



Notice of Proposed Rulemaking

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

September 13, 2012

I. Notice of hearing

As required by the State Administrative Procedure Act,¹ the Secretary of State gives notice of proposed rulemaking. A hearing is scheduled for **October 25, 2012 from 9:00 a.m. to 12:00 p.m.** in the Blue Spruce Conference Room on the second floor of the Secretary of State's Office at 1700 Broadway, Denver, Colorado 80290.

II. Subject of the proposed rulemaking

The Secretary is considering amendments to the rules for the administration of the Colorado Charitable Solicitations Act² in order to improve the administration and enforcement of Colorado Charitable Solicitations laws.³

Specifically, the Secretary is considering rules necessary to implement amendments to the Charitable Solicitations laws made during the 2012 second regular session of the 68th General Assembly, which allows an automatic three-month extension for all charitable organizations that file for an extension with the IRS. Additional amendments clarify definitions, provide timelines for filing registration and reporting documents, and allow the Secretary of State more flexibility to assist and manage delinquent organizations. A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III. Statutory authority for proposed rulemaking

The rule revisions and amendments are proposed in accordance with the following statutory provisions:

1. Section 6-16-104(3), C.R.S., (2012) which authorizes the Secretary of State to "promulgate rules concerning the acceptance of a uniform multistate registration statement, such as a unified registration statement, in lieu of the registration statement described in subsection (2) of this section. As soon as practicable, the secretary of state shall take steps to cooperate in a joint state and federal electronic filing project

¹ Section 24-4-103(3)(a), C.R.S. (2012).

² 8 CCR 1505-9.

³ Article 16, Title 6 of the Colorado Revised Statutes.

involving state charity offices and the internal revenue service to enable and promote electronic filing of uniform multistate registration statements and federal annual information returns.”

2. Section 6-16-110.5(3), C.R.S., (2012), which authorizes the Secretary of State “to promulgate rules as needed for the effective implementation of this section, including but not limited to:
 - (a) Providing for the extension of filing deadlines;
 - (b) Providing for the online availability of forms required to be filed pursuant to sections 6-16-104 to 6-16-104.6;
 - (c) Providing for the electronic filing of required forms, including the acceptance of electronic signatures;
 - (d) Mandating electronic filing and providing, in the secretary of state's discretion, for exceptions to mandatory electronic filing; and
 - (e) Setting fines for noncompliance with this article or rules promulgated pursuant to this article. The fine for soliciting while unregistered shall not exceed three hundred dollars per year for charities or one thousand dollars per year for paid solicitors.”

2. Section 6-16-111(6)(b), C.R.S., (2012), that requires the Secretary of State to “promulgate rules to provide for expedited deadlines to govern [hearing proceedings concerning denial, suspension, or revocation of registration]...”.

3. Section 6-16-114, C.R.S., (2012), that requires the Secretary of State to promulgate rules to establish a fine or late filing fee amount.

IV. Copies of draft rules

A preliminary draft of the proposed rules is posted on the Secretary of State’s rules and notices of rulemaking website at:

www.sos.state.co.us/pubs/rule_making/hearings/2012/CharitableRulesHearing20121025.html.

You may also contact our office to request a paper or editable electronic copy of the draft rules.

As required by the State Administrative Procedures Act,⁴ if changes are made before the hearing, revised proposed draft rules will be available to the public and posted on the website by October 19, 2012.

V. Opportunity to testify and submit written comments

The Secretary values your feedback in our rulemaking process, and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the attached proposed draft rules.

⁴ Section 24-4-103(3)(a), C.R.S. (2012). “Any 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.”

All interested persons will have the opportunity to testify and provide written comment concerning the rule amendments. To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

You may submit written comments by mail, email, or in person to our office anytime before the hearing. If you attend the hearing, you may submit written comments to the hearing panel as well. Additional opportunity to comment in writing may be announced at the conclusion of the hearing.

All written comments will be posted online at the Secretary of State website www.sos.state.co.us/pubs/rule_making/hearings/2012/CharitableRulesHearing20121025.html. Prior to posting online, contact information including home address, email address, and telephone number(s) will be redacted from submissions unless otherwise directed by the contributor.

VI. Broadcast and audio recording of hearing

If you are unable to attend the hearing, you may listen to the live broadcast from the Blue Spruce Conference Room online at www.sos.state.co.us/pubs/info_center/audioBroadcasts.html. After the hearing, visit the same website and click on “archived recordings” to access an audio recording of the hearing.

VII. Office contact

If you have any questions or would like to submit written comments, please email SoS.Rulemaking@sos.state.co.us. You may also contact Andrea Gyger with the Elections Division at (303) 894-2200 ext. 6329.

Dated this 13th Day of September, 2012.



Suzanne Staiert
Deputy Secretary of State

For

Scott Gessler
Colorado Secretary of State



Proposed 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

September 13, 2012

I. Basis and Purpose

This statement is about amendments to the Colorado Secretary of State rules for the administration of the Colorado Charitable Solicitations Act.¹ The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado Charitable Solicitations laws.² The revisions are also intended to improve the administration of charities and fundraisers in Colorado and to answer questions arising under State Colorado Charitable Solicitations laws as follows:

- Amendments to Rule 1 clarify and establish definitions:
 - New Rule 1.6 defines “Employer Identification Number.”
 - Amendments to Rule 1.8 (formerly Rule 1.7) clarify the meaning of “Form of Applicant’s Business” (CNA).
 - Amendments to Rule 1.13 (formerly Rule 1.12) clarify “Principal Place of Business” to mean street address. A provision for waiving this requirement is added in re-numbered Rule 6.
 - Current Rule 1.13, regarding “Registration Service Provider” is repealed.
 - New Rule 1.14 clarifies that all registrants must designate a “Registered Agent.”
 - New Rule 1.17 clarifies what “State Elections Commission” means in Colorado.
 - New Rule 1.18 clarifies that street address has the same meaning as in section 7-90-102(62), C.R.S.
- Amendments to Rule 2 require an Employer Identification Number (EIN) for each user account. Additionally, the amendments clarify that user email addresses are not public records.
- Amendments to Rule 3 provide a timeline for suspended and revoked organizations to submit hearing requests, and allow the Secretary of State more time to prepare for suspension hearings.

¹ 8 CCR 1505-9.

² Article 16, Title 6 of the Colorado Revised Statutes.

- Amendments to Rule 4 allow the Secretary of State flexibility in delivery method of confirmations. Additionally, the amendments clarify the purpose and content of web-based registration certificates. They also clarify that the Secretary may request a copy of the charity's IRS Form 990 and require corrections of errors to Form 990 (per 6-16-104(2)(f) and (5), C.R.S. and IRS Form 990 Instructions).
- Amendments to Rule 5 implement changes made by section 2 of House Bill 12-1236. Specifically, in accordance with revisions to section 6-16-104, C.R.S., if a charity files for an extension with the IRS, the Secretary will automatically grant the charity a three-month extension for filing its initial or annual financial report with the Secretary of State. The amended rule also states when an extension may be filed and when a solicitation notice may be amended. Current Rule 9.4 is amended and relocated to new Rule 5.10; this rule provides deadlines for submitting solicitation campaign reports.
- Current Rule 6, which lays out the schedule for reminders and notices, is repealed. The Secretary of State will continue to send reminders and notices to customers, but the schedule will be posted on the department's website rather than being enumerated in rules.
- New Rule 6 establishes rules to allow the Secretary to grant a waiver of requirement to provide the charity's principal street address when personal safety is at risk and lists requirements for submitting such a request.
- Amendments to Rule 7 make changes to late fee amounts and state when the Secretary of State will send uncollected late fees to State Collections. The amended rule requires two years of returns for operational, unregistered charities that wish to register, and provides more flexibility for the Secretary to approve waiver requests by making stipulations for administrator or website errors.
- Amendments to Rule 8 clarify the consequences of suspension and revocation of a registration and make minor clarifications to how the suspension and revocation will work. Current Rule 8.3 is relocated to new Rule 5.10; this rule provides deadlines for submitting solicitation campaign reports.
- Amendments to Rule 9 codify internal administrative procedures regarding withdrawals.
- Amendments to Rule 10 clarify the reinstatement process and what information a charity must provide to be reinstated.

- Current Rule 11 is repealed because the current language was incorporated into new Rule 8.1. Subsequent rules are renumbered accordingly.
- Amendments to Rule 14 (formerly Rule 15) clarify that paid solicitor disclosure requirements also apply to subcontractors.
- Other changes to rules not specifically listed are entirely non-substantive. Some words and phrases are changed to simplify or clarify, but the meaning is not intended to be altered unless as described above. Cross-references in rules are also corrected or updated. Renumbering the rules is necessary for consistency with Department rulemaking format/style.

II. Rulemaking Authority

The statutory and constitutional authority is as follows:

1. Section 6-16-104(3), C.R.S., (2012) which authorizes the Secretary of State to “promulgate rules concerning the acceptance of a uniform multistate registration statement, such as a unified registration statement, in lieu of the registration statement described in subsection (2) of this section. As soon as practicable, the secretary of state shall take steps to cooperate in a joint state and federal electronic filing project involving state charity offices and the internal revenue service to enable and promote electronic filing of uniform multistate registration statements and federal annual information returns.”
2. Section 6-16-110.5(3), C.R.S., (2012), which authorizes the Secretary of State “to promulgate rules as needed for the effective implementation of this section, including but not limited to:
 - (a) Providing for the extension of filing deadlines;
 - (b) Providing for the online availability of forms required to be filed pursuant to sections 6-16-104 to 6-16-104.6;
 - (c) Providing for the electronic filing of required forms, including the acceptance of electronic signatures;
 - (d) Mandating electronic filing and providing, in the secretary of state's discretion, for exceptions to mandatory electronic filing; and
 - (e) Setting fines for noncompliance with this article or rules promulgated pursuant to this article. The fine for soliciting while unregistered shall not exceed three hundred dollars per year for charities or one thousand dollars per year for paid solicitors.”

