

COLORADO SECRETARY OF STATE

8 CCR 1505-8

RULES CONCERNING LOBBYIST REGULATION

Revised Draft of Proposed Rules

August 28, 2008

This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on July 31, 2008. This rulemaking hearing to be conducted on September 2, 2008 will use this Final Draft.

This draft copy of the proposed rule amendments is made available to the public and posted on the Department of State's web site, in compliance with the requirement of section 24-4-103 (4) (a), C.R.S., that "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."

*Proposed additions to the current rules are reflected in SMALL CAPS or underlined. Proposed deletions from current rules are shown in ~~stricken type~~. **Shading** indicates revisions from the previous draft. Annotations may be included.*

1 [Existing Rule 1 would be amended and relocated as New Rule 2]

2 **RULE 1. FEES.**

3 (1) — ~~The fee for manual filing of a professional lobbyist registration statement shall be~~
4 ~~fifty dollars (\$50.00), except that the fee for a registration statement for the fiscal year~~
5 ~~beginning July 1, 2001 that is filed in writing before January 1, 2002 shall be twenty five~~
6 ~~dollars (\$25.00) if the registering lobbyist requests to file electronically, and does file~~
7 ~~electronically, all monthly disclosure statements for the fiscal year that are due on or after~~
8 ~~January 1, 2002.~~

9 (2) — ~~The fee for electronic filing of a professional lobbyist registration statement shall~~
10 ~~be twenty five dollars (\$25.00) if the registering lobbyist requests to file electronically,~~
11 ~~and does file electronically, all monthly disclosure statements for the fiscal year.~~

12 (3) — ~~The fee for electronic filing of a professional lobbyist registration statement shall~~
13 ~~be forty dollars (\$40.00) if the registering lobbyist does not request to file electronically,~~
14 ~~or does not file electronically, all monthly disclosure statements in connection with the~~
15 ~~registration. If a lobbyist requests to file electronic monthly disclosure statements at the~~
16 ~~time of registration and subsequently files any disclosure statement manually, the~~

1 ~~remaining fifteen dollars (\$15.00) of the fee set by this subsection (3) shall be due and~~
2 ~~payable at the time of manual filing of the written disclosure statement.~~

3 New Rule 1 would be adopted as follows:

4 **RULE 1. DEFINITIONS**

5 1.1 “BONA FIDE PERSONAL EMERGENCY,” AS USED IN SECTION 24-6-302 (7), C.R.S.,
6 MEANS:

7 1.1.1 MEDICAL EMERGENCIES INCLUDING: INCAPACITATION, HOSPITALIZATION,
8 ACCIDENT INVOLVEMENT, DEATH OF PERSONS OR TO MEMBERS OF SUCH
9 PERSONS’ IMMEDIATE FAMILY;

10 1.1.2 PRACTICAL EMERGENCIES INCLUDING: EXTRAORDINARY OBSTACLES OUT
11 OF THE CONTROL OF THE LOBBYIST OR LOBBYIST FIRM THAT PRECLUDE
12 TIMELY DISCLOSURE SUCH AS THE LOSS OR UNAVAILABILITY OF RECORDS
13 OR A COMPUTER DUE TO FIRE, FLOOD OR THEFT, OR OTHER COMPELLING
14 REASONS BEYOND THE LOBBYIST’S OR LOBBYIST FIRM’S CONTROL.

15 1.2 “RULEMAKING OFFICIAL,” AS USED IN SECTION 24-6-301 (1.7)(B), C.R.S., MEANS
16 AN OFFICIAL OF A STATE AGENCY WHO HAS JURISDICTION OR AUTHORITY TO ADOPT
17 ANY PROPOSED RULE, STANDARD, OR RATE. DEPENDING ON THE ORGANIZATIONAL
18 MAKEUP OF ANY PARTICULAR STATE AGENCY, “RULEMAKING OFFICIALS” MAY OR
19 MAY NOT BE ELECTED OFFICIALS, DEPARTMENT HEADS, OR CERTAIN DEPARTMENT
20 EMPLOYEES.

