION AT THE REQUEST OF PUBLIC OFFICIAL OR  
29 EMPLOYEES. THIS EXEMPTION APPLIES ONLY TO A PERSON WHO IS NOT ALREADY  
30 REGISTERED AS A LOBBYIST, AND THE PERSON MUST CLEARLY IDENTIFY  
31 THEMSELVES AND THE INTEREST FOR WHOM THEY ARE TESTIFYING.<sup>8</sup>
- 32 (D) COMMUNICATIONS MADE BY AN ATTORNEY AT LAW ON BEHALF OF A CLIENT  
33 THAT CONSTITUTE THE PRACTICE OF LAW IF THE CLIENT IS CLEARLY

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<sup>5</sup> Section 24-6-301 (3.5), C.R.S.

<sup>6</sup> Section 24-6-301 (3.5) (c), C.R.S.

<sup>7</sup> Section 24-6-301 (3.5) (d), C.R.S.

<sup>8</sup> Section 24-6-301 (3.5) (d), C.R.S.

1 IDENTIFIED.<sup>9</sup> THIS EXEMPTION APPLIES ONLY TO AN ATTORNEY WHO IS  
2 REPRESENTING HIS OR HER CLIENT’S LEGAL RIGHTS BEFORE A TRIBUNAL OR  
3 ADJUDICATIVE BODY THAT CONTAINS COVERED OFFICIALS. EXAMPLES INCLUDE,  
4 BUT ARE NOT LIMITED TO, THE STATE TITLE SETTING BOARD, ADMINISTRATIVE  
5 LICENSURE HEARINGS, AND LEGISLATIVE ETHICS PANELS THIS EXEMPTION DOES  
6 NOT EXTEND TO AN ATTORNEY WHO IS MERELY LOBBYING, AS DEFINED ABOVE,  
7 ON BEHALF OF A CLIENT.

8 (E) APPEARANCE AS A WITNESS IN A RULE, STANDARD, OR RATE-MAKING  
9 PROCEEDING;<sup>10</sup>

10 (F) A POLITICAL COMMITTEE, VOLUNTEER, LOBBYIST, OR CITIZEN WHO LOBBIES ON  
11 HIS OR HER OWN BEHALF, A STATE OFFICIAL ACTING IN HIS OR HER OFFICIAL  
12 CAPACITY, OR A PUBLIC OFFICIAL ACTING IN HIS OR HER OFFICIAL CAPACITY.<sup>11</sup>

13 (G) ACTIVITY THAT COULD OTHERWISE BE CONSIDERED LOBBYING IF THAT  
14 ACTIVITY IS PERFORMED BY AN EMPLOYEE OF AN ORGANIZATION AND THE  
15 ACTIVITY OCCURS ONCE A YEAR OR LESS AND THE EMPLOYEE IS NOT PAID  
16 SOLELY TO LOBBY. THIS EXCLUSION FROM LOBBYING COVERS “GRASSROOTS”  
17 LOBBYING BY EMPLOYEES OF AN ORGANIZATION WHO CONTACT MEMBERS OF  
18 THE ORGANIZATION IN RESPONSE TO A PIECE OF LEGISLATION OR RULE.

19 1.4 “LOBBYING FIRM” MEANS A PERSON OR ENTITY WHO EMPLOYS A PROFESSIONAL LOBBYIST ON  
20 BEHALF OF A CLIENT. “LOBBYING FIRM” INCLUDES A SELF-EMPLOYED PROFESSIONAL  
21 LOBBYIST.<sup>12</sup>

22 1.5 “MONITORING” STATUS MEANS THAT A REGISTERED LOBBYIST IS NOT CURRENTLY  
23 COMMUNICATING SUPPORT OR OPPOSITION, OR INFLUENCING OR ATTEMPTING TO INFLUENCE A  
24 COVERED OFFICIAL ON THE DRAFTING, INTRODUCTION, SPONSORSHIP, CONSIDERATION, DEBATE,  
25 AMENDMENT, PASSAGE, DEFEAT, APPROVAL, OR VETO OF ANY BILL, RESOLUTION, AMENDMENT,  
26 NOMINATION, APPOINTMENT, OR REPORT, PENDING OR PROPOSED.

27 1.6 “PROFESSIONAL LOBBYIST” MEANS A PERSON, A BUSINESS ENTITY, INCLUDING A SOLE  
28 PROPRIETORSHIP, OR AN EMPLOYEE OF A CLIENT, WHO IS COMPENSATED BY A CLIENT, ANOTHER  
29 PROFESSIONAL LOBBYIST, OR LOBBYING FIRM FOR LOBBYING SERVICES.<sup>13</sup>

30 1.7 “RATE” MEANS A RATIO OF VALUATION, PERCENTAGE, PERCENTAGE CHANGE, ANNUAL  
31 ADJUSTMENT, OR AN AMOUNT CHARGED FOR A GOOD OR SERVICE, ADOPTED BY A STATE AGENCY  
32 HAVING RULEMAKING AUTHORITY.