2. Section 6-16-111(6)(b), C.R.S., (2012), that requires the Secretary of State to “promulgate rules to provide for expedited deadlines to govern [hearing proceedings concerning denial, suspension, or revocation of registration]...”.
3. Section 6-16-114, C.R.S., (2012), that requires the Secretary of State to promulgate rules to establish a fine or late filing fee amount.

Preliminary Draft of Proposed Rules

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

September 13, 2012

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.¹

This is a preliminary draft of the proposed rules that may be revised before the October 25, 2012 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 **October 19, 2012.**²

SMALL CAPS indicate proposed additions to the current rules.

~~Stricken type~~ indicates proposed deletions from current rules.

(Annotations) may be included.

1 *Amendments to Rule 1:*

2 **Rule 1. Definitions.**

3 As used in these rules and in the Colorado Charitable Solicitations Act.

4 1.1 ~~Accounting Period:~~—"ACCOUNTING PERIOD" MEANS the time period for keeping records and
5 reporting income and expenses.

6 1.2 ~~Agent: any person~~—"AGENT" MEANS AN INDIVIDUAL who, BY THE WRITTEN AUTHORITY AND ON
7 THE ACCOUNT OF THE PRINCIPAL, transacts ~~some business or manages some affair for another~~
8 ~~(the "principal")~~, ~~by the authority and on account of the principal, under a written instrument,~~
9 AFFAIRS FOR THE PRINCIPAL, and who is required to render an account of ~~such~~ THE business or
10 affair to the principal. ~~The term "aAgent" shall also include the term "subcontractors."~~

11 1.3 ~~Authorized Officer:~~—"AUTHORIZED OFFICER" MEANS the officer designated by the filing entity
12 to electronically sign ~~any~~ forms on behalf of the organization ~~pursuant to~~ IN ACCORDANCE WITH
13 the CCSA.— This ~~person shall~~ INDIVIDUAL MUST be an officer of a nonprofit corporation, a
14 trustee of a charitable trust, or a senior manager member of any other ~~type of~~ entity subject to the
15 filing requirements of the CCSA.

16 1.4 ~~CCSA:~~—"CCSA" MEANS Colorado Charitable Solicitations Act CODIFIED AT ARTICLE 16 OF
17 TITLE 6, C.R.S.

¹ Sections 24-4-103(2.5) and (3)(a), C.R.S. (2012). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

² Section 24-4-103(4)(a), C.R.S. (2012). "[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."

- 1 1.5 **Directly Employed:**—“DIRECTLY EMPLOYED”, as used in section 6-16-103(7)(d), C.R.S., means
2 the charitable organization controls or directs the means and methods of accomplishing the result
3 of the individual’s work, regardless of whether the individual is employed full-time or part-time,
4 is paid a salary or on commission, or is called an employee or an agent or independent contractor.
5
- 6 1.6 “EMPLOYER IDENTIFICATION NUMBER” OR EIN, ALSO KNOWN AS A FEDERAL TAX
7 IDENTIFICATION NUMBER, IS USED TO IDENTIFY A BUSINESS ENTITY.
- 8 ~~1.6-1.7~~ **Fiscal Year:**—any “FISCAL YEAR” MEANS ANNUAL accounting period ~~consisting of a year,~~
9 subject to ~~rule~~-RULE 1.15.
- 10 ~~1.7-1.8~~ **Form of the Applicant’s Business:**—~~the legal status of the entity, such as domestic nonprofit~~
11 ~~corporation, foreign nonprofit corporation, domestic nonprofit association, foreign nonprofit~~
12 ~~association, corporation, sole proprietor, etc.~~—“FORM OF THE APPLICANT’S BUSINESS” MEANS
13 AN ENTITY LISTED IN SECTION 7-90-102, C.R.S., OR SIMILAR BUSINESS STATUTES IN OTHER
14 STATES. “FORM OF THE APPLICANT’S BUSINESS” DOES NOT INCLUDE THE ORGANIZATION’S TAX-
15 EXEMPT STATUS, SUCH AS “501(c)(3),” OR THE ORGANIZATION’S PURPOSE.
- 16 ~~1.8-1.9~~ **Gross Revenue:**—“GROSS REVENUE” MEANS the total amount the organization receives from all
17 sources, regardless of geographic location, during its accounting period, without subtracting ~~any~~
18 costs or expenses. “Gross revenue” does not include receipt of funds merely as an agent for
19 another, where the organization collects the funds and delivers ~~the funds~~-THEM to the principal
20 without asserting ~~any~~-A right to use them or otherwise deriving a benefit from them.
- 21 ~~1.9-1.10~~ **Name or Names under which Charitable Organization Intends to Solicit Contributions:**
22 “NAME OR NAMES UNDER WHICH CHARITABLE ORGANIZATION INTENDS TO SOLICIT
23 CONTRIBUTIONS” includes ~~any~~—“doing business as,” —“also known as,”- or trade names.— This
24 term includes the name of ~~any~~—donor-advised fund that solicits contributions from the public
25 using its own name, unless, in all written and oral solicitations, ~~it~~-THE FUND clearly identifies
26 itself as a “donor-advised fund” —of a specified charitable organization that is either registered
27 with the Secretary of State or exempt under section ~~6-16-104(6)(a)-(e)~~-6-16-104(6)(a) THROUGH
28 (c), C.R.S.
- 29 ~~1.10-1.11~~ **Newly Formed Charitable Organization:**—“NEWLY-FORMED CHARITABLE
30 ORGANIZATION” MEANS an organization that has ~~not completed its first fiscal year or has not~~
31 reached the 15th day of the fifth month ~~since~~-FOLLOWING the close of its first fiscal year. In most
32 cases, newly-formed charitable organizations will file an initial registration statement ~~consisting~~
33 of estimated financial information that must be replaced by actual financial information on or
34 before the 15th day of the fifth month after the close of its first ~~Fiscal~~-FISCAL year.
- 35 ~~1.11-1.12~~ **Person Responsible for Directing and Supervising the Conduct of the Campaign:**
36 ~~pursuant to~~—“PERSON RESPONSIBLE FOR DIRECTING AND SUPERVISING THE CONDUCT OF THE
37 CAMPAIGN”, IN ACCORDANCE WITH section 6-16-104.6(7)(b), C.R.S., ~~this term~~—includes ~~any~~
38 agents or subcontractors of the paid solicitor.
- 39 ~~1.12-1.13~~ **Principal Place of Business:**—~~the bona fide physical street address of the organization or~~
40 ~~sole proprietor.~~ This—“PRINCIPAL PLACE OF BUSINESS” MEANS THE STREET ADDRESS OF THE
41 ORGANIZATION’S USUAL PLACE OF BUSINESS. “PRINCIPAL PLACE OF BUSINESS”, AS USED IN
42 THESE RULES, does not include a post office box or private mailbox.

1 ~~1.13~~ ~~**Registration Service Provider:** a business or individual that provides the service of registering~~
2 ~~a charity, paid solicitor, professional fundraising consultant for charitable solicitations with the~~
3 ~~Secretary of State, but is neither a bona fide volunteer nor a director, officer, or compensated~~
4 ~~employee as described in section 6-16-103(7)(c), C.R.S.~~

5 1.14 “REGISTERED AGENT” HAS THE SAME MEANING AS IN SECTION 7-90-701, C.R.S., EXCEPT THAT,
6 IF A PERSON MUST REGISTER UNDER THE CHARITABLE SOLICITATIONS ACT, THE PERSON MUST
7 APPOINT AND CONTINUOUSLY MAINTAIN A REGISTERED AGENT, EVEN IF THE PERSON IS NOT
8 REQUIRED TO DO SO UNDER SECTION 7-90-701, C.R.S. A REGISTRATION DOCUMENT FILED IN
9 ACCORDANCE WITH ARTICLE 16 OF TITLE 6, C.R.S., THAT REQUESTS THE NAME AND ADDRESS OF
10 THE ORGANIZATION’S REGISTERED AGENT MUST ALSO INCLUDE A STATEMENT BY THE FILER
11 THAT THE REGISTERED AGENT CONSENTS TO THE APPOINTMENT.

12 ~~1.14~~.15 ~~**Short-Period Registration and Financial Statement:**~~ “SHORT-PERIOD REGISTRATION
13 AND FINANCIAL STATEMENT” MEANS a registration and financial statement covering a period of
14 less than 12 months.

15 ~~1.15~~.16 ~~**Sole Responsibility:**~~ “SOLE RESPONSIBILITY”, with respect to section 6-16-103(7)(a),
16 C.R.S., a person whose “sole responsibility is to print or mail fundraising literature” -is intended
17 to exempt only employees of professional printing and copying businesses from the definition of
18 paid solicitor.

19 1.17 “STATE ELECTIONS COMMISSION” MEANS, FOR THE PURPOSES OF SECTION 6-16-104(6)(B),
20 C.R.S., THE SECRETARY OF STATE’S CAMPAIGN AND POLITICAL FINANCE PROGRAM.

21 1.18 “STREET ADDRESS” HAS THE SAME MEANING AS IN SECTION 7-90-102(62), C.R.S.

22 ~~1.16~~.19 ~~**Subcontractor:**~~ ~~any~~ “SUBCONTRACTOR”, AS USED IN THESE RULES, INCLUDES THE agent
23 (but not an employee) of a professional-PAID solicitor who solicits ~~under a contract or agreement~~
24 on behalf of the professional-PAID solicitor for the benefit of ~~any~~A charitable organization ~~with~~
25 ~~which the professional solicitor has a contract or agreement~~ THAT CONTRACTED WITH THE PAID
26 SOLICITOR.