21 1.3 “STATE LIAISON” MEANS THE ONE PERSON DESIGNATED BY EACH PRINCIPAL
22 DEPARTMENT WHO IS RESPONSIBLE FOR ANY LOBBYING BY A STATE OFFICIAL OR
23 EMPLOYEE ON BEHALF OF THE PRINCIPAL DEPARTMENT, PURSUANT TO SECTION 24-
24 6-303.5 (1)(A), C.R.S.

25 1.4 “SUBSTANTIAL VIOLATION” MEANS ANY ONE OF THE FOLLOWING VIOLATIONS OF
26 PART 3 OF TITLE 24 OF THE COLORADO REVISED STATUTES:

27 **AA.** FAILURE TO REGISTER AS A LOBBYIST PURSUANT TO SECTIONS 24-6-303 OR
28 24-6-303.5, C.R.S.;

29 **BB.** FAILURE TO FILE A MONTHLY DISCLOSURE ~~REPORT STATEMENT~~ WITHIN
30 FIFTEEN (15) DAYS ~~OF AFTER~~ THE DUE DATE WHILE THE GENERAL ASSEMBLY
31 IS IN SESSION, PURSUANT TO SECTIONS 24-6-303 (3)(A) AND 24-6-303.5
32 (2)(B), C.R.S.;

33 **CC.** FAILURE TO FILE A MONTHLY DISCLOSURE ~~REPORT STATEMENT~~ WITHIN
34 THIRTY (30) DAYS ~~PAST AFTER~~ THE DUE DATE WHILE THE GENERAL
35 ASSEMBLY IS NOT IN SESSION, PURSUANT TO SECTIONS 24-6-303 (3)(A) AND
36 24-6-303.5 (2)(B), C.R.S.;

1 DD. KNOWINGLY UNDERREPORTING ANY ITEM OF INCOME OR EXPENDITURES BY
2 ANY AMOUNT ON THE DISCLOSURE STATEMENT;

3 EE. UNDERREPORTING INCOME OR EXPENDITURES BY TWENTY PERCENT OR
4 MORE ON THE ENTIRE DISCLOSURE STATEMENT;

5 FF. ANY VIOLATION OF THE PROVISIONS OF SECTIONS 24-6-306, 24-6-307, OR
6 24-6-308, C.R.S.;

7 GG. ANY OTHER VIOLATION THAT THE SECRETARY OF STATE DEEMS
8 "SUBSTANTIAL," TAKING INTO CONSIDERATION THE FOLLOWING FACTORS
9 DERIVED FROM *FABEC V. BECK*, 922 P.2D 330 (COLO. 1996):

10 1-I. THE EXTENT OF NONCOMPLIANCE;

11 2-II. THE PURPOSE OF THE APPLICABLE PROVISION AND WHETHER THAT
12 PURPOSE IS SUBSTANTIALLY ACHIEVED DESPITE THE ALLEGED
13 NONCOMPLIANCE; AND

14 3-III. WHETHER THERE WAS A GOOD-FAITH EFFORT TO COMPLY OR
15 WHETHER NONCOMPLIANCE IS BASED ON A CONSCIOUS DECISION TO
16 LOBBY COVERED OFFICIALS WITHOUT REGISTERING OR FILING
17 DISCLOSURE STATEMENTS.

