



20 PUBLIC POLICY AGENDA

23 A GLIMPSE AT COLORADO NONPROFIT ASSOCIATION'S PRIORITIES DURING THE STATE LEGISLATIVE SESSION

Advocacy is an essential element of how the Colorado Nonprofit Association serves its members and the nonprofit community at large. We lead the adoption and implementation of public policies that strengthen nonprofits and communities throughout Colorado.

In the 2023 state legislative session, we will focus on the following priorities.

1 REMOVE BARRIERS TO NONPROFIT EMPLOYEES PARTICIPATING IN PUBLIC POLICY AND ADVOCACY

Nonprofits should be encouraged to speak up on policy issues affecting the communities they represent. However, under current Colorado law, all nonprofit employees who are paid wages and participate in any type of lobbying activity — like communicating their organization's view on a state bill or rule to an elected official — are considered professional lobbyists. That means they must register with the Secretary of State and file monthly reports.

This law makes sense for people who lobby for a living, but not for nonprofit executives, communications professionals, fundraising staff or program staff who rarely contact elected officials, but who occasionally participate in advocacy to advance initiatives important to their organizations and communities. **That's why the Colorado Nonprofit Association is requesting that Colorado nonprofit employees be exempt from lobbyist registration if their advocacy activity is minimal.** A limit of five percent work time (eight hours per month) would align Colorado's lobbying law more closely with federal law and with states like Maine, North Carolina, Ohio and others. This exemption would give nonprofit employees the freedom to advocate for the people they serve. ◆

In addition to these top priorities, we'll monitor other issues that impact nonprofits, such as:



Affordable housing

Funding for nonprofits with government contracts



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PROPOSE CHANGES TO THE COLORADO PRIVACY ACT TO REDUCE ADMINISTRATIVE BURDENS FOR NONPROFITS

In addition to these top priorities, we'll monitor other issues that impact nonprofits, such as:



Workforce changes


Tax and budgetary policies



Charitable contributions

In 2021, Colorado passed Senate Bill 21-190, the Colorado Privacy Act (CPA). The CPA gives Colorado residents the right to tell a company to stop collecting their personal data, and to have the company delete any personal data that has been collected. While we agree this bill is good for consumers, we're concerned that it would create unnecessary administrative burden for Colorado nonprofits if the CPA is applied to non-commercial nonprofit activity. In other states, nonprofit entities are expressly exempt from the CPA.

Therefore, the Colorado Nonprofit Association is advocating for an exemption for Colorado nonprofit organizations. If it's determined that the CPA does apply to Colorado nonprofits, we seek to partner with the state's Attorney General office in creating a certification program for nonprofits. The certification would:

- Show that a nonprofit's staff have completed educational training regarding their new Duties of Care under the CPA
- Create an affirmative defense for a participant nonprofit against penalties if it experiences a data event 

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We look forward to continuing our efforts to improve Coloradans' quality of life by advocating for public policies that allow Colorado's nonprofits to effectively advance their critical missions. If you have questions or suggestions, please email Paul Lhevine, President & CEO, at plhevine@coloradononprofits.org.