27 [Amendments to Rule 2:](#)

28 **Rule 2. Electronic Filing**

29 2.1 ~~All filings with the Office of the Secretary of State that are~~ DOCUMENTS required or permitted by
30 the CCSA ~~shall be made~~ MUST BE FILED electronically, IN THE PRESCRIBED FORMAT, through the
31 use of the Secretary of State's internet charitable solicitation registration and reporting WEB-
32 BASED CHARITIES system, ~~and shall be in the format prescribed by the Secretary of State. No such~~
33 ~~filing attempted on paper will be deemed valid, nor will any paper filing tendered in connection~~
34 ~~with the CCSA be accepted by the Secretary of State.~~ PAPER FILINGS ARE VOID AND WILL NOT BE
35 ACCEPTED.

36 2.2 The Secretary of State will issue a unique user identification number ~~and password to any~~
37 ~~charitable organization, paid solicitor, or professional fundraising consultant~~ AN INDIVIDUAL who
38 requests to COMPLETE OR file pursuant to Title 6, Article 16 A DOCUMENT IN ACCORDANCE WITH
39 ARTICLE 16 OF TITLE 6, C.R.S., ~~provided that such requester first furnishes any information,~~
40 ~~agreement or affirmation that the Secretary of State requires in order to establish and maintain an~~
41 ~~accurate, accessible, and secure electronic charitable solicitations filing and information system~~

1 AND WHO AGREES TO THE SECRETARY'S RULES FOR USE OF THE SYSTEM. ~~Submission of a filing~~
2 FILING with the USER identification ~~number~~ and password described in this ~~rule~~ RULE 2 shall
3 WILL constitute the filer's official signature, in ~~accord~~ ACCORDANCE with section 24-71.3-102(8),
4 C.R.S., ~~affixed under penalty of perjury, as provided by law.~~

5 2.2.1 AN INDIVIDUAL REGISTERING OR RENEWING A REGISTRATION UNDER ARTICLE 16 OF
6 TITLE 6, C.R.S. MUST HAVE AN EIN FROM THE INTERNAL REVENUE SERVICE (IRS).

7 2.2.2 AN INDIVIDUAL REQUESTING A USER IDENTIFICATION AND PASSWORD UNDER RULE 2.2
8 MUST PROVIDE HIS OR HER NAME, DAYTIME TELEPHONE NUMBER, VALID EMAIL
9 ADDRESS, AND EIN, AND MUST UPDATE THIS INFORMATION PROMPTLY WHEN AND IF IT
10 CHANGES.

11 2.3 EMAIL ADDRESSES PROVIDED TO THE SECRETARY OF STATE UNDER THIS RULE 2 ARE FOR
12 ADMINISTRATIVE PURPOSES ONLY AND ARE NOT CONSIDERED PUBLIC RECORDS FOR PURPOSES OF
13 THE PUBLIC RECORDS LAW, PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

14 [Amendments to Rule 3:](#)

15 **Rule 3. —Expedited Hearing Deadlines**

16 3.1 UPON NOTICE FROM THE SECRETARY OF STATE THAT A REGISTRATION HAS BEEN DENIED OR IS
17 SUBJECT TO SUSPENSION OR REVOCATION, THE AGGRIEVED PARTY MAY REQUEST A HEARING
18 WITHIN FIVE CALENDAR DAYS AFTER RECEIPT OF NOTICE.

19 ~~3.1-3.2~~ Upon receipt of a request for hearing ~~pursuant to~~ IN ACCORDANCE WITH section ~~6-16-111 (6) (b)~~
20 ~~6-16-111(6)(b)~~, C.R.S., the Secretary of State will set and give notice of the ~~requested hearing.~~
21 ~~Such notice will be sent~~ by certified mail within five business days of the Secretary of State's
22 receipt of the hearing request ~~and~~. THE SECRETARY will set the hearing ~~on a date~~ no sooner than
23 ~~ten-20~~ and no later than ~~twenty~~ 45 calendar days after the ~~date of mailing~~ of the notice.

24 ~~3.2-3.3~~ Proceedings ~~conducted pursuant to section 6-15-111 (6), C.R.S., and this Rule 3 may, in the~~
25 ~~discretion of the Secretary of State, be continued for good cause shown by any party to such~~
26 ~~proceedings. Any continuance will be as brief as practicable, and no continuance will be for a~~
27 ~~period longer than ten days~~ THE SECRETARY MAY, FOR GOOD CAUSE SHOWN, CONTINUE A
28 PROCEEDING UNDER SECTION 6-15-111(6), C.R.S., AND THIS RULE 3 FOR A PERIOD AS BRIEF AS
29 PRACTICABLE AND, IN NO CASE, FOR MORE THAN 15 DAYS.

30 ~~3.3-3.3~~ The Secretary of State ~~will~~ MUST CONDUCT AND conclude all ~~expedited hearings with reasonable~~
31 ~~dispatch, IN A TIMELY MANNER and will~~ MUST take final agency action, ~~including, but without~~
32 ~~limitation, issuance of all such administrative findings, decisions, and orders as the Secretary~~
33 ~~considers appropriate, within twenty calendar days from the date on which any such expedited~~
34 ~~hearing is concluded~~ NO LATER THAN THE TENTH DAY FOLLOWING THE HEARING.

35 [Amendments to Rule 4:](#)

36 **Rule 4. —Issuing Registration Numbers**

37 4.1 ~~Upon approval by~~ IF the Secretary of State ~~of~~ APPROVES an initial or renewal registration
38 statement of a charitable organization, professional fundraising consultant, or paid solicitor, the
39 Secretary of State ~~will~~ issue or update the status of a permanent registration number.— The

1 Secretary of State will send a confirmation to the email address of the authorized officer and
2 registered agent, reflecting CONTAINING the organization's name, and any DBAs, its permanent
3 registration number, the FILING document number of the filing, the organization's federal
4 employer identification number (FEIN) EIN, the PRINCIPAL address of the principal place of
5 business, the date the document was approved DOCUMENT APPROVAL DATE, the date the
6 subsequent renewal will be (or was) due DATE, the name of the person who signed the
7 document's SIGNOR, and the date it was signed.

8 4.2 The Secretary of State will provide an electronic "certificate of registration" in the form of a
9 printable electronic certificate which will display the registration status of a registrant in good or
10 delinquent status to any user of the web site upon request. AN INDIVIDUAL MAY VERIFY AN
11 ORGANIZATION'S REGISTRATION STATUS AND MAY CREATE A REGISTRATION CERTIFICATE BY
12 VISITING THE SECRETARY'S WEBSITE. —The REGISTRATION certificate will indicate whether the
13 registrant is registered or out of compliance with the filing requirements of the CCSA and list the
14 organization's registration number, entity REGISTRANT type (charitable organization, paid
15 solicitor, or professional fundraising consultant), REGISTRATION status; ALONG WITH the date that
16 status was established, and the date (INCLUDING AN EXTENSION), by which the organization must
17 renew or should have renewed its registration or replaced REPLACE estimated financial figures
18 with actual FINANCIAL figures.

19 4.3 A registration certificate will not be provided in THE SECRETARY OF STATE WILL NOT PROVIDE A
20 REGISTRATION CERTIFICATE IF the event the registrant's status is ORGANIZATION'S REGISTRATION
21 HAS BEEN denied, suspended, OR revoked, exempt, or expired.

22 4.3-4.4 The registration of a charitable organization, professional fundraising consultant, or paid solicitor
23 will be listed as "good" on the charitable solicitations website after the Secretary of State's office
24 has accepted its initial or renewal registration statement, provided that the renewal is for the
25 organization's most recent fiscal year. Initial registrations will result in a "good" status subject to
26 rule 5.4. THE SECRETARY OF STATE WILL LIST AS "GOOD" THE REGISTRATION OF A CHARITABLE
27 ORGANIZATION, PROFESSIONAL FUNDRAISING CONSULTANT, OR PAID SOLICITOR ONCE THE
28 SECRETARY APPROVES THE REGISTRATION STATEMENT FOR THE MOST-RECENT FISCAL YEAR.
29 THE SECRETARY WILL LIST ALL INITIAL REGISTRATIONS AS "GOOD."

30 4.4-4.5 The registration of a charitable organization, paid solicitor, or professional fundraising consultant
31 will be listed as delinquent effective on the first day after its renewal deadline has passed. IF A
32 CHARITABLE ORGANIZATION, PROFESSIONAL FUNDRAISING CONSULTANT, OR PAID SOLICITOR
33 MISSES A FILING DEADLINE, THE ORGANIZATION STATUS WILL CHANGE TO "DELINQUENT" THE
34 DAY AFTER DEADLINE.

35 4.5-4.6 IF THE CHARITABLE ORGANIZATION HAS NOT BEEN IN EXISTENCE FOR AN ENTIRE ACCOUNTING
36 PERIOD, CHANGES ITS ACCOUNTING PERIOD, OR MERGES OUT OF EXISTENCE OR DISSOLVES
37 BEFORE THE END OF ITS ACCOUNTING PERIOD, IT MAY HAVE TO FILE A short-period registration
38 and financial statement may be required if the charitable organization has not been in existence
39 for an entire accounting period, or changes its accounting period. Similarly, a short-period final
40 registration and financial statement may be required if the organization merges out of existence or
41 dissolves before the end of its accounting period.

42 4.6-4.7 A charitable organization shall MUST use the same accounting period to file registration
43 documents with the Secretary of State as its THAT IT uses to maintain its financial records
44 internally and as it uses to file the federal form IRS Form 990 with the Internal Revenue Service
45 (IRS) IRS.

1 ~~4.7 If a paid solicitor has not submitted a solicitation campaign financial report (“campaign report”)~~
2 ~~on or before the 90th day following the campaign end date listed on the solicitation notice, the~~
3 ~~campaign report will be listed as overdue, and the paid solicitor’s registration status will be listed~~
4 ~~as delinquent.~~

5 4.8 THE SECRETARY OF STATE MAY REQUIRE A CHARITABLE ORGANIZATION TO PROVIDE A COPY OF
6 THE APPROPRIATE IRS FORM 990 TO MEET COLORADO’S REPORTING REQUIREMENTS.