33 1.8 “STANDARD” MEANS A CRITERION MEASURING ACCEPTABILITY, QUALITY, ACCURACY, WEIGHT,  
34 OR AN AMOUNT, OR A THRESHOLD FOR AGENCY JURISDICTION ADOPTED BY A STATE AGENCY  
35 HAVING RULEMAKING AUTHORITY.

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<sup>9</sup> Section 24-6-301 (3.5) (e), C.R.S.

<sup>10</sup> Section 24-6-303 (5), C.R.S.

<sup>11</sup> Section 24-6-303 (6), C.R.S.

<sup>12</sup> Section 24-6-301 (1.3), C.R.S.

<sup>13</sup> Section 24-6-301 (6), C.R.S.

1 1.9 “STATE LIAISON” MEANS THE ONE PERSON DESIGNATED BY EACH PRINCIPAL DEPARTMENT OF  
2 STATE GOVERNMENT WHO IS RESPONSIBLE FOR ANY LOBBYING BY A STATE OFFICIAL OR  
3 EMPLOYEE ON BEHALF OF THE PRINCIPAL DEPARTMENT.<sup>14</sup>

4 1.10 “VOLUNTEER LOBBYIST” MEANS A PERSON WHO ENGAGES IN LOBBYING BUT WHOSE ONLY  
5 RECEIPT OF MONEY FOR DOING SO CONSISTS OF NOTHING MORE THAN REIMBURSEMENT FOR  
6 ACTUAL AND REASONABLE EXPENSES FOR MEAL, TRAVEL, LODGING AND PARKING.<sup>15</sup>

7 **RULE 2. PROFESSIONAL LOBBYISTS**

8 2.1 REGISTRATION

9 2.1.1 A PROFESSIONAL LOBBYIST MUST REGISTER ELECTRONICALLY VIA THE SECRETARY OF  
10 STATE’S WEBSITE BEFORE LOBBYING. THE STATEMENT MUST CONTAIN:

- 11 (A) THE PROFESSIONAL LOBBYIST’S FULL NAME, BUSINESS ADDRESS, AND BUSINESS  
12 TELEPHONE NUMBER;
- 13 (B) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE LOBBYING FIRM OR ANY  
14 OTHER PERSON OR ENTITY THAT EMPLOYS THE PROFESSIONAL LOBBYIST;
- 15 (C) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ALL CLIENTS THAT ENGAGE  
16 THE PROFESSIONAL LOBBYIST;
- 17 (D) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ANY OTHER PROFESSIONAL  
18 LOBBYIST FOR WHOM THE PROFESSIONAL LOBBYIST IS LOBBYING ON A  
19 SUBCONTRACT BASIS.<sup>16</sup>

20 2.1.2 THE FEE FOR FILING A PROFESSIONAL LOBBYIST REGISTRATION STATEMENT IS \$40.00.

- 21 (A) UPON REQUEST, THE SECRETARY OF STATE MAY WAIVE THE REGISTRATION FEE  
22 FOR A PROFESSIONAL LOBBYIST WHO IS LOBBYING FOR A NONPROFIT  
23 ORGANIZATION IF THE PROFESSIONAL LOBBYIST’S ONLY COMPENSATION IS FROM  
24 THE NONPROFIT ORGANIZATION. TO RECEIVE A WAIVER, THE PROFESSIONAL  
25 LOBBYIST MUST SUBMIT A WRITTEN REQUEST TO THE SECRETARY OF STATE  
26 ALONG WITH A COPY OF THE NONPROFIT ORGANIZATION’S MOST RECENT IRS  
27 FORM 990, 990EZ, OR 990-N SHOWING GROSS ANNUAL REVENUE OF \$50,000 OR  
28 LESS.<sup>17</sup>

29 2.1.3 A PROFESSIONAL LOBBYIST MUST FILE AN UPDATED REGISTRATION STATEMENT ON OR  
30 BEFORE JULY 15 EACH YEAR.<sup>18</sup>

31 2.2 DISCLOSURE

32 2.2.1 A PROFESSIONAL LOBBYIST MUST FILE A MONTHLY DISCLOSURE STATEMENT  
33 ELECTRONICALLY VIA THE SECRETARY OF STATE’S WEBSITE ON OR BEFORE THE 15<sup>TH</sup>

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<sup>14</sup> Section 24-6-303.5 (1) (a), C.R.S.

<sup>15</sup> Section 24-6-301 (7), C.R.S.

