

# Press credentialing in Colorado

An overview and a path forward

**By Joe Hanel**

Colorado Capitol Press Association Standing Committee of Correspondents  
and reporter for The Durango Herald

*Opinions and analysis expressed in this document are mine alone and do not represent the position of The Durango Herald or Ballantine Communications Inc., nor do they necessarily represent the views of other members of the Standing Committee of Correspondents*

# Contents

Overview of press credentialing at the Colorado Capitol	3
Purpose of the CCPA	
Structure of the CCPA	
Function of the CCPA	
Bylaws of the CCPA	
History of credentialing since 2007	
Floor access	4
Where media is allowed on the floor	
Journalistic benefits of floor access	
Challenges in administering the rules of the CCPA	5
Counterarguments to the CCPA's practice	5
Ownership	
Advertising	
The Colorado Independent: A case study	6
A path forward	9
Models of press credentialing	9
Systems like Colorado	
Credentialing by legislative leaders	
A beat reporters-only model	
No access for anyone	
Access by lawsuit	10
Conclusion	12
Appendix A: 2014 credentialed members of the CCPA	
Appendix B: Rules of the CCPA	

# Overview of press credentialing in Colorado

**Purpose of the Colorado Capitol Press Association.** In February 2014, Speaker of the House Mark Ferrandino plainly stated what other legislative leaders have inferred over the past six years: If the press corps cannot come up with a workable system of credentialing journalists and keep political groups from infiltrating our ranks, then all journalists will be barred from the floor of the House. With this in mind, the Colorado Capitol Press Association exists for one reason: to preserve access to the House and Senate floors for as many journalists as possible. That bears repeating: We are in the business of preserving access, not limiting it. And we have succeeded. In six years, we have recommended credentials to more than 200 journalists and declined to recommend just seven organizations (see Appendix A). Legislative leadership from both parties have demanded that political influence not be allowed to infiltrate their chambers through the ranks of the press corps. Lobbyists and campaign staff are not allowed on the floor, and from time to time lawmakers lodge complaints about them being there. Thus, the CCPA's charge is not to keep politics off the floor of the House and the Senate, but rather to make sure that people holding themselves out to be journalists are not the ones practicing politics on the floor.

The CCPA recommends credentials only for the floor of the House and Senate. Any other location in the Capitol is not affected by this system.

**Structure of the CCPA.** The CCPA is made up of its members, that is, the credentialed reporters of the press corps. Recommendations for credentials are made by a five-member board, the Standing Committee of Correspondents (currently Charles Ashby, Grand Junction Daily Sentinel; Bente Birkeland, Rocky Mountain Public Radio; Joe Hanel, Durango Herald; Ed Sealover, Denver Business Journal; and Eli Stokols, Fox 31). The original Standing Committee was self-appointed by the CCPA's founders. Members are added by a vote of the Standing Committee. It works this way because, in practice, reporters have to be cajoled to join. We have never had a journalist approach us and ask to be included on the Standing Committee. (In our first year, the owner of StateBill Colorado was upset that we offered credentials to his employees under the aegis of Law Week Colorado, a legal newspaper he owned, but not StateBill. He wanted to be elected to the board for the purpose of terminating it.)

**Function of the CCPA.** The Standing Committee of Correspondents recommends credentials to the speaker of the House and Senate president. It does not have the authority to issue credentials itself. Reporters who want access to the House and Senate floor apply to the Standing Committee. The committee reviews each application and notifies the applicant, usually by email, of its recommendation. Application forms are then given to the secretary of the Senate, at which point they become public documents. I keep the names of people recommended for credentials on a spreadsheet on my computer. Whenever a change is made, I give a copy to the chief sergeant-at-arms of each chamber, at which point this, too, becomes a public document. The speaker and president review and sign off on all application forms. They usually do not notify us when they do this unless they disagree with our recommendation.

Journalists who are recommended for credentials are sent instructions on how to obtain a purple name badge, along with information on where they are allowed on the floor and decorum in the

chamber. Once credentialed, members do not need to apply in subsequent years unless they switch news organizations. We do not charge dues. The only expense reporters incur is a name badge, which cost about \$8 at most office supply stores.

**Bylaws of the CCPA.** The bylaws are posted on the General Assembly's website (and included in Appendix B of this report), along with an application form and instructions. The bylaws are drawn from the congressional press galleries. In brief, the bylaws allow access to the floors for journalists from regularly published (in print or online) or broadcast general news organizations. Organizations and people that do not qualify include lobbyists, corporate newsletters, outlets that have operated for less than 52 consecutive weeks, people engaged in lawsuits against the state and people or groups tied to political campaigns.

**A history of press credentialing at the Colorado Capitol since 2007.** After a few situations where legislators could not distinguish journalists from political activists, legislators pressed in 2007 for a way to identify reporters on the floor, and they decided journalists should wear purple name badges. They first proposed that an identification card from the Colorado Press Association or Colorado Broadcasters Association be required to get a purple badge. But as the 2008 session drew near, Speaker of the House Andrew Romanoff expressed concerns with that standard