7 4.9 IF THE SECRETARY DETERMINES THAT THE ORGANIZATION’S IRS FORM 990 CONTAINS
8 ERRONEOUS INFORMATION OR OMITTS REQUIRED INFORMATION, THE SECRETARY MAY DIRECT
9 THE ORGANIZATION TO FILE AN AMENDED IRS FORM 990 WITH THE IRS AND PROVIDE THE
10 SECRETARY WITH A COPY OF THE AMENDED IRS FORM 990, REGARDLESS OF WHETHER THE
11 ORIGINAL RETURN WAS ACCEPTED BY THE IRS.

12 **Amendments to Rule 5:**

13 **Rule 5. –Filing Deadlines and Extension of Filing Deadlines**

14 5.1 FILING A REGISTRATION RENEWAL AND FINANCIAL REPORT.

15 5.1.1 IF A CHARITABLE ORGANIZATION DOES NOT FILE A DEADLINE EXTENSION WITH THE IRS,
16 THE CHARITABLE ORGANIZATION MUST FILE ITS REGISTRATION RENEWAL AND A
17 FINANCIAL REPORT FOR THE MOST RECENT FISCAL YEAR BY THE 15TH DAY OF THE FIFTH
18 CALENDAR MONTH AFTER THE CLOSE OF EACH FISCAL YEAR IN WHICH THE CHARITABLE
19 ORGANIZATION SOLICITED IN COLORADO.

20 5.1.2 IF THE CHARITABLE ORGANIZATION FILES A DEADLINE EXTENSION WITH THE IRS, THE
21 CHARITABLE ORGANIZATION MUST FILE ITS REGISTRATION RENEWAL AND FINANCIAL
22 REPORT BY THE 15TH DAY OF THE EIGHTH CALENDAR MONTH AFTER THE CLOSE OF EACH
23 FISCAL YEAR IN WHICH THE CHARITABLE ORGANIZATION SOLICITED IN COLORADO.

24 5.2 FILING REGISTRATION AMENDMENTS.

25 5.2.1 IF A CHARITABLE ORGANIZATION DOES NOT FILE A DEADLINE EXTENSION WITH THE IRS,
26 A CHARITABLE ORGANIZATION THAT REPORTED ESTIMATED FINANCIAL INFORMATION ON
27 ITS INITIAL REGISTRATION MUST AMEND ITS REGISTRATION WITH ITS ACTUAL FINANCIAL
28 INFORMATION BY THE 15TH DAY OF THE FIFTH CALENDAR MONTH AFTER THE CLOSE OF
29 THE FISCAL YEAR REPORTED ON THE INITIAL REGISTRATION STATEMENT.

30 5.2.2 IF THE CHARITABLE ORGANIZATION FILES A DEADLINE EXTENSION WITH THE IRS, IT
31 MUST FILE NECESSARY AMENDMENTS TO ITS FINANCIAL INFORMATION BY THE 15TH DAY
32 OF THE EIGHTH CALENDAR MONTH AFTER THE CLOSE OF EACH FISCAL YEAR IN WHICH
33 THE CHARITABLE ORGANIZATION SOLICITED IN COLORADO.

34 5.3 A CHARITABLE ORGANIZATION MAY RENEW ITS REGISTRATION, REPLACE INITIAL ESTIMATES
35 WITH ACTUAL FINANCIAL INFORMATION, OR REQUEST AN EXTENSION NO EARLIER THAN THE
36 CLOSE OF THE ACCOUNTING PERIOD TO WHICH THE FILING APPLIES.

37 5.4 TO AVOID INCURRING LATE FEES, CHARITABLE ORGANIZATIONS MUST REPLACE INITIAL
38 ESTIMATED FINANCIAL INFORMATION WITH ACTUAL FINANCIAL INFORMATION, FILE A
39 REGISTRATION RENEWAL, OR FILE AN EXTENSION ON OR BEFORE THE FILING DEADLINE. A

1 CHARITABLE ORGANIZATION THAT FILED AN EXTENSION WITH THE IRS AND IS UNABLE TO FILE
2 ITS REGISTRATION RENEWAL OR AMEND ITS FINANCIAL INFORMATION BY THE 15TH DAY OF THE
3 EIGHTH CALENDAR MONTH AFTER THE CLOSE OF EACH FISCAL YEAR IN WHICH THE CHARITABLE
4 ORGANIZATION SOLICITED IN COLORADO MAY REQUEST A THREE MONTH EXTENSION FROM THE
5 SECRETARY OF STATE. THE SECRETARY MAY IMPOSE A LATE FEE ON A CHARITABLE
6 ORGANIZATION THAT FAILS TO TIMELY REQUEST AN EXTENSION.

7 *(Current Rule 5.1.2 is amended and relocated to this New Rule 5.4)*

8 5.5 IF A CHARITABLE ORGANIZATION, AT THE TIME OF INITIAL REGISTRATION, REPORTS FINANCIAL
9 INFORMATION OUTSIDE OF THE MOST-RECENTLY COMPLETED FISCAL YEAR, THE SECRETARY OF
10 STATE WILL APPROVE THE INITIAL REGISTRATION BUT THE ORGANIZATION MUST FILE A
11 RENEWAL OR EXTENSION REQUEST WITHIN FIVE DAYS FROM THE INITIAL REGISTRATION
12 APPROVAL. IF THE ORGANIZATION FAILS TO FILE A RENEWAL OR EXTENSION WITHIN THE FIVE
13 DAY PERIOD, THE SECRETARY WILL MARK THE ORGANIZATION'S STATUS AS "DELINQUENT" AND
14 NOTIFY THE ORGANIZATION THAT IT MUST UPDATE THE INFORMATION OR IT WILL BE SUBJECT TO
15 LATE FEES AND POSSIBLE SUSPENSION.

16 *(Current Rule 5.4 is amended and relocated to this New Rule 5.5)*

17 ~~5.1-5.6~~ ~~Only~~ A charitable ~~organizations~~ ORGANIZATION may request ~~an~~ A DEADLINE extension ~~of the~~
18 ~~deadline~~ for renewing a registration OR FOR FILING AN AMENDMENT TO REPLACE ESTIMATED
19 WITH ACTUAL FINANCIAL INFORMATION.— This option is not available to professional
20 fundraising consultants or paid solicitors.

21 5.6.1 A CHARITABLE ORGANIZATION MAY REQUEST AN EXTENSION AFTER THE CLOSE OF THE
22 ITS ACCOUNTING PERIOD.

23 ~~5.1-1-5.6.2~~ ~~All requests~~ THE ORGANIZATION MUST FILE THE EXTENSION REQUEST ~~for an~~
24 ~~extension shall be filed~~ electronically on the Secretary of State's ~~web site by logging in~~
25 ~~and e-filing the necessary document~~ WEBSITE. ~~Neither filing for~~ FILING an extension with
26 the IRS ~~nor~~ OR submitting a copy of ~~such a~~ THE request (SUCH AS IRS ~~form~~ FORM 8868)
27 to the Secretary of State is NOT sufficient to extend a filing deadline. The Secretary of
28 State will not consider requests to waive late filing fees on the grounds that the
29 organization filed for an extension with the IRS; but neglected to file ~~for an~~ AN extension
30 with the Secretary of State.

31 ~~5.1.2~~ ~~To avoid incurring late fees, charitable organizations must file a registration renewal or~~
32 ~~an extension on or before the filing deadline. Charitable organizations that fail to file an~~
33 ~~extension request on time with the Secretary of State will be subject to a late fee, even if~~
34 ~~it is still within the period during which an extension would have applied if it had been~~
35 ~~timely filed.~~

36 *(Current Rule 5.1.2 is amended and relocated to New Rule 5.4)*

37 5.6.3 THE SECRETARY OF STATE MAY REQUEST EVIDENCE OF AN EXTENDED FILING DATE WITH
38 THE IRS, SUCH AS A COPY OF THE IRS FORM 8868 OR AN IRS LETTER ADDRESSED TO THE
39 ORGANIZATION CONFIRMING THE EXTENDED DEADLINE REQUEST.

40 5.7 PROFESSIONAL FUNDRAISING CONSULTANT OR PAID SOLICITOR REGISTRATION IS VALID FOR ONE
41 YEAR. THE FUNDRAISING CONSULTANT OR PAID SOLICITOR MAY ANNUALLY RENEW

1 REGISTRATION BY FILING A REGISTRATION RENEWAL BY THE ANNIVERSARY DATE. THE
2 ANNIVERSARY DATE EACH YEAR WILL BE THE DAY AND MONTH THE INITIAL REGISTRATION WAS
3 APPROVED, OR THE DATE THE MOST RECENT REINSTATEMENT WAS APPROVED. A PROFESSIONAL
4 FUNDRAISING CONSULTANT OR PAID SOLICITOR WHO FAILS TO RENEW A REGISTRATION ON OR
5 BEFORE THE ANNIVERSARY DATE IS SUBJECT TO A LATE FEE.

6 ~~5.2-5.8~~ A—THE RENEWAL PERIOD FOR A professional fundraising consultant or paid solicitor ~~may~~BEGINS
7 ~~renew its registration no earlier than 60 days before its~~—THE CONSULTANT’S OR SOLICITOR’S
8 anniversary date.

9 5.9 A PAID SOLICITOR MUST FILE A COMPLETED SOLICITATION NOTICE NO LATER THAN 15 DAYS
10 BEFORE A SOLICITATION CAMPAIGN STARTS. FAILURE TO FILE WILL SUBJECT THE PAID SOLICITOR
11 TO A LATE FEE.

12 ~~5.3-5.9.1~~ The range of campaign dates that may be listed on a solicitation notice is one
13 year or less.—A SOLICITATION CAMPAIGN’S DURATION MAY NOT EXCEED ONE YEAR.