<sup>16</sup> Section 24-6-303 (1), C.R.S.

<sup>17</sup> Section 24-6-303 (1.3) (a), C.R.S.

<sup>18</sup> Section 24-6-303 (1.5), C.R.S.

1 DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH THE PROFESSIONAL LOBBYIST  
2 BEGAN LOBBYING, AND MONTHLY THEREAFTER. THE STATEMENT MUST CONTAIN:<sup>19</sup>

3 (A) THE NAME AND ADDRESS OF EACH CLIENT OR OTHER PROFESSIONAL LOBBYIST  
4 WHO HAS PAID THE PROFESSIONAL LOBBYIST \$100 OR MORE FOR LOBBYING AND  
5 THE AMOUNT PAID BY THE CLIENT OR OTHER PROFESSIONAL LOBBYIST SINCE  
6 THE PREVIOUS DISCLOSURE STATEMENT;<sup>20</sup>

7 (1) IF THE CLIENT OR OTHER PROFESSIONAL LOBBYIST IS AN INDIVIDUAL, A  
8 DESCRIPTION OF THE BUSINESS ACTIVITY IN WHICH THE INDIVIDUAL IS  
9 ENGAGED;

10 (2) IF THE CLIENT OR OTHER PROFESSIONAL LOBBYIST IS A BUSINESS  
11 ENTITY, A DESCRIPTION OF THE BUSINESS IN WHICH THE ENTITY IS  
12 ENGAGED AND THE NAMES OF ANY CHIEF EXECUTIVE OFFICER,  
13 PARTNERS, OR OTHER DESIGNATED CONTACT PERSON; OR

14 (3) IF THE CLIENT OR OTHER PROFESSIONAL LOBBYIST IS AN INDUSTRY,  
15 TRADE, ORGANIZATION, OR GROUP OF PERSONS, OR PROFESSIONAL  
16 ASSOCIATION, A DESCRIPTION OF THE INDUSTRY, TRADE,  
17 ORGANIZATION, OR GROUP OF PERSONS, OR PROFESSIONAL  
18 ASSOCIATION.<sup>21</sup>

19 (B) THE TOTAL AMOUNT OF MONEY PAID TO OR FOR THE PROFESSIONAL LOBBYIST  
20 SINCE THE PREVIOUS DISCLOSURE STATEMENT AND DURING THE FISCAL YEAR;<sup>22</sup>

21 (C) IF THE PROFESSIONAL LOBBYIST HAS MADE AN EXPENDITURE THAT EXCEEDS  
22 THE CURRENT DOLLAR GIFT LIMIT, AS ESTABLISHED BY THE INDEPENDENT  
23 ETHICS COMMISSION AND POSTED ON THE SECRETARY OF STATE WEBSITE, ON  
24 BEHALF OF A COVERED OFFICIAL FOR GIFT OR ENTERTAINMENT PURPOSES,  
25 WHETHER OR NOT THE PROFESSIONAL LOBBYIST WAS REIMBURSED:

26 (1) THE NAME OF THE COVERED OFFICIAL; AND

27 (2) THE AMOUNT, DATE, AND PRINCIPAL PURPOSE OF THE GIFT OR  
28 ENTERTAINMENT;<sup>23</sup>

29 (D) THE TOTAL AMOUNT OF EXPENDITURES MADE BY OR ON BEHALF OF THE  
30 PROFESSIONAL LOBBYIST IN CONNECTION WITH LOBBYING, OTHER THAN FOR  
31 GIFT OR ENTERTAINMENT PURPOSES;<sup>24</sup>

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<sup>19</sup> Section 24-6-302 (2.5), C.R.S.

<sup>20</sup> Section 24-6-301 (1.9) (a) (1), C.R.S.

<sup>21</sup> Section 24-6-301 (1.9) (a) (XI), C.R.S.

<sup>22</sup> Section 24-6-301 (1.9) (a) (II), (III), and (VIII), C.R.S.

<sup>23</sup> Section 24-6-301 (1.9) (a) (1) (IV), C.R.S.

<sup>24</sup> Section 24-6-301 (1.9) (a) (1) (V) and (VII), C.R.S.