18 [Existing Rule 2 would be amended and relocated as New Rule 3]

19 **RULE 2. ELECTRONIC FILING.**

20 ~~(1) — Any professional lobbyist who wishes to file a registration statement and monthly~~
21 ~~disclosure statements electronically shall first submit a written request therefor to~~
22 ~~the secretary of state. The request shall be submitted either in hard copy form or~~
23 ~~in electronic form. A request may be submitted in electronic form by transmitting~~
24 ~~to the secretary of state a completed electronic request form over the Internet or~~
25 ~~by submitting a request by e-mail, as may be directed by the secretary of state's~~
26 ~~web site. The request shall contain:~~

27 ~~(a) — The lobbyist's name and the name of not more than one authorized agent~~
28 ~~who may electronically file on the lobbyist's behalf;~~

29 ~~(b) — Contact information for the individual who will be responsible for~~
30 ~~electronic filing, including mailing address, telephone number, and e-mail~~
31 ~~address of the lobbyist or the authorized agent, as the case may be;~~

32 ~~(c) — An affirmation by the lobbyist that any identification number and~~
33 ~~password issued by the secretary of state will not be disclosed by the~~
34 ~~lobbyist to third parties, except to the authorized agent of the lobbyist, and~~
35 ~~that the identification number and password will not be used in an~~
36 ~~unauthorized manner;~~

- 1 ~~(d) — An agreement by the lobbyist to report promptly to the secretary of state~~
2 ~~any change to the lobbyist's or authorized agent's mailing address,~~
3 ~~telephone number, or e-mail address;~~
- 4 ~~(e) — An agreement by the lobbyist to report any theft, loss, or compromise of~~
5 ~~the lobbyist's identification number or password;~~
- 6 ~~(f) — An agreement by the lobbyist that the secretary of state may terminate the~~
7 ~~electronic filing status for any of the following reasons:~~
- 8 ~~(i) — Failure to keep contact information current with the secretary of~~
9 ~~state;~~
- 10 ~~(ii) — Disclosure to any unauthorized person(s) or misuse of the assigned~~
11 ~~identification number or password;~~
- 12 ~~(iii) — Termination of lobbyist status; or~~
- 13 ~~(iv) — Other good cause shown.~~
- 14 ~~(g) — Such additional information as the secretary of state may require in order~~
15 ~~to establish and maintain an accurate, accessible, secure, electronic~~
16 ~~lobbyist filing and information system.~~
- 17 ~~(2) — Promptly after receiving a request for electronic filing as provided in this Rule 2,~~
18 ~~the secretary of state shall assign the professional lobbyist a unique identification~~
19 ~~number and password and e-mail such number and password to the professional~~
20 ~~lobbyist or the authorized agent at the e-mail address furnished by the~~
21 ~~professional lobbyist in the request for electronic filing. The identification~~
22 ~~number and password shall remain valid unless terminated by the secretary of~~
23 ~~state or the lobbyist; except that, the electronic filing system established by the~~
24 ~~secretary of state may enable the professional lobbyist or the authorized agent to~~
25 ~~change the password or other contact information within limitations prescribed by~~
26 ~~the secretary of state.~~
- 27 ~~(3) — Any professional lobbyist to whom the secretary of state has issued a lobbyist~~
28 ~~identification number and a password may file registration statements and~~
29 ~~monthly disclosure statements electronically. Electronic filings shall be in the~~
30 ~~format and on forms prescribed by the secretary of state from time to time.~~
- 31 ~~(4) — The electronic disclosure statement form may provide a space to list specific bill~~
32 ~~numbers and a brief description of the subject matter. Any information on bills~~
33 ~~may be carried over from month to month with a provision to add new~~
34 ~~information or to delete information no longer relevant.~~
- 35 ~~(5) — A lobbyist may designate a different authorized agent by submitting a new request~~
36 ~~for electronic filing in the manner provided by subsection (1) of this Rule 2. In~~

1 such case, the secretary of state may issue a new password to the new authorized
2 agent.