14 5.9.2 PRIOR TO THE CAMPAIGN END DATE, A PAID SOLICITOR MAY AMEND THE INITIAL
15 SOLICITATION NOTICE TO EXTEND THE CAMPAIGN DURATION UP TO ONE YEAR. AFTER
16 THE CAMPAIGN END DATE, THE PAID SOLICITOR MUST FILE A NEW SOLICITATION NOTICE.

17 ~~5.4~~—Charitable organizations that register initially using information from the fiscal year prior to the
18 organization’s most recent fiscal year, have 14 days from the date the initial registration is
19 approved in which to file an extension of the deadline for the most recent fiscal year or a renewal
20 covering the most recent fiscal year. Organizations failing to file for such extension will begin
21 receiving delinquency notices on the 15th day after the file date of the initial registration.

22 *(Current Rule 5.4 is amended and relocated to New Rule 5.5)*

23 5.10 A PAID SOLICITOR MUST SUBMIT A SOLICITATION CAMPAIGN FINANCIAL REPORT ON OR BEFORE
24 THE 90TH DAY FOLLOWING THE CAMPAIGN END DATE LISTED ON A SOLICITATION NOTICE. A PAID
25 SOLICITOR WHO DOES NOT SUBMIT A CAMPAIGN REPORT ON OR BEFORE THE DEADLINE MAY NOT
26 BEGIN A NEW SOLICITATION CAMPAIGN OR FILE A NEW SOLICITATION NOTICE UNTIL THE
27 OVERDUE CAMPAIGN REPORT IS APPROVED BY THE SECRETARY OF STATE.

28 *(Current Rule 8.3 is amended and relocated to this New Rule 5.10)*

29 ~~5.5-5.11~~If the deadline for filing a document under the CCSA that is required to be filed by electronic
30 means falls—REQUIRES A DOCUMENT TO BE FILED ELECTRONICALLY on a Saturday, Sunday, legal
31 holiday, or any A day the Secretary of State’s physical office is closed, the ~~deadline shall be on~~
32 ~~such day~~THE DOCUMENT MUST STILL BE FILED ELECTRONICALLY ON THAT DAY.

33 5.12 IF A REGISTRATION WAS FILED ON FEBRUARY 29, THE RENEWAL DEADLINE IS FEBRUARY 28 OF
34 THE FOLLOWING YEAR.

35 **Repeal of current Rule 6:**

36 **Rule 6.—Reminder Notices and Delinquency Notices**

37 ~~6.1~~—The Secretary of State will mail a first notice to the principal place of business and registered
38 agent of a charitable organization, professional fundraising consultant, or paid solicitor no later

1 ~~than 30 days prior to the due date of the organization's renewal deadline. A second notice will~~
2 ~~be mailed to the principal place of business and registered agent of the charitable organization,~~
3 ~~professional fundraising consultant, or paid solicitor one day after the deadline, if the~~
4 ~~organization has failed to renew its registration. The Secretary of State will mail a~~
5 ~~suspension letter to the principal place of business and registered agent of a charitable~~
6 ~~organization, professional fundraising consultant, or paid solicitor on the 60th day after the~~
7 ~~organization's renewal deadline.~~

8 ~~6.2 If the registration statement of a charitable organization, professional fundraising consultant, or~~
9 ~~paid solicitor is not renewed by the prescribed deadline or deadline extension granted by the~~
10 ~~Secretary of State or the Secretary of State's designee, the status of its registration will be listed~~
11 ~~as delinquent effective on the first day after the deadline has passed, and suspended on the 60th~~
12 ~~day after the deadline has passed. Once an organization's registration has been suspended, it must~~
13 ~~cease soliciting contributions in Colorado, until it has cured the reason for suspension by~~
14 ~~renewing its registration for all overdue fiscal years and paying all outstanding registration fees~~
15 ~~and fines.~~

16 ~~6.3 A paid solicitor must submit a solicitation campaign financial report ("campaign report") on or~~
17 ~~before the 90th day following the campaign end date listed on a solicitation notice. Delinquent~~
18 ~~notices will be sent to the principal place of business and registered agent of the paid solicitor and~~
19 ~~charitable organization one day and 15 days after the deadline. A suspension notice will be sent~~
20 ~~on the 60th day after the deadline.~~

21 New Rule 6:

22 **RULE 6: WAIVER OF STREET ADDRESS REQUIREMENT**

23 6.1 A CHARITABLE ORGANIZATION MAY USE A SUBSTITUTE MAILING ADDRESS IF DISCLOSING THE
24 ORGANIZATION'S PRINCIPLE PLACE OF BUSINESS OR CUSTODIAN OF FINANCIAL RECORD'S STREET
25 ADDRESS THREATENS THE SAFETY OF AN EMPLOYEE, VOLUNTEER, OR THE FAMILY MEMBER OF
26 AN EMPLOYEE OR VOLUNTEER.

27 6.2 THE SECRETARY OF STATE MAY WAIVE THIS REQUIREMENT ONLY IF GENUINE CONCERNS FOR
28 THE PERSONAL SAFETY OF INDIVIDUALS CONNECTED WITH THE ORGANIZATION EXIST, AND WHEN
29 NO STREET ADDRESS FOR AN ADMINISTRATIVE OFFICE OF THE ORGANIZATION CAN BE PROVIDED
30 AS AN ALTERNATIVE ADDRESS.

31 6.3 A SUBSTITUTE MAILING ADDRESS REQUEST MUST INCLUDE:

32 6.3.1 THE NAME AND FEDERAL EMPLOYER ID NUMBER OF THE CHARITABLE ORGANIZATION;

33 6.3.2 THE REQUEST DATE;

34 6.3.3 WHETHER THE WAIVER REQUEST IS FOR THE STREET ADDRESS OF THE ORGANIZATION,
35 THE STREET ADDRESS OF THE INDIVIDUAL WHO HAS CUSTODY OF THE FINANCIAL
36 RECORDS, OR BOTH;

37 6.3.4 A BRIEF SUMMARY OF THE REASON, CIRCUMSTANCE, OR OTHER JUSTIFICATION FOR THE
38 SAFETY CONCERNS; AND

1 6.3.5 OTHER RELEVANT INFORMATION, SUCH AS THE ABSENCE OF A SEPARATE
2 ADMINISTRATIVE OFFICE.

3 6.4 THE STREET ADDRESS WAIVER DOES NOT APPLY TO THE REGISTERED AGENT'S PRINCIPAL
4 ADDRESS.

5 **Amendments to Rule 7:**

6 **Rule 7.— Fines**

7 7.1 ~~Any~~THE SECRETARY WILL ASSESS A LATE FEE IF A charitable organization, professional
8 fundraising consultant, or paid solicitor who, ~~after receiving two notices by mail addressed to the~~
9 ~~organization and registered agent of the organization, professional fundraising consultant, or paid~~
10 ~~solicitor~~ fails to properly renew or update a registration, file a solicitation notice, or file a
11 financial report of a solicitation campaign AFTER BEING SENT AT LEAST TWO NOTICES ~~on or~~
12 ~~before the 14th day following the issuance of the final notice,~~ shall be assessed a late fee. THE
13 SECRETARY WILL ASSESS THE LATE FEE FOR AN OVERDUE SOLICITATION CAMPAIGN FINANCIAL
14 REPORT AGAINST THE PAID SOLICITOR AND NOT THE CHARITABLE ORGANIZATION.

15 ~~7.1.1 Late fees for overdue filings will increase the longer a charitable organization,~~
16 ~~professional fundraising consultant, or paid solicitor is delinquent. The maximum late fee~~
17 ~~will be imposed on the 60th day after deadline.~~

18 ~~7.1.2-7.1.1 The late fee for a charitable organization shall be not less than \$25 and not more~~
19 ~~than IS \$100-\$60 per year OVERDUE REPORT.~~

20 ~~7.1.3-7.1.2 The late fee for a professional fundraising consultant or paid solicitor IS shall be~~
21 ~~not less than \$50 and not more than \$200 per year OVERDUE REPORT and will apply~~
22 ~~APPLIES to an overdue renewal or an overdue financial CAMPAIGN report of a solicitation~~
23 ~~campaign.~~

24 ~~7.1.4-7.1.3 Once~~IF a charitable organization, professional fundraising consultant, or paid
25 solicitor ~~has been~~IS assessed a late fee, it ~~must pay~~the late fee IS in addition to the
26 regular filing fee ~~in order to achieve compliance.~~

27 ~~7.1.5-7.1.4 To come into compliance and avoid~~ additional late fees AND BECOME
28 COMPLIANT, a charitable organization, professional fundraising consultant, or paid
29 solicitor ~~shall~~MUST file all past due documents in sequence, from oldest to newest.

30 7.2 ~~An~~A CHARITABLE organization ~~which~~ THAT, after sufficient notification by the Secretary of State
31 in accordance with section 6-16-114, C.R.S., continues to solicit contributions ~~without filing an~~
32 ~~initial registration statement shall~~ PRIOR TO REGISTERING WITH THE SECRETARY OF STATE WILL
33 be liable for a fine of FINED \$300 ~~per year for charitable organizations or. PAID SOLICITORS THAT,~~
34 AFTER NOTIFICATION, CONTINUE TO SOLICIT CONTRIBUTIONS PRIOR TO REGISTERING WITH THE
35 SECRETARY OF STATE, WILL BE FINED \$1,000 ~~per year for paid solicitors. This fine shall not be~~
36 ~~applied to a~~AN EXEMPT charitable organization, that is exempt from the requirement to register
37 ~~pursuant to~~ IN ACCORDANCE WITH section ~~6-16-104 (6)(a) — (e)~~ 6-16-104(6)(a) THROUGH (c),
38 C.R.S., WILL NOT BE FINED. ~~In such cases, the~~THE charitable organization, HOWEVER, shall MUST
39 respond to the Secretary of State's notice by ~~stating~~AND STATE that it is exempt from the
40 requirement to register and ~~citing~~CITE the basis for its exemption.