1 (E) IF THE PROFESSIONAL LOBBYIST HAS MADE AN EXPENDITURE OR GIVEN A  
2 CONTRIBUTION TO A PAPER, PERIODICAL, MAGAZINE, RADIO OR TV STATION, OR  
3 OTHER MEDIA OF MASS COMMUNICATION:

4 (1) THE NAME OF THE ENTITY; AND

5 (2) THE AMOUNT GIVEN TO THE ENTITY;<sup>25</sup>

6 (F) THE SPECIFIC LEGISLATION, STANDARDS, RULES, OR RATES FOR WHICH THE  
7 PROFESSIONAL LOBBYIST IS LOBBYING OR, IF NOT KNOWN, THE NATURE OF THE  
8 LEGISLATION, STANDARDS, RULES, OR RATES, INCLUDING:

9 (1) THE BILL NUMBER OF THE LEGISLATION; AND

10 (2) WHETHER THE LOBBYIST IS SUPPORTING, OPPOSING, AMENDING, OR  
11 MONITORING THE LEGISLATION.<sup>26</sup>

12 (G) ANY DIRECT BUSINESS ASSOCIATION THE PROFESSIONAL LOBBYIST HAS WITH  
13 ANY PENDING LEGISLATION, MEASURE, OR QUESTION.<sup>27</sup>

14 2.2.2 IN ADDITION TO THE MONTHLY DISCLOSURE STATEMENT DESCRIBED IN RULE 2.2.1, A  
15 PROFESSIONAL LOBBYIST MUST FILE AN ANNUAL DISCLOSURE STATEMENT FOR THE  
16 ENTIRE FISCAL YEAR NO LATER THAN JULY 15. THE ANNUAL DISCLOSURE STATEMENT  
17 MUST INCLUDE THE NAME OF AND TOTAL GROSS INCOME THE PROFESSIONAL LOBBYIST  
18 HAS RECEIVED FROM EACH CLIENT OR OTHER PROFESSIONAL LOBBYIST. IF A  
19 SUBCONTRACT RELATIONSHIP EXISTS BETWEEN TWO PROFESSIONAL LOBBYISTS, BOTH  
20 LOBBYISTS MUST DISCLOSE THE AMOUNT OF MONEY PAID AND RECEIVED ON THE  
21 ANNUAL DISCLOSURE STATEMENT.<sup>28</sup>

22 2.2.3 IN ADDITION TO THE MONTHLY AND ANNUAL DISCLOSURE STATEMENTS DESCRIBED IN  
23 RULES 2.2.1 AND 2.2.2, WHEN A PROFESSIONAL LOBBYIST ENTERS INTO A NEW ORAL OR  
24 WRITTEN AGREEMENT WITH A CLIENT OR OTHER PROFESSIONAL LOBBYIST FOR  
25 LOBBYING THAT ISN'T DISCLOSED IN THE REGISTRATION STATEMENT DESCRIBED IN  
26 RULE 2.1.1, THE PROFESSIONAL LOBBYIST MUST NOTIFY THE SECRETARY OF STATE.

27 (A) IF THE NEW ENGAGEMENT OCCURS WHILE THE GENERAL ASSEMBLY IS NOT IN  
28 SESSION THE PROFESSIONAL LOBBYIST MUST NOTIFY THE SECRETARY WITHIN  
29 FIVE WORKING DAYS.

30 (B) IF THE NEW ENGAGEMENT OCCURS WHILE THE GENERAL ASSEMBLY IS IN  
31 SESSION THE PROFESSIONAL LOBBYIST MUST NOTIFY THE SECRETARY WITHIN 24  
32 HOURS, EXCEPT THAT, IF THE AGREEMENT IS ORAL, THE NOTIFICATION MUST  
33 OCCUR WITHIN 24 HOURS AFTER THE DATE OF THE SUBSEQUENT WRITTEN  
34 AGREEMENT.

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<sup>25</sup> Section 24-6-301 (1.9) (a) (1) (IX), C.R.S.

<sup>26</sup> Section 24-6-301 (1.9) (a) (1) (X), C.R.S.

<sup>27</sup> Section 24-6-301 (1.9) (a) (1) (XII), C.R.S.

<sup>28</sup> Section 24-6-302 (3), C.R.S.

1 (C) IN ADDITION TO THE NOTIFICATION, THE PROFESSIONAL LOBBYIST MUST:

2 (1) FILE, CONCURRENTLY WITH THE NEXT DISCLOSURE STATEMENT, A  
3 SIGNED WRITTEN STATEMENT THAT CONTAINS THE NAME AND ADDRESS  
4 OF THE NEW CLIENT AND A SUMMARY OF THE TERMS OF THE  
5 AGREEMENT;

6 (2) UPDATE THE PROFESSIONAL LOBBYIST'S REGISTRATION STATEMENT  
7 WITHIN 24 HOURS.<sup>29</sup>

8 2.2.4 A PROFESSIONAL LOBBYIST MUST LOG BY DATE ALL POSITION CHANGES  
9 (MONITORING, OPPOSE, AND SUPPORT) ON A BILL AND FILE THE LOG COVERING THE  
10 PRECEDING MONTH WITH THE MONTHLY DISCLOSURE STATEMENT REQUIRED BY RULE  
11 2.2.1.

