



Notice of Temporary Adoption

Office of the Secretary of State
Rules for the Administration of the Colorado Charitable Solicitations Act
8 CCR 1505-9

July 15, 2020

I. Adopted Rule Amendments

As authorized by Colorado Charitable Solicitations laws¹ and the State Administrative Procedure Act², the Colorado Secretary of State gives notice that the following amendments to the rules for the administration of the Colorado Charitable Solicitations Act are adopted on a temporary basis and effective immediately. (SMALL CAPS indicate proposed additions to the current rules. ~~Stricken~~ type indicates proposed deletions from current rules. *Annotations* may be included):

Current 8 CCR 1505-9 is amended as follows:

Temporary re-adoption of Rule 5.7:

- 5.7 NOTWITHSTANDING THE DEADLINES OUTLINED IN RULES 5.1.2 AND 5.3.3, ALL REGISTRANT REPORTS AND FILINGS THAT WERE OR ARE DUE TO THE SECRETARY OF STATE BETWEEN APRIL 1, 2020 AND JULY 15, 2020 ARE NOW DUE BY AUGUST 15, 2020.

II. Basis, Purpose, and Specific Statutory Authority

A Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III. Statement of Justification and Reasons for Adoption of Temporary Rules

A statement of the Secretary of State's findings to justify the immediate adoption of this new rule on a temporary basis follows this notice and is incorporated by reference.³

¹ Article 16, Title 6 of the Colorado Revised Statutes.

² Section 24-4-103(3)(a), C.R.S. (2019).

³ Section 24-4-103(6), C.R.S. (2019).

IV. Effective Date of Adopted Rules

These rule amendments are effective immediately.

Dated this 15th day of July, 2020,

Ian Rayder
Deputy Secretary of State

For

Jena Griswold
Colorado Secretary of State



Statement of Basis, Purpose, and Specific Statutory Authority

Office of the Secretary of State Rules for the Administration of the Colorado Charitable Solicitations Act 8 CCR 1505-9

July 15, 2020

I. Basis and Purpose

This statement explains amendments to the rules for the administration of the Colorado Charitable Solicitations Act. The purpose of the changes is to ensure the uniform and proper administration, implementation, and enforcement of the Colorado Charitable Solicitations laws¹ and to answer questions arising under the Act. Specifically, the changes include:

- Re-adoption of temporary Rule 5.7

Due to the COVID-19 pandemic, charitable organizations, paid solicitors, and professional fundraising consultants (collectively “registrants”) may have difficulty filing required reports due under the Colorado Charitable Solicitations Act (CCSA). Due to the widespread impacts of the State of Emergency in Colorado, it will be difficult for registrants and other stakeholders (firms and accountants who prepare reports on registrants’ behalf) to comply with the CCSA and related filing deadline rules in a timely way, which would jeopardize their ability to raise funds in Colorado.

On April 2, 2020, the Secretary of State temporarily adopted Rule 5.7. Immediate re-adoption of the emergency rule is necessary to ensure that the rule is effective through the August 15, 2020 report filing deadline and to provide temporary regulatory relief is necessary to protect public health, safety, and welfare pursuant to section 24-4-103(6)(a), C.R.S. of the State Administrative Procedure Act.

II. Rulemaking Authority

The statutory and constitutional authority is as follows:

- Section 6-16-110.5(3)(a), C.R.S., (2019) which provides that the Secretary of State may promulgate rules as needed for the effective implementation of the Colorado Charitable Solicitations Act (Article 16, Title 6 of the Colorado Revised Statutes) including “[p]roviding for the extension of filing deadlines[.]”

¹ Article 16, Title 6 of the Colorado Revised Statutes.



Statement of Justification and Reasons for Adoption of Temporary Rules

Office of the Secretary of State Rules for the Administration of the Colorado Charitable Solicitations Act 8 CCR 1505-9

July 15, 2020

Re-adoption of temporary Rule: 5.7

The Secretary of State finds that certain amendments to the existing rules for the administration of the Colorado Charitable Solicitations Act, must be adopted and effective immediately to ensure the uniform and proper administration and enforcement of Charitable Solicitations laws¹.

Due to the COVID-19 pandemic, charitable organizations, paid solicitors, and professional fundraising consultants (collectively “registrants”) may have difficulty filing required reports due under the Colorado Charitable Solicitations Act (CCSA). Due to the widespread impacts of the State of Emergency in Colorado, it will be difficult for registrants and other stakeholders (firms and accountants who prepare reports on registrants’ behalf) to comply with the CCSA and related filing deadline rules in a timely way, which would jeopardize their ability to raise funds in Colorado.

On April 2, 2020, the Secretary of State temporarily adopted Rule 5.7. Immediate re-adoption of the emergency rule is necessary to ensure that the rule is effective through the August 15, 2020 report filing deadline and to provide temporary regulatory relief is necessary to protect public health, safety, and welfare pursuant to section 24-4-103(6)(a), C.R.S. of the State Administrative Procedure Act.

For these reasons, and in accordance with the State Administrative Procedure Act, the Secretary of State finds that temporary adoption of the amendments to existing rules for the administration of the Colorado Charitable Solicitations Act is imperatively necessary to comply with state and federal law and to promote public interests.²

¹ Article 16, Title 6 of the Colorado Revised Statutes.

² Section 24-4-103(3) (6), C.R.S. (2019).