3 ~~(6) — When the lobbyist or authorized agent utilizes the electronic filing system to~~
4 ~~submit to the secretary of state, with the identification number and password~~
5 ~~assigned as provided in this Rule 2, a registration statement or disclosure~~
6 ~~statement, such submission shall constitute the lobbyist's or agent's electronic~~
7 ~~signature as provided by section 24-71.1-106, Colorado Revised Statutes, under~~
8 ~~penalty of perjury as provided by law.~~

9 New Rule 2 would be adopted as follows:

10 **RULE 2. FEES**

11 2.1 THE FEE FOR FILING A PROFESSIONAL LOBBYIST REGISTRATION STATEMENT SHALL
12 BE FORTY DOLLARS (\$40.00) EXCEPT THAT THE FEE FOR A REGISTRATION
13 STATEMENT MAY BE WAIVED FOR A PROFESSIONAL LOBBYIST FOR A NOT-FOR-
14 PROFIT ORGANIZATION IN ACCORDANCE WITH RULE 2.2.

15 2.2 UPON WRITTEN REQUEST, THE SECRETARY OF STATE MAY WAIVE THE
16 REGISTRATION FEE FOR A PROFESSIONAL LOBBYIST FOR A NOT-FOR-PROFIT
17 ORGANIZATION WHO MEETS ONE OR MORE OF THE FOLLOWING CONDITIONS:

18 ~~(A)~~A. THE LOBBYIST DERIVES HIS OR HER LOBBYIST COMPENSATION SOLELY FROM
19 THE ORGANIZATION; AND

20 ~~(B)~~B. ~~(I)~~I. THE LOBBYIST'S ORGANIZATION IS OPERATING UNDER FINANCIAL
21 HARDSHIP CONDITIONS; OR

22 ~~(H)~~II. THE LOBBYIST WILL HAVE PARTICULAR INTEREST IN ONLY ONE
23 ISSUE OR BILL AND DOES NOT INTEND TO LOBBY THROUGHOUT THE
24 STATE FISCAL YEAR.

25 [Existing Rule 3 would be amended and relocated as New Rule 3.5]

26

27 **RULE 3. PUBLIC ACCESS.**

28 ~~(1) — The secretary of state shall provide the public with electronic access over the~~
29 ~~Internet to lobbyist filings and information exclusively on a "read only" basis.~~

30 ~~(2) — Automated extraction of bulk data from the secretary of state's web site, such as~~
31 ~~by means of computerized "robots" or "data mining", is prohibited. Upon~~
32 ~~request, the secretary of state will provide bulk data for a fee established pursuant~~
33 ~~to section 24-21-104, Colorado Revised Statutes.~~

34 New Rule 3 would be adopted as follows:

35 **RULE 3. ELECTRONIC FILING**

- 1 3.1 EXCEPT AS PROVIDED IN RULE 3.2, ALL APPLICATIONS FOR REGISTRATION AND
2 DISCLOSURE ~~REPORTS—STATEMENTS~~ FILED WITH THE SECRETARY OF STATE
3 PURSUANT TO TITLE 24, ARTICLE 6, PART 3 SHALL BE FILED ELECTRONICALLY.
4 REPORTS REQUIRED TO BE FILED ELECTRONICALLY WITH THE SECRETARY OF STATE
5 UNDER THIS RULE THAT ARE PRESENTED FOR MANUAL FILING SHALL NOT BE
6 ACCEPTED. THIS RULE SHALL NOT APPLY TO CUMULATIVE ANNUAL REPORTS FILED
7 PURSUANT TO SECTION 24-6-302 (3)(B), C.R.S.
- 8 3.2 IN ACCORDANCE WITH SECTION 24-21-111, C.R.S., REPORTS ARE NOT REQUIRED TO
9 BE FILED ELECTRONICALLY IF THE SECRETARY OF STATE HAS GRANTED AN
10 EXCEPTION TO THE ELECTRONIC FILING REQUIREMENT AFTER WRITTEN
11 APPLICATION BASED ON HARDSHIP OR OTHER GOOD CAUSE SHOWN. ALL
12 APPLICATIONS FOR AN EXCEPTION SHALL INCLUDE A BRIEF STATEMENT OF THE
13 HARDSHIP OR GOOD CAUSE FOR WHICH THE EXCEPTION IS SOUGHT. APPLICATIONS
14 MUST BE RECEIVED BY THE ~~S~~SECRETARY OF ~~S~~STATE AT LEAST FIFTEEN (15)
15 CALENDAR DAYS PRIOR TO THE FIRST APPLICABLE FILING DEADLINE, UNLESS THE
16 EXCEPTION IS BASED ON EMERGENCY CIRCUMSTANCES ARISING AFTER SUCH
17 DEADLINE, IN WHICH CASE THE NATURE OF THE EMERGENCY SHALL BE DESCRIBED
18 IN THE APPLICATION. THE FILING OF AN APPLICATION FOR EXCEPTION BASED ON
19 EMERGENCY CIRCUMSTANCES DOES NOT DELAY ANY REPORTING DEADLINES,
20 HOWEVER, IF A PENALTY IS IMPOSED FOR FAILURE TO FILE A REPORT ON THE DUE
21 DATE, THE PENALTY MAY BE SET ASIDE OR REDUCED IN ACCORDANCE WITH
22 SECTION 24-6-302 (7), C.R.S.
- 23 3.3 FOR THE PURPOSES OF THIS RULE 3, “ELECTRONIC FILING” IS DEFINED AS THE FILING
24 OF REPORTS REQUIRED BY TITLE 24, ARTICLE 6, PART 3 OF THE COLORADO
25 REVISED STATUTES UTILIZING THE INTERNET SYSTEM CREATED BY THE SECRETARY
26 OF STATE PURSUANT TO SECTION 24-6-303 (6.3)(A), C.R.S.
- 27 3.4 WHEN THE LOBBYIST OR AUTHORIZED AGENT UTILIZES THE ELECTRONIC FILING
28 SYSTEM TO SUBMIT TO THE SECRETARY OF STATE, WITH THE IDENTIFICATION
29 NUMBER AND PASSWORD ASSIGNED AS PROVIDED IN THIS RULE 3, A REGISTRATION
30 STATEMENT OR DISCLOSURE STATEMENT, SUCH SUBMISSION SHALL CONSTITUTE
31 THE LOBBYIST’S OR AGENT’S ELECTRONIC SIGNATURE AS PROVIDED BY SECTION
32 24-71.1-106, ~~COLORADO REVISED STATUTES-C.R.S.~~, UNDER PENALTY OF PERJURY
33 AS PROVIDED BY LAW.
- 34 3.5 PUBLIC ACCESS
- 35 3.5.1 THE SECRETARY OF STATE SHALL PROVIDE THE PUBLIC WITH ELECTRONIC
36 ACCESS OVER THE INTERNET TO LOBBYIST FILINGS AND INFORMATION
37 EXCLUSIVELY ON A “READ ONLY” BASIS.
- 38 3.5.2 AUTOMATED EXTRACTION OF BULK DATA FROM THE SECRETARY OF
39 STATE’S WEB SITE, SUCH AS BY MEANS OF COMPUTERIZED “ROBOTS” OR
40 “DATA MINING”, IS PROHIBITED. UPON REQUEST, THE SECRETARY OF STATE

1 WILL PROVIDE BULK DATA FOR A FEE ESTABLISHED PURSUANT TO SECTION
2 24-21-104, ~~COLORADO REVISED STATUTES C.R.S.~~

3 [Existing Rule 4 would be relocated as New Rule 2.2]

4 ~~**RULE 4. WAIVER OF FEES.**~~

5 (1) ~~Upon written request, the secretary of state may waive the registration fee for a~~
6 ~~professional lobbyist for a not for profit organization who meets one or more of~~
7 ~~the following conditions:~~

8 (a) ~~The lobbyist derives his or her lobbyist compensation solely from the~~
9 ~~organization; and~~

10 (b) (i) ~~The lobbyist's organization is operating under financial hardship~~
11 ~~conditions; or~~