12 **RULE 3. LOBBYING FIRMS**

13 3.1 REGISTRATION

14 3.1.1 THERE IS NO REGISTRATION REQUIREMENT FOR A LOBBYING FIRM, BUT A LOBBYIST FIRM  
15 MUST FILE DISCLOSURE STATEMENTS IN ACCORDANCE WITH STATUTE AND AS  
16 DESCRIBED IN RULE 3.2 BELOW.

17 3.2 DISCLOSURE

18 3.2.1 EXCEPT AS SPECIFIED IN PARAGRAPH (A) BELOW, A LOBBYING FIRM MUST FILE A  
19 MONTHLY DISCLOSURE STATEMENT ELECTRONICALLY VIA THE SECRETARY OF STATE'S  
20 WEBSITE ON OR BEFORE THE 15<sup>TH</sup> DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH  
21 THE LOBBYING FIRM BEGAN LOBBYING, AND MONTHLY THEREAFTER.<sup>30</sup>

22 (A) A SINGLE-MEMBER LOBBYING FIRM THAT CONSISTS SOLELY OF ONE  
23 PROFESSIONAL LOBBYIST NEED NOT FILE A LOBBYING-FIRM DISCLOSURE  
24 STATEMENT IF THE PROFESSIONAL LOBBYIST'S DISCLOSURE STATEMENT  
25 CONTAINS THE NAME OF BOTH THE PROFESSIONAL LOBBYIST AND THE SINGLE-  
26 MEMBER FIRM THAT EMPLOYS THE PROFESSIONAL LOBBYIST.<sup>31</sup>

27 3.2.2 THE STATEMENT MUST CONTAIN:<sup>32</sup>

28 (A) THE NAME AND ADDRESS OF EACH CLIENT OR OTHER PROFESSIONAL LOBBYIST  
29 WHO HAS PAID THE LOBBYING FIRM \$100 OR MORE FOR LOBBYING AND THE  
30 AMOUNT PAID BY THE CLIENT OR OTHER PROFESSIONAL LOBBYIST SINCE THE  
31 PREVIOUS DISCLOSURE STATEMENT;<sup>33</sup>

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<sup>29</sup> Section 24-6-302 (6) (b), C.R.S.

<sup>30</sup> Section 24-6-302 (2.5) (a), C.R.S.

<sup>31</sup> Section 24-6-302 (2.5) (a), C.R.S.

<sup>32</sup> Section 24-6-302 (2.5), C.R.S.

<sup>33</sup> Section 24-6-301 (1.9) (a) (1), C.R.S.

- 1 (1) IF THE CLIENT OR OTHER PROFESSIONAL LOBBYIST IS AN INDIVIDUAL, A  
2 DESCRIPTION OF THE BUSINESS ACTIVITY IN WHICH THE INDIVIDUAL IS  
3 ENGAGED;
- 4 (2) IF THE CLIENT OR OTHER PROFESSIONAL LOBBYIST IS A BUSINESS  
5 ENTITY, A DESCRIPTION OF THE BUSINESS IN WHICH THE ENTITY IS  
6 ENGAGED AND THE NAMES OF ANY CHIEF EXECUTIVE OFFICER,  
7 PARTNERS, OR OTHER DESIGNATED CONTACT PERSON; OR
- 8 (3) IF THE CLIENT OR OTHER PROFESSIONAL LOBBYIST IS AN INDUSTRY,  
9 TRADE, ORGANIZATION, OR GROUP OF PERSONS, OR PROFESSIONAL  
10 ASSOCIATION, A DESCRIPTION OF THE INDUSTRY, TRADE,  
11 ORGANIZATION, OR GROUP OF PERSONS, OR PROFESSIONAL  
12 ASSOCIATION.<sup>34</sup>
- 13 (B) THE TOTAL AMOUNT OF MONEY PAID TO OR FOR THE LOBBYING FIRM SINCE THE  
14 PREVIOUS DISCLOSURE STATEMENT AND DURING THE FISCAL YEAR;<sup>35</sup>
- 15 (C) IF THE LOBBYING FIRM HAS MADE AN EXPENDITURE THAT EXCEEDS THE  
16 CURRENT DOLLAR GIFT LIMIT, AS ESTABLISHED BY THE INDEPENDENT ETHICS  
17 COMMISSION AND POSTED ON THE SECRETARY OF STATE WEBSITE, ON BEHALF  
18 OF A COVERED OFFICIAL FOR GIFT OR ENTERTAINMENT PURPOSES, WHETHER OR  
19 NOT THE PROFESSIONAL LOBBYIST WAS REIMBURSED:
- 20 (1) THE NAME OF THE COVERED OFFICIAL; AND
- 21 (2) THE AMOUNT, DATE, AND PRINCIPAL PURPOSE OF THE GIFT OR  
22 ENTERTAINMENT;<sup>36</sup>
- 23 (D) THE TOTAL AMOUNT OF EXPENDITURES MADE BY OR ON BEHALF OF THE  
24 LOBBYING FIRM IN CONNECTION WITH LOBBYING, OTHER THAN FOR GIFT OR  
25 ENTERTAINMENT PURPOSES;<sup>37</sup>
- 26 (E) IF THE LOBBYING FIRM HAS MADE AN EXPENDITURE OR GIVEN A CONTRIBUTION  
27 TO A PAPER, PERIODICAL, MAGAZINE, RADIO OR TV STATION, OR OTHER MEDIA  
28 OF MASS COMMUNICATION:
- 29 (1) THE NAME OF THE ENTITY; AND
- 30 (2) THE AMOUNT GIVEN TO THE ENTITY;<sup>38</sup>
- 31 (F) THE SPECIFIC LEGISLATION, STANDARDS, RULES, OR RATES FOR WHICH THE  
32 LOBBYING FIRM IS LOBBYING OR, IF NOT KNOWN, THE NATURE OF THE  
33 LEGISLATION, STANDARDS, RULES, OR RATES, INCLUDING:

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<sup>34</sup> Section 24-6-301 (1.9) (a) (XI), C.R.S.

<sup>35</sup> Section 24-6-301 (1.9) (a) (II), (III), and (VIII), C.R.S.

<sup>36</sup> Section 24-6-301 (1.9) (a) (1) (IV), C.R.S.

<sup>37</sup> Section 24-6-301 (1.9) (a) (1) (V) and (VII), C.R.S.

<sup>38</sup> Section 24-6-301 (1.9) (a) (1) (IX), C.R.S.



- 1 (1) THE BILL NUMBER OF THE LEGISLATION; AND
- 2 (2) WHETHER THE LOBBYING FIRM IS SUPPORTING, OPPOSING, AMENDING,  
3 OR MONITORING THE LEGISLATION.<sup>39</sup>
- 4 (G) ANY DIRECT BUSINESS ASSOCIATION THE LOBBYING FIRM HAS WITH ANY  
5 PENDING LEGISLATION, MEASURE, OR QUESTION.<sup>40</sup>

6 **RULE 4. COMPLAINTS AND ENFORCEMENT**

7 4.1 ANY PERSON WHO BELIEVES THAT A LOBBYIST OR LOBBYIST FIRM IS NOT COMPLYING WITH THE  
8 COLORADO LOBBYIST REGULATION LAWS OR THESE RULES, MAY FILE A COMPLAINT WITH THE  
9 SECRETARY OF STATE.<sup>41</sup>

10 4.1.1 A WRITTEN COMPLAINT FILED WITH THE SECRETARY OF STATE MUST BE VERIFIED AND  
11 NOTARIZED AND CONTAIN THE FOLLOWING INFORMATION:

- 12 (A) THE COMPLAINANT’S NAME;
- 13 (B) THE COMPLAINANT’S RESIDENTIAL ADDRESS AND MAILING ADDRESS (IF  
14 DIFFERENT FROM RESIDENCE);
- 15 (C) THE ALLEGED VIOLATION, WHICH MAY INCLUDE A REFERENCE TO THE SPECIFIC  
16 STATUTE OR RULE;
- 17 (D) THE LOBBYIST OR FIRM NAME;
- 18 (E) THE DATE AND LOCATION OF THE ALLEGED VIOLATION, IF KNOWN; AND
- 19 (F) OTHER APPLICABLE OR RELEVANT INFORMATION.

20 4.1.2 THE SECRETARY OF STATE WILL REVIEW ALL PROPERLY SUBMITTED COMPLAINTS AND  
21 INVESTIGATE AS APPROPRIATE. IF THE SECRETARY DETERMINES THAT A VIOLATION  
22 OCCURRED, THE SECRETARY WILL TAKE APPROPRIATE ACTION UNDER SECTION 24-6-  
23 305, C.R.S.

24 4.1.3 UPON RECEIPT OF A PROPERLY SUBMITTED COMPLAINT, THE SECRETARY OF STATE WILL:

- 25 (A) NOTIFY THE PERSON AGAINST WHOM THE COMPLAINT IS FILED BY CERTIFIED  
26 MAIL; AND
- 27 (B) IN THE CASE OF A STATE LIAISON, NOTIFY THE HEAD OF THE PRINCIPAL  
28 DEPARTMENT IN WRITING;
- 29 (C) IN THE CASE OF A STATE OFFICIAL OR EMPLOYEE LOBBYING ON BEHALF OF A  
30 PRINCIPAL DEPARTMENT, NOTIFY THE STATE LIAISON IN WRITING; OR

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<sup>39</sup> Section 24-6-301 (1.9) (a) (1) (X), C.R.S.