- 1 ~~7.2.1 Fines for soliciting while unregistered will increase the longer an organization fails to~~
2 ~~respond to the Secretary of State's final notice of the need to register or fails to state the~~
3 ~~basis for its exemption to the registration requirement.~~
- 4 ~~7.2.2~~ 7.2.1 ~~Once~~ IF an organization has been IS fined for soliciting while unregistered, it
5 must pay the fine in addition to the regular filing fee in order to achieve compliance with
6 the CCSA and these rules.
- 7 7.2.2 IF PAYMENT IS NOT RECEIVED BY THE 90TH DAY FOLLOWING THE DAY THE
8 ORGANIZATION WAS NOTIFIED OF THE PENALTY, THE PENALTY MAY BE FORWARDED TO
9 THE STATE'S CENTRAL COLLECTION AGENCY. AN ORGANIZATION MUST PAY ANY
10 AMOUNT IN COLLECTIONS AND THE SECRETARY'S STAFF MUST VERIFY THE PAYMENT
11 BEFORE THE ORGANIZATION CAN REGISTER AGAIN.
- 12 7.2.3 IF A CHARITABLE ORGANIZATION THAT IS NOT EXEMPT SOLICITS CONTRIBUTIONS IN
13 COLORADO BEFORE FILING ITS INITIAL REGISTRATION OR REINSTATING ITS
14 REGISTRATION, IT MUST PROVIDE FINANCIAL REPORTS FOR THE LAST TWO FISCAL YEARS
15 OR FOR THE PERIOD OF SOLICITATION, WHICH EVER IS SHORTER.
- 16 7.3 ~~Any~~ A charitable organization, professional fundraising consultant, or paid solicitor registered
17 with the Secretary of State or subject to registration under ~~section 6-16-104(1)~~ ARTICLE 16 OF
18 TITLE 6, C.R.S., may request ASK THE SECRETARY TO REDUCE OR EXCUSE an imposed fine to be
19 excused or reduced by submitting a written request by letter, email, fax or hand delivery. The
20 Secretary of State may consider excusing or waiving a fine only in the case of A bona fide
21 personal emergencies-EMERGENCY as defined below, or if a timely filing was not possible due to
22 website OR ADMINISTRATOR errors, OR IF THE ORGANIZATION WAS NOT SUBJECT TO THE
23 REQUIREMENT TO REGISTER AT ANY TIME DURING THE PERIOD FOR WHICH IT WAS ASSESSED A
24 FINE, AND THE ORGANIZATION REQUESTS TO WITHDRAW ITS REGISTRATION. The request shall
25 MUST include:
- 26 7.3.1 The name of the charitable organization, professional fundraising consultant, or paid
27 solicitor;
- 28 7.3.2 The ~~date of the~~ request DATE.;
- 29 7.3.3 The due date of the delinquently filed registration document(s).;
- 30 7.3.4 The actual filing date of the delinquently filed registration document(s).;
- 31 7.3.5 A brief summary of the reasons, circumstances, or other justification ~~of~~ FOR the bona fide
32 personal emergency.;
- 33 7.3.6 ~~Any~~ Measures THAT the charitable organization, professional fundraising consultant, or
34 paid solicitor has instituted or plans to institute to avoid future delinquencies, if
35 applicable.;
- 36 7.3.7 THE BASIS FOR CLAIMING AN EXEMPTION; AND
- 37 ~~7.3.7~~ 7.3.8 Other relevant information, such as a detailed description of the website error
38 that prevented the charitable organization, professional fundraising consultant, or paid
39 solicitor from filing the registration document on time.

- 1 7.4 If the charitable organization, professional fundraising consultant, or paid solicitor ~~requests an~~
2 ~~imposed fine to be excuse or reduced~~ ASKS THE SECRETARY TO REDUCE OR EXCUSE A FINE, the
3 ~~charities program~~ SECRETARY'S staff will conduct an investigation AND ~~to excuse or reduce~~
4 ~~imposed fines. Following that determination, staff will generate a letter to~~ NOTIFY the charitable
5 organization, professional fundraising consultant, or paid solicitor ~~notifying the registrant of the~~
6 decision.
- 7 7.4.1 THE SECRETARY OF STATE MUST RECEIVE WAIVER REQUESTS NO LATER THAN 30 DAYS
8 AFTER THE DATE THE PENALTY NOTIFICATION WAS MAILED.
- 9 7.5 ~~The Secretary of State considers a bona fide personal emergency to be a very rare exception to~~
10 ~~the commitment to fulfill the requirements of laws concerning charitable solicitations.~~
11 Depending on the circumstances, the Secretary generally considers one or more of the following
12 possible justifications a "bona fide personal emergency:"
- 13 7.5.1 Personal emergencies AFFECTING A REGISTRANT OR MEMBER OF REGISTRANT'S
14 IMMEDIATE FAMILY, including but not limited to, incapacitation for medical reasons,
15 hospitalization, accident involvement, OR death of ~~persons or to members of such~~
16 ~~persons~~ immediate family.
- 17 7.5.2 Practical obstacles out of the control of the registrant ~~which~~ THAT preclude timely
18 disclosure, such as the loss or unavailability of records or a computer due to fire, flood, or
19 theft.
- 20 7.5.3 Other ~~extraordinary reasons. These include~~ compelling reasons beyond the registrant's
21 control.
- 22 7.6 The following are generally ~~not~~ NOT considered a "bona fide personal emergency:"
- 23 7.6.1 Failure to timely file registration documents ~~as a result of lack of planning.~~ DUE TO
24 FAILURE TO PLAN;
- 25 7.6.2 ~~Priorities of accountant responsible for filing state registration forms and federal~~
26 ~~information returns (Forms 990, 990-EZ, 990-PF, 990-N, 990-T).~~ ACCOUNTING DELAYS;
- 27 7.6.3 Misunderstanding of applicable disclosure requirements and deadlines;
- 28 7.6.4 Mistakes in electronic filing submission, including incomplete filings resulting in
29 rejection of the filed document;
- 30 7.6.5 Lack of access to internet or personal computer; AND
- 31 7.6.6 Lack of corporate credit card or other means for making online payments.
- 32 7.7 The Secretary of State will issue decisions depending on individual facts and circumstances.
33 ~~Although circumstances vary, t~~The criteria ~~that are centrally dispositive when reviewing a request~~
34 ~~to excuse or reduce imposed fines~~ CONSIDERED are the establishment of a bona fide personal
35 emergency as defined above or the demonstration of a website error that made it impossible to
36 file a required registration document. If uncertain, the ~~secretary~~ SECRETARY may also consider
37 the frequency of requests to excuse or reduce fines within a two-year period, and the registrant's

1 demonstration of commitment to fulfill the requirements of Colorado’s laws concerning
2 charitable solicitations.

3 7.8 ~~The rules concerning fines for soliciting while unregistered shall take effect on August 1, 2009.~~
4 REPEALED.

5 **Amendments to Rule 8:**

6 **Rule 8. —Suspensions AND REVOCATIONS**

7 8.1 NO CHARITABLE ORGANIZATION, PAID SOLICITOR, OR PROFESSIONAL FUNDRAISING CONSULTANT
8 MAY SOLICIT CONTRIBUTIONS, PROVIDE CONSULTING SERVICES IN CONNECTION WITH A
9 SOLICITATION CAMPAIGN, FILE A SOLICITATION NOTICE, OR CONDUCT A SOLICITATION
10 CAMPAIGN IN COLORADO WHILE SUSPENDED OR REVOKED.

11 *(Current Rule 11 is amended and incorporated into Rule 8 as New Rule 8.1)*

12 ~~8.1-8.2~~ If the Secretary of State ~~has~~ DOES not received an overdue registration or renewal, AN OVERDUE
13 SOLICITATION CAMPAIGN FINANCIAL REPORT, or a request for a hearing from a delinquent
14 charitable organization, professional fundraising consultant, or paid solicitor ~~before~~ BY the 60th
15 day after the deadline or A deadline extension granted by Secretary of State ~~or the Secretary of~~
16 ~~State’s designee~~, the registration will be suspended. ~~A suspension letter will be mailed to the~~
17 ~~principal place of business and registered agent of the charitable organization, professional~~
18 ~~fundraising consultant, or paid solicitor on the 60th day after the deadline, and the organization~~
19 ~~will incur the maximum late fee. All solicitations in Colorado must cease as of the effective date~~
20 ~~of the suspension and until any late fees and filing fees have been paid and the suspension has~~
21 ~~been cured.~~

22 ~~8.2~~ If the Secretary of State has not received an overdue solicitation campaign financial report or a
23 request for a hearing from a delinquent paid solicitor before the 60th day after the deadline, the
24 paid solicitor’s registration will be suspended. A suspension letter will be mailed to the principal
25 place of business and registered agent of the paid solicitor on the 60th day after the deadline for
26 filing the solicitation campaign financial report, and the paid solicitor will incur the maximum
27 late fee. All solicitation activity in Colorado on behalf of any client of the paid solicitor must
28 cease as of the effective date of the suspension and until any late fees and filing fees have been
29 paid and the suspension has been cured.

30 ~~8.3~~ A paid solicitor who has not submitted a solicitation campaign financial report on or before the
31 prescribed deadline shall not be permitted to begin any new solicitation campaign or to file any
32 new solicitation notice until the overdue campaign report has been submitted and approved by the
33 Secretary of State.

34 *(Current Rule 8.3 is amended and relocated to New Rule 5.10)*

35 **Amendments to Rule 9:**

36 **Rule 9. —Withdrawing a Registration**

37 9.1 A charitable organization, professional fundraising consultant, or paid solicitor may ~~request to~~
38 withdraw its registration by notifying the Secretary of State. Upon approving such a request, the
39 Secretary of State will list the registration status as withdrawn.