12 (ii) ~~The lobbyist will have particular interest in only one issue or bill~~
13 ~~and does not intend to lobby throughout the State fiscal year.~~

14 Rule 5 would be amended as follows:

15 ~~**RULE 4. DISCLOSURE**~~ ~~**RULE 5. DISCLOSURE OF GIFTS/ENTERTAINMENT.**~~

16 4.1 In accordance with section 24-6-301 (1.9) (a) (IV), ~~Colorado Revised Statutes~~
17 ~~C.R.S.~~, a lobbyist shall disclose in monthly disclosure statements specific gifts to
18 covered officials with a value of fifty dollars (\$50.00) or more, whether or not the
19 lobbyist made any expenditure for such gifts.

20 4.1.1 THE MONTHLY DISCLOSURE STATEMENT FOR PROFESSIONAL LOBBYISTS
21 SHALL FULFILL ALL REQUIREMENTS OF SECTIONS 24-6-302 (2) AND 24-6-
22 301 (1.9), C.R.S.

23 4.1.2 THE MONTHLY DISCLOSURE STATEMENT FOR A LOBBYING FIRM SHALL
24 FULFILL ALL REQUIREMENTS OF SECTIONS 24-6-302 (2) AND 24-6-301 (1.9),
25 C.R.S.

26 4.1.3 THE MONTHLY DISCLOSURE STATEMENT FOR STATE LIAISONS AND PERSONS
27 LOBBYING ON BEHALF OF AN INSTITUTION OR GOVERNING BOARD OF HIGHER
28 EDUCATION SHALL FULFILL ALL REQUIREMENTS OF SECTION 24-6-303.5
29 (2)(A), C.R.S.

30 4.2 THE REGISTRATION AND DISCLOSURE STATEMENTS OF EACH STATE LIAISON SHALL
31 INCLUDE THE INFORMATION REQUIRED BY SECTION 24-6-303.5, C.R.S., FOR ALL
32 STATE OFFICIALS AND EMPLOYEES WITHIN THE PRINCIPAL DEPARTMENT, INCLUDING
33 THOSE OFFICIALS AND EMPLOYEES LOBBYING ON BEHALF OF ANY COMMISSION,
34 BOARD, COUNCIL, AGENCY, OR OTHER SUBDIVISION OF THE PRINCIPAL
35 DEPARTMENT, EXCEPT FOR PERSONS LOBBYING ON BEHALF OF AN INSTITUTION OR

1 GOVERNING BOARD OF HIGHER EDUCATION, WHO SHALL FILE REGISTRATION AND
2 DISCLOSURE STATEMENTS INDIVIDUALLY. NOTHING IN THESE RULES OR SECTION
3 24-6-303.5, C.R.S., SHALL BE CONSTRUED TO AUTHORIZE A STATE LIAISON TO
4 MANAGE, CONTROL, SUPERVISE, OR DIRECT THE LOBBYING ACTIVITIES OF ANY
5 STATE OFFICIAL OR EMPLOYEE OF THE PRINCIPAL DEPARTMENT EXCEPT AS MAY BE
6 NECESSARY TO ENABLE THE STATE LIAISON TO COMPLY WITH THE REGISTRATION
7 AND REPORTING REQUIREMENTS OF THE STATUTES AND THESE RULES.

8 New Rule 5 would be adopted as follows:

9 **RULE 5. RECORD RETENTION**

10 5.1 ~~FOR PROFESSIONAL LOBBYISTS AND LOBBYIST FIRMS, RECORDS REQUIRED TO BE~~
11 ~~RETAINED SHALL RETAIN THE FOLLOWING IN ACCORDANCE WITH PURSUANT TO~~
12 ~~SECTION 24-6-304 (1), C.R.S., SHALL INCLUDE BUT NOT BE LIMITED TO:~~

- 13 A. RECEIPTS FOR EXPENDITURES OR CONTRIBUTIONS MADE;
- 14 B. DOCUMENTATION OF INCOME;
- 15 C. CONTRACTS, ~~WHETHER VERBAL OR WRITTEN;~~
- 16 D. DOCUMENTATION RELATING TO A “DIRECT BUSINESS ASSOCIATION” AS
17 SUCH TERM IS DEFINED IN SECTION 24-6-301 (1.9)(A)(XII), C.R.S.; AND
- 18 E. ANY OTHER RECORDS USED IN PREPARING STATEMENTS OR REPORTS FILED
19 WITH THE SECRETARY OF STATE.
- 20 ~~E. DOCUMENTATION OR OTHER EVIDENCE RELATING TO LEGISLATION FOR~~
21 ~~WHICH THE PROFESSIONAL LOBBYIST HAS BEEN RETAINED; AND~~
- 22 ~~F. ANY OTHER EVIDENCE RELATING TO LOBBYING ACTIVITY WHICH MAY BE~~
23 ~~USEFUL IN THE EVENT OF AN AUDIT OR INVESTIGATION BY THE SECRETARY~~
24 ~~OF STATE.~~

25 ~~5.2 FOR STATE LIAISONS, RECORDS REQUIRED TO BE RETAINED PURSUANT TO SECTION~~
26 ~~24-6-304(1) C.R.S., MAY BE RETAINED IN THE FORM OF A LOG, SPREADSHEET OR~~
27 ~~OTHER APPROPRIATE TRACKING MECHANISM AND SHALL INCLUDE BUT NOT LIMITED~~
28 ~~TO:~~

- 29 ~~A. HOURS SPENT ON LOBBYING;~~
- 30 ~~B. THE AMOUNT OF PUBLIC FUNDS EXPENDED; AND,~~
- 31 ~~C. THE LEGISLATION, BILL, BILL PAPERS BEING SUPPORTED, OPPOSED OR~~
32 ~~MONITORED.~~

33 New Rule 6 would be adopted as follows:

1 **RULE 6. ENFORCEMENT**

2 6.1 WAIVER PROCESS

3 6.1.1 PURSUANT TO SECTION 24-6-302 (7), C.R.S., ANY PROFESSIONAL LOBBYIST
4 OR LOBBYIST FIRM REGISTERED WITH THE SECRETARY OF STATE MAY
5 REQUEST AN IMPOSED FINE TO BE EXCUSED OR REDUCED BY SUBMITTING A
6 WRITTEN REQUEST BY LETTER, EMAIL, FAX OR HAND-DELIVERY WITHIN
7 THIRTY (30) DAYS OF THE IMPOSITION OF FINE. THE REQUEST SHOULD
8 INCLUDE:

- 9 A. THE NAME OF THE REGISTERED LOBBYIST;
- 10 B. THE DATE OF THE REQUEST;
- 11 C. THE DUE DATE OF THE DELINQUENTLY FILED DISCLOSURE
12 ~~REPORT~~STATEMENT(S);
- 13 D. THE ACTUAL FILING DATE OF THE DELINQUENTLY FILED DISCLOSURE
14 ~~REPORT~~STATEMENT(S);
- 15 E. A BRIEF SUMMARY OF THE REASONS, CIRCUMSTANCES, OR OTHER
16 JUSTIFICATION OF THE “BONA FIDE PERSONAL EMERGENCY”;
- 17 F. ANY MEASURES THE LOBBYIST OR FIRM HAS INSTITUTED OR PLANS
18 TO INSTITUTE TO AVOID FUTURE DELINQUENCIES, IF APPLICABLE;
19 AND
- 20 G. OTHER RELEVANT INFORMATION;

21 6.2 COMPLAINTS

22 6.2.1 IN ACCORDANCE WITH SECTION 24-6-305 (2)(C),C.R.S., ANY PERSON WHO
23 BELIEVES A LOBBYIST, INCLUDING A STATE LIAISON AND A PERSON
24 LOBBYING ON BEHALF OF AN INSTITUTION OR GOVERNING BOARD OF HIGHER
25 EDUCATION, OR LOBBYIST FIRM HAS NOT COMPLIED WITH THE
26 REQUIREMENTS OF SECTION 24-6-302 *ET SEQ.*, C.R.S., OR THIS RULE 6 MAY
27 FILE A WRITTEN COMPLAINT WITH THE SECRETARY OF STATE.

28 6.2.1.1 A WRITTEN COMPLAINT FILED WITH THE SECRETARY OF STATE
29 SHALL CONTAIN THE FOLLOWING INFORMATION:

- 30 A. THE COMPLAINANT’S NAME;
- 31 B. THE COMPLAINANT’S FULL RESIDENCE ADDRESS AND
32 MAILING ADDRESS (IF DIFFERENT FROM RESIDENCE);

- 1 C. A DESCRIPTION OF THE ALLEGED VIOLATION, WHICH MAY
- 2 INCLUDE A REFERENCE TO THE PARTICULAR STATUTE OR
- 3 RULE;
- 4 D. THE NAME OF THE LOBBYIST OR LOBBYIST FIRM;
- 5 E. THE DATE AND LOCATION OF THE ALLEGED VIOLATION, IF
- 6 KNOWN; AND
- 7 F. OTHER APPLICABLE OR RELEVANT INFORMATION.

8 6.2.1.2 THE SECRETARY OF STATE SHALL REVIEW ALL COMPLAINTS
9 SUBMITTED IN WRITING AND CONDUCT SUCH INVESTIGATIONS AS
10 MAY BE NECESSARY AND APPROPRIATE. IF THE SECRETARY OF
11 STATE DETERMINES THAT A VIOLATION MAY HAVE OCCURRED, THE
12 SECRETARY OF STATE SHALL TAKE APPROPRIATE ACTION AS SET
13 FORTH IN SECTION 24-6-305, C.R.S.

14 6.2.1.3 UPON RECEIPT OF A PROPERLY SUBMITTED COMPLAINT, THE
15 SECRETARY OF STATE SHALL: ~~NOTIFY VIA CERTIFIED MAIL THE~~
16 ~~LOBBYIST AND HIS OR HER LOBBYIST FIRM, OR IN THE CASE OF A~~
17 ~~STATE LIAISON, THE STATE LIAISON AND HIS OR HER EXECUTIVE~~
18 ~~DIRECTOR OR ELECTED OFFICIAL OF:~~

- 19 A. NOTIFY VIA CERTIFIED MAIL THE PERSON AGAINST WHOM
- 20 THE COMPLAINT IS FILED; AND
- 21 B. IN THE CASE OF A STATE LIAISON, NOTIFY IN WRITING THE
- 22 HEAD OF THE PRINCIPLE DEPARTMENT; OR
- 23 C. IN THE CASE OF A PERSON LOBBYING ON BEHALF OF AN
- 24 INSITUATION OR GOVERNING BOARD OF HIGHER EDUCATION,
- 25 NOTIFY IN WRITING SUCH INSTITUTION OR GOVERNING
- 26 BOARD.

27 6.2.1.4 NOTIFICATION OF A COMPLAINT IN ACCORDANCE WITH RULE 6.2.1.3
28 SHALL INCLUDE:

- 29 A. THE DATE AND FACTUAL BASIS OF EACH ACT WITH WHICH
- 30 THE LOBBYIST OR FIRM IS BEING CHARGED;
- 31 B. THE PARTICULAR PROVISION OF THE STATUTE ALLEGED TO
- 32 HAVE BEEN VIOLATED;
- 33 C. WHAT ACTION(S) THE SECRETARY OF STATE PLANS TO
- 34 TAKE; AND
- 35 D. OTHER RELEVANT INFORMATION.