<sup>40</sup> Section 24-6-301 (1.9) (a) (1) (XII), C.R.S.

<sup>41</sup> Section 24-6-305 (2) (c), C.R.S.

1 (D) IN THE CASE OF A STATE OFFICIAL OR EMPLOYEE LOBBYING ON BEHALF OF AN  
2 INSTITUTION OR GOVERNING BOARD OF HIGHER EDUCATION, NOTIFY THE  
3 INSTITUTION OR GOVERNING BOARD IN WRITING.

4 4.1.4 NOTIFICATION OF A COMPLAINT IN ACCORDANCE WITH RULE 4.1.3 WILL INCLUDE:

5 (A) THE DATE AND FACTUAL BASIS OF EACH ACT ALLEGED;

6 (B) THE PARTICULAR PROVISION OF THE STATUTE THAT THE LOBBYIST OR FIRM  
7 ALLEGEDLY VIOLATED;

8 (C) THE ACTION THE SECRETARY OF STATE PLANS TO TAKE; AND

9 (D) OTHER RELEVANT INFORMATION.

10 4.2 PENALTY WAIVER PROCESS

11 4.2.1 A REGISTERED PROFESSIONAL LOBBYIST OR LOBBYIST FIRM MAY ASK THE SECRETARY  
12 OF STATE TO EXCUSE OR REDUCE AN IMPOSED FINE BY SUBMITTING A WRITTEN REQUEST  
13 BY MAIL, EMAIL, FAX, OR HAND-DELIVERY WITHIN 30 DAYS OF THE IMPOSITION OF FINE.  
14 THE REQUEST MUST INCLUDE:

15 (A) THE PROFESSIONAL LOBBYIST'S NAME;

16 (B) THE REQUEST DATE;

17 (C) THE DUE DATE OF THE DELINQUENTLY FILED DISCLOSURE STATEMENT;

18 (D) THE FILING DATE THE PROFESSIONAL LOBBYIST ACTUALLY FILED THE  
19 DISCLOSURE STATEMENT;

20 (E) ANY MEASURES THE PROFESSIONAL LOBBYIST OR FIRM HAS INSTITUTED OR WILL  
21 INSTITUTE TO AVOID FUTURE DELINQUENCIES, IF APPLICABLE; AND

22 (F) A BRIEF SUMMARY OF THE REASON, CIRCUMSTANCE, OR OTHER JUSTIFICATION  
23 OF THE BONA FIDE PERSONAL EMERGENCY;

24 (1) A BONA FIDE PERSONAL EMERGENCY, INCLUDES:

25 (A) A MEDICAL EMERGENCY INVOLVING THE INDIVIDUAL  
26 RESPONSIBLE FOR FILING OR THE INDIVIDUAL'S IMMEDIATE  
27 FAMILY. THE MEDICAL EMERGENCY CAN INCLUDE BUT IS NOT  
28 LIMITED TO INCAPACITATION, HOSPITALIZATION, DEATH, OR  
29 DEBILITATING ILLNESS OR INJURY.

30 (B) A PRACTICAL EMERGENCY, INCLUDING EXTRAORDINARY  
31 OBSTACLES BEYOND THE CONTROL OF THE PROFESSIONAL  
32 LOBBYIST OR LOBBYIST FIRM, THAT PRECLUDES TIMELY  
33 DISCLOSURE. FOR EXAMPLE:

34 (I) THE LOSS OR UNAVAILABILITY OF RECORDS, OR A  
35 COMPUTER DUE TO FIRE, FLOOD, OR THEFT;

1 (II) A WEB SITE ERROR THAT MADE IT IMPOSSIBLE TO FILE A  
2 REQUIRED REGISTRATION DOCUMENT; OR

3 (III) OTHER COMPELLING REASONS BEYOND THE  
4 PROFESSIONAL LOBBYIST'S OR LOBBYIST FIRM'S  
5 CONTROL.

6 (2) THE FOLLOWING ARE NOT BONA FIDE PERSONAL EMERGENCIES:

7 (A) FAILURE TO TIMELY FILE REGISTRATION DOCUMENTS DUE TO  
8 FAILURE TO PLAN;

9 (B) MISUNDERSTANDINGS OF APPLICABLE DISCLOSURE  
10 REQUIREMENTS AND DEADLINES;

11 (C) MISTAKES IN ELECTRONIC FILING SUBMISSIONS, INCLUDING  
12 INCOMPLETE FILINGS;

13 (D) LACK OF ACCESS TO THE INTERNET OR PERSONAL COMPUTER;  
14 OR

15 (E) LACK OF CREDIT CARD OR OTHER MEANS OF MAKING ONLINE  
16 PAYMENTS.