1 9.2 A CHARITABLE ORGANIZATION, PROFESSIONAL FUNDRAISING CONSULTANT, OR PAID SOLICITOR
2 THAT INCURS A LATE FEE FOR FAILURE TO FILE A DOCUMENT ON TIME MUST EITHER PAY THE
3 OUTSTANDING LATE FEE OR OBTAIN A WAIVER OF LATE FEE AS DESCRIBED IN RULE 7, BEFORE
4 THE SECRETARY OF STATE WILL APPROVE A REGISTRATION WITHDRAWAL.

5 ~~9.2-9.3~~ A charitable organization ~~shall~~ MAY not ~~be permitted to~~ withdraw its registration unless ~~and until~~
6 ~~such organization has filed~~ IT FILES a final renewal and financial report ~~to cover~~ FOR the most
7 recent fiscal year ~~in which~~ THAT it was subject to ~~the registration requirements of~~ the CCSA,
8 unless it is a newly-formed charitable organization.

9 9.3.1 IF A CHARITABLE ORGANIZATION SOLICITED A CONTRIBUTION IN COLORADO DURING ITS
10 FISCAL YEAR, AND IT WAS NOT EXEMPT UNDER SECTION 6-16-104(6), C.R.S., IT MUST
11 FILE A RENEWAL AND FINANCIAL REPORT FOR THAT FISCAL YEAR BEFORE REGISTRATION
12 WITHDRAWAL.

13 9.3.2 IF THE ORGANIZATION IS TERMINATING, IT MAY FILE A SHORT-PERIOD REGISTRATION
14 RENEWAL AND FINANCIAL STATEMENT COVERING THE FINAL FISCAL YEAR UP TO THE
15 DATE OF DISSOLUTION OR TERMINATION.

16 9.3-9.4 A newly-formed charitable organization may ~~request to~~ withdraw its registration unconditionally
17 if it determines that it registered by mistake ~~in the first place~~.

18 9.4-9.5 A paid solicitor ~~shall~~ MAY not ~~be permitted to~~ withdraw its registration unless ~~and until~~ the paid
19 solicitor ~~has filed~~ FILES a REGISTRATION RENEWAL FOR THE MOST RECENT FISCAL YEAR THAT IT
20 WAS SUBJECT TO THE CCSA, A ~~complete, accurate~~ solicitation campaign financial report for
21 every solicitation campaign for which the paid solicitor has filed a solicitation notice, and ~~the paid~~
22 ~~solicitor has filed a complete, accurate~~ solicitation notice for every solicitation campaign
23 conducted by the paid solicitor in Colorado.

24 9.5-9.6 A professional fundraising consultant ~~shall~~ MAY not ~~be permitted to~~ withdraw its registration
25 unless ~~and until~~ the professional fundraising consultant ~~has filed~~ FILES a registration renewal ~~to~~
26 ~~cover~~ FOR the most recent fiscal year in which it was subject to ~~the registration requirements of~~
27 the CCSA.

28 Amendments to Rule 10:

29 Rule 10. —Reinstating a Suspended or Withdrawn Registration

30 10.1 A charitable organization, professional fundraising consultant, or paid solicitor may reinstate a
31 ~~registration that has been~~ suspended, ~~or~~ withdrawn, OR EXPIRED REGISTRATION.

32 ~~10.1-10.2~~ 10.2 A withdrawn charity may ~~be reinstated if it notifies the Secretary of State in writing of its~~
33 ~~desire to reinstate and files either~~ REINSTATE BY FILING a registration renewal AND COMPLETING
34 THE FOLLOWING REQUIREMENTS: ~~or an exemption form for each fiscal year since its registration~~
35 ~~was withdrawn.~~

36 10.2.1 IF THE ORGANIZATION WAS EXEMPT FROM REGISTRATION FOR EACH FISCAL YEAR SINCE
37 ITS REGISTRATION WAS WITHDRAWN, IT MUST SUBMIT A STATEMENT TO THAT EFFECT TO
38 THE SECRETARY OF STATE. IN ADDITION, ~~The organization's~~ MUST FILE A ~~registration~~
39 ~~will be fully reinstated once it has filed a registration and~~ financial statement containing
40 actual financial information for the most recently concluded fiscal year. If it is not

1 possible to file financial information for the most recent fiscal year at the time of
2 reinstatement, ~~then the organization shall~~ MUST file a registration and financial statement
3 for the prior fiscal year and file an extension of the renewal deadline for the most recent
4 fiscal year.

5 10.2.2 IF THE ORGANIZATION WAS NOT EXEMPT FROM REGISTRATION FOR ALL FISCAL YEARS
6 SINCE ITS REGISTRATION WAS WITHDRAWN, IT MUST PAY ANY APPLICABLE LATE FEES
7 FOR ALL YEARS DURING WHICH IT WAS DELINQUENT OR SUSPENDED AND
8 RETROACTIVELY RENEW ITS REGISTRATION.

9 ~~10.1.2~~ 10.3 ~~A~~ BEFORE REINSTATEMENT, A suspended charitable organization, professional
10 fundraising consultant, or paid solicitor ~~shall~~ MUST correct the deficiency for which it was
11 suspended, and, if it was subject to the registration requirements of the CCSA during the
12 suspension period, it must retroactively renew its registration and pay ~~any~~ applicable late fees for
13 all years during which it was delinquent or suspended, ~~before its registration will be reinstated.~~

14 ~~10.1.3~~ 10.4 ~~In addition, a~~ BEFORE REINSTATEMENT, A paid solicitor ~~shall~~ MUST file solicitation
15 notices and campaign reports and pay all applicable late fees for ~~any~~ solicitation campaigns
16 conducted while ~~such solicitor's~~ registration was suspended ~~before its registration will be~~
17 ~~reinstated.~~

18 *Repeal of Rule 11: (Current Rule 11 is amended and incorporated into Rule 8 as New Rule 8.1)*

19 **Rule 11. Effect of Revocation**

20 ~~No charitable organization, paid solicitor, or professional fundraising consultant may register to solicit~~
21 ~~contributions in Colorado after its registration has been revoked.~~

22 *Current Rule 12 is amended and renumbered as New Rule 11:*

23 **Rule 12-RULE 11. —Application of Registration Requirements to Internet Solicitation**

24 11.1 AS USED IN THIS RULE 11:

25 11.1.1 “AN INTERACTIVE WEBSITE” MEANS A WEBSITE THAT PERMITS A CONTRIBUTOR TO MAKE
26 A CONTRIBUTION OR PURCHASE A PRODUCT IN CONNECTION WITH A CHARITABLE
27 SOLICITATION ELECTRONICALLY BY SUBMITTING CREDIT CARD INFORMATION OR BY
28 AUTHORIZING AN ELECTRONIC FUNDS TRANSFER. INTERACTIVE WEBSITES INCLUDE SITES
29 THROUGH WHICH A DONOR MAY COMPLETE A FINANCIAL TRANSACTION ONLINE EVEN IF
30 COMPLETION REQUIRES THE USE OF LINKED OR REDIRECTED SITES. SUCH A WEBSITE IS
31 INTERACTIVE REGARDLESS OF WHETHER DONORS ACTUALLY USE IT.

32 11.1.2 “TO SPECIFICALLY TARGET PERSONS PHYSICALLY LOCATED IN COLORADO FOR
33 SOLICITATION” MEANS EITHER:

34 (A) TO INCLUDE ON A WEBSITE A REFERENCE TO SOLICITING CONTRIBUTIONS FROM
35 COLORADO; OR

36 (B) TO OTHERWISE APPEAL TO RESIDENTS OF COLORADO CHARITIES OPERATING
37 WITHIN A LIMITED GEOGRAPHIC AREA, DO NOT TARGET COLORADO RESIDENTS IF

1 THEIR WEBSITE MAKES CLEAR THAT FUNDRAISING IS LIMITED TO THE AREA OF
2 OPERATION EVEN IF THEY RECEIVE CONTRIBUTIONS FROM OUTSIDE THAT AREA..

3 11.1.3 “TO RECEIVE CONTRIBUTIONS FROM COLORADO ON A REPEATED AND ONGOING BASIS OR
4 A SUBSTANTIAL BASIS” MEANS RECEIVING CONTRIBUTIONS WITHIN THE ENTITY’S FISCAL
5 YEAR THAT ARE SUFFICIENT TO ESTABLISH THE REGULAR OR SIGNIFICANT (AS OPPOSED
6 TO RARE, ISOLATED, OR INSUBSTANTIAL) NATURE OF THOSE CONTRIBUTIONS. AN ENTITY
7 RECEIVES CONTRIBUTIONS ON A REPEATED AND ONGOING BASIS IF IT RECEIVES AT LEAST
8 50 ONLINE CONTRIBUTIONS DURING A FISCAL YEAR. AN ENTITY RECEIVES SUBSTANTIAL
9 CONTRIBUTIONS IF IT RECEIVES THE LESSER OF \$25,000 OR 1% OF ITS TOTAL
10 CONTRIBUTIONS IN ONLINE CONTRIBUTIONS DURING A FISCAL YEAR.

11 11.1.4 AN ENTITY THAT SOLICITS COLORADO RESIDENTS VIA E-MAIL WILL BE TREATED THE
12 SAME AS ONE THAT SOLICITS COLORADO RESIDENTS VIA TELEPHONE OR DIRECT MAIL.

13 *(Current Rule 12.3 is amended and relocated to this New Rule 11.1)*

14 ~~12.1-11.2~~ ~~Entities that are domiciled within Colorado.~~ An entity ~~that is~~ domiciled ~~within~~ IN
15 Colorado and ~~uses~~ USING the internet to conduct charitable solicitations in Colorado must register
16 with the Secretary of State, unless it is exempt from the registration requirements ~~pursuant to~~ IN
17 ACCORDANCE WITH section 6-16-104(6), C.R.S. ~~This is true without regard to whether~~
18 REGARDLESS OF WHETHER the internet solicitation ~~methods it uses are~~ IS passive or interactive
19 AND REGARDLESS OF WHETHER THE SOLICITATION maintained by itself or another entity. ~~with~~
20 ~~which it contracts, or whether it conducts solicitations in any other manner.~~

21 ~~12.1-12.2.1~~ 12.2.1 An entity is domiciled within Colorado if its principal place of business is in
22 Colorado.

23 ~~12.2-11.3~~ ~~Entities That Are Domiciled Outside Colorado.~~ An entity domiciled ~~in~~ OUTSIDE OF
24 Colorado must register ~~in accordance with the law of Colorado,~~ WITH THE SECRETARY OF STATE,
25 unless it is exempt ~~from the registration requirements pursuant to~~ IN ACCORDANCE WITH section
26 6-16-104(6), C.R.S., if:

27 ~~12.2-11.3.1~~ 11.3.1 Its non-Internet activities ~~alone would be~~ ARE sufficient to require registration in
28 Colorado, or

29 ~~12.2-11.3.2~~ 11.3.2 If the entity solicits contributions through an interactive ~~web site~~ WEBSITE and
30 ~~either~~ the entity EITHER:

31 ~~12.2-1(A)~~ 11.3.2-1(A) Specifically targets persons physically located in Colorado for
32 solicitation, or

33 ~~12.2-2(B)~~ 11.3.2-2(B) Receives contributions from Colorado on a repeated, ~~and~~ ongoing, OR
34 SUBSTANTIAL ~~basis or a substantial basis~~ through its ~~Web site~~ WEBSITE; or

35 ~~12.2-3~~ 11.3.3 The entity solicits contributions through a site that is not interactive, but either
36 specifically invites further offline activity to complete a contribution, or establishes other
37 contacts with Colorado, such as sending e-mail messages or other communications that
38 promote the ~~Web site~~ WEBSITE; and

1 12.2.3.1(A) Specifically targets persons physically located in Colorado for
2 solicitation, or

3 12.2.3.2(B) Receives contributions from Colorado on a repeated and ongoing basis
4 or a substantial basis through its Web site WEBSITE.

5 ~~12.3~~ For purposes of this Rule 12, each of the following terms shall have the following meanings:

6 ~~12.3.1 “An interactive web site” means a Web site that permits a contributor to make a~~
7 ~~contribution, or purchase a product in connection with a charitable solicitation, by~~
8 ~~electronically completing the transaction, such as by submitting credit card information~~
9 ~~or authorizing an electronic funds transfer. Interactive sites include sites through which~~
10 ~~a donor may complete a transaction online through any online mechanism processing a~~
11 ~~financial transaction even if completion requires the use of linked or redirected sites. A~~
12 ~~Web site is interactive if it has this capacity, regardless of whether donors actually use it.~~

13 ~~12.3.2 “To specifically target persons physically located in Colorado for solicitation”~~
14 ~~means either:~~

15 ~~12.3.2.1 To include on its Web site an express or implied reference to soliciting~~
16 ~~contributions from Colorado; or~~

17 ~~12.3.2.2 To otherwise affirmatively appeal to residents of Colorado, such as by~~
18 ~~advertising or sending messages to persons located in Colorado (electronically or~~
19 ~~otherwise) when the entity knows or reasonably should know the recipient is~~
20 ~~physically located in Colorado. Charities operating on a purely local basis, or~~
21 ~~within a limited geographic area, do not target states outside their operating area,~~
22 ~~if their web site makes clear in context that their fundraising focus is limited to~~
23 ~~that area even if they receive contributions from outside that area on less than a~~
24 ~~repeated and ongoing basis or on a substantial basis.~~

25 ~~12.3.3 “To receive contributions from Colorado on a repeated and ongoing basis or a~~
26 ~~substantial basis” means receiving contributions within the entity’s fiscal year, or~~
27 ~~relevant portion of a fiscal year, that are of sufficient volume to establish the regular or~~
28 ~~significant (as opposed to rare, isolated, or insubstantial) nature of those contributions.~~
29 ~~An entity receives contributions on a repeated and ongoing basis if it receives at least 50~~
30 ~~online contributions at any time in a year, and it receives substantial contributions if it~~
31 ~~receives \$25,000 or 1% of its total contributions, whichever is less, in online~~
32 ~~contributions in a fiscal year.~~

33 ~~12.3.4 An entity that solicits via e-mail into Colorado shall be treated the same as one that~~
34 ~~solicits via telephone or direct mail, if the soliciting party knew or reasonably should~~
35 ~~have known that the recipient was a resident of or was physically located in Colorado.~~

36 *(Current Rule 12.3 is amended and relocated to New Rule 11.1)*

37 ~~12.4~~11.4 Solicitations for the sale of a product or service that include a representation that some
38 portion of the price shall be devoted to a charitable organization or charitable purpose (often
39 referred to as “commercial coventuring” –or “cause marketing” –and defined in section
40 6-16-103(3), C.R.S., as a “charitable sales promotion”-) shall be governed by the same standards

1 as otherwise set out in this ~~Rule 12~~ RULE 11 and ~~pursuant to~~ IN ACCORDANCE WITH section
2 6-16-104(1), C.R.S.

3 ~~12.5-11.5~~ Nothing in this ~~Rule 12~~ RULE 11 is intended to limit or expand upon the exception to the
4 definition of a paid solicitor listed in section 6-16-103(7)(f), C.R.S., which states that a person
5 whose only responsibility in connection with a charitable contribution is to provide a merchant
6 account to process credit card payments using the internet IS NOT CONSIDERED A PAID SOLICITOR.

7 **Current Rule 13 is amended and renumbered as New Rule 12:**

8 **~~Rule 13~~ RULE 12. —Contact Information for Custodians of Books and Records**

9 12.1 ~~Wherever a charitable solicitations~~ IF A filing, including ~~but not limited to~~ A solicitation campaign
10 financial reports, calls for the name and address of a person with custody of books and records,
11 ~~such~~ THE name ~~shall~~ MUST be ~~that of~~ FOR a ~~natural person~~ INDIVIDUAL and ~~such~~ THE address ~~shall~~
12 MUST be a street address of that ~~person's~~ INDIVIDUAL'S principal office or usual place of
13 business. ~~For a person that has no~~ IF THE INDIVIDUAL DOES NOT HAVE A principal office address
14 and ~~no~~ OR usual place of business, ~~such~~ THE address ~~shall~~ MUST be the street address of the
15 ~~person's~~ INDIVIDUAL residence.

16 **Current Rule 14 is amended and renumbered as New Rule 13:**

17 **~~Rule 14~~ RULE 13. —Paid Solicitor Registration**

18 ~~14.1-13.1~~ Pursuant to IN ACCORDANCE WITH section 6-16-104.6(4), C.R.S., a paid solicitor may
19 register and pay a single fee on behalf of its agents (including ~~any~~ subcontractors) ~~provided that~~
20 ~~each agent or subcontractor is~~ listed on the paid solicitor's registration.

21 ~~14.2-13.2~~ For ~~any~~ A specific solicitation campaign, ~~any~~ agent or subcontractor not directly under
22 contract to the registered paid solicitor must file its own registration.

23 ~~14.3-13.3~~ As referenced in section 6-16-104.6(2), C.R.S., and in ~~rule 15.2.1~~ RULE 14.2.1, ~~any~~ A
24 copy of a contract provided to a charitable organization or the Secretary of State ~~shall~~ MUST be
25 the most recent complete version of the agreement signed by an authorized official of the
26 charitable organization and by the paid solicitor, and it ~~shall~~ MUST include the original agreement
27 and all addenda.

28 **Current Rule 15 is amended and renumbered as New Rule 14:**

29 **~~Rule 15~~ RULE 14. —Subcontractors**

30 ~~15.1-14.1~~ Filing Requirements

31 ~~15.1.1-14.1.1~~ ~~Any~~ A subcontractor operating under a contract with a registered paid solicitor in
32 connection with the paid solicitor's work on behalf of a charitable organization to solicit
33 contributions will be treated as an agent of that paid solicitor and is not required to
34 register. ~~—The paid solicitor shall be responsible for filing~~ MUST FILE all solicitation
35 notices and campaign reports AND ENSURE THAT THE SUBCONTRACTOR PROVIDES
36 WRITTEN CONFIRMATION OF CONTRIBUTION STATEMENTS AND MAKES ALL THE
37 REQUIRED ORAL DISCLOSURES THAT APPLY TO PAID SOLICITORS IN SECTIONS 6-16-105
38 AND 6-16-105.3, C.R.S., RESPECTIVELY.

1 ~~15.1.2~~ 14.1.2 A SUBCONTRACTOR WHO MAKES AN ORAL SOLICITATION REGARDING A
2 CHARITABLE CONTRIBUTION TO A PERSON BY A TELEPHONE CALL RECEIVED IN
3 COLORADO MUST STATE THEIR OWN FIRST AND LAST NAME AND STATE THAT THEY ARE
4 CALLING ON BEHALF OF THE REGISTERED PAID SOLICITOR.

5 ~~15.1.3~~ 14.1.3 ~~Any~~AN agent (but not an employee) of a subcontractor operating under a contract
6 with that subcontractor to solicit contributions ~~shall~~MUST register separately.

7 ~~15.2~~ 14.2 Authorization to Solicit

8 ~~15.2.1~~ 14.2.1 A subcontractor ~~shall~~MUST operate under a written contract with a registered
9 paid solicitor and ~~such~~THE contract ~~shall~~MUST be provided to the Secretary of State
10 upon request ~~pursuant to~~ IN ACCORDANCE WITH section 6-16-104.6(2), C.R.S.

11 ~~15.2.2~~ 14.2.2 A subcontractor ~~shall~~MUST keep records in accordance with section 6-16-109,
12 C.R.S., and ~~shall~~MUST furnish the originals or copies to the paid solicitor.