

## Guidelines for Communicating with Elected Officials and Rule-Making Bodies

As a grantee of Amendment 35 state funds, you must ensure that these funds are not used for purposes that would violate the restrictions placed on those funds at C.R.S. § 24-22-117(5) and the Fair Campaign Practices Act (FCPA) at C.R.S. § 1-45-101 *et seq.* The FCPA prohibits the use of state funds to influence the state legislative or rulemaking process or to attempt to influence any matter that is being put to a vote by the electorate. Likewise, Amendment 35 funds may not be used for lobbying, as that term is defined at C.R.S. § 24-6-301(3.5), or to support or oppose any ballot issue or ballot question. Below is a non-comprehensive list of activities that do/do not violate these restrictions.

Amendment 35 state funds may be used for the following:

- Educating elected officials at the state and local level and the general public about public health problems and evidence based solutions.
- Providing general tobacco education to members of a local governing body about matters that do not involve a formal ballot initiative or referred measure.
- Efforts to pursue changes to ordinances from local government bodies, provided that those changes were not the subject of the initiative or referendum process.

Amendment 35 state funds may not be used for any of the following:

- Supporting or opposing citizen petitions or referred measures that relate to statewide matters, including those addressing tax changes, tax policy changes, debt changes, or revenue changes.
- Supporting or opposing citizen petitions or referred measures that relate to local government measures, including a county, municipality, school district, or special district, and including those matters addressing tax changes, tax policy changes, mill levy changes, debt changes, or revenue changes.
- Attempting to influence legislation or a special session by communicating with the Governor, Lieutenant Governor, members of General Assembly, or the director of research or staff of the Legislative Council.
- Communicating with a member of a rule-making board or commission or a rule-making official of a state agency which has jurisdiction over the subject matter of a rule.
- Supporting or opposing any statewide or local ballot question or ballot initiative once it has been referred by the General Assembly or the governing body of a political subdivision to a vote of the people, or once a title has been set or it has been submitted to have a title set.

Please keep in mind that whether or not your activities are in compliance with the law is a highly fact-dependent analysis. Therefore, if you have questions about whether or not you are in compliance, you should seek independent legal advice.