17 4.2.2 THE SECRETARY OF STATE MAY TAKE INTO ACCOUNT ALL APPROPRIATE FACTS AND  
18 CIRCUMSTANCES WHEN GRANTING OR REJECTING A WAIVER REQUEST OR IN REDUCING  
19 AN IMPOSED FINE. THE SECRETARY MAY ALSO CONSIDER THE FREQUENCY OF THE  
20 REQUESTS TO EXCUSE OR REDUCE A FINE WITHIN A TWO-YEAR PERIOD, EFFORTS TO  
21 MITIGATE OR REMEDY THE FAILURE TO REGISTER OR FILE, AND THE REGISTRANT'S  
22 DEMONSTRATED COMMITMENT TO MEET THE REQUIREMENTS OF COLORADO'S LAWS  
23 CONCERNING PROFESSIONAL LOBBYIST REGULATION.

24 4.3 THE SECRETARY OF STATE WILL INVESTIGATE, PROVIDE NOTICE OF HEARINGS, AND HOLD  
25 HEARINGS FOR A VIOLATION OF PART 3 OF ARTICLE 6 OF TITLE 24, C.R.S., IN ACCORDANCE WITH  
26 THE STATE ADMINISTRATIVE PROCEDURE ACT (ARTICLE 4 OF TITLE 24, C.R.S.).

27 4.4 IN ACCORDANCE WITH SECTION 24-6-305, C.R.S., THE SECRETARY OF STATE:

28 4.4.1 MAY SUSPEND, REVOKE, OR BAR FROM REGISTRATION ANY LOBBYIST WHO FAILS TO:

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

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

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

34 4.4.2 WILL REVOKE THE REGISTRATION CERTIFICATE OF AN INDIVIDUAL WHO:

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

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

2 4.5 IF THE SECRETARY OF STATE DEEMS ANY OF THE VIOLATIONS CONTAINED IN RULE 4.4 TO BE  
3 SUBSTANTIAL VIOLATIONS, THE SECRETARY OF STATE WILL NOTIFY THE PRESIDENT OF THE  
4 SENATE AND SPEAKER OF THE HOUSE. IN DETERMINING WHETHER THE VIOLATION IS  
5 SUBSTANTIAL, THE SECRETARY OF STATE WILL CONSIDER:

6 4.5.1 THE EXTENT OF NONCOMPLIANCE;

7 4.5.2 THE PURPOSE OF THE APPLICABLE PROVISION AND WHETHER THAT PURPOSE IS  
8 SUBSTANTIALLY ACHIEVED DESPITE THE ALLEGED NONCOMPLIANCE; AND

9 4.5.3 WHETHER THERE WAS A GOOD-FAITH EFFORT TO COMPLY OR WHETHER  
10 NONCOMPLIANCE IS BASED ON A CONSCIOUS DECISION TO LOBBY COVERED OFFICIALS  
11 WITHOUT REGISTERING OR FILING DISCLOSURE STATEMENTS.

12 **RULE 5 ELECTRONIC FILING HARDSHIP EXEMPTION**

13 5.1 THE SECRETARY OF STATE MAY GRANT AN EXCEPTION TO THE ELECTRONIC FILING  
14 REQUIREMENT BASED ON HARDSHIP OR GOOD CAUSE SHOWN.

15 5.1.1 ALL APPLICATIONS FOR AN EXCEPTION MUST INCLUDE A BRIEF STATEMENT OF THE  
16 HARDSHIP OR GOOD CAUSE FOR THE REQUESTED EXCEPTION.

17 5.1.2 A LOBBYIST MUST SUBMIT AN APPLICATION TO THE SECRETARY OF STATE AT LEAST 15  
18 CALENDAR DAYS BEFORE THE FIRST APPLICABLE FILING DEADLINE, UNLESS THE  
19 EXCEPTION IS BASED ON EMERGENCY CIRCUMSTANCES ARISING AFTER THE DEADLINE, IN  
20 WHICH CASE THE LOBBYIST MUST DESCRIBE THE NATURE OF THE EMERGENCY IN THE  
21 APPLICATION.

22 5.1.3 FILING THE APPLICATION FOR EXCEPTION BASED ON EMERGENCY CIRCUMSTANCES DOES  
23 NOT DELAY ANY REPORTING DEADLINES. IF, HOWEVER, A PENALTY IS IMPOSED FOR  
24 FAILURE TO FILE A DISCLOSURE STATEMENT ON THE DUE DATE, THE SECRETARY OF  
25 STATE MAY REDUCE OR SET THE PENALTY ASIDE IN ACCORDANCE WITH SECTION 24-6-  
26 302(7), C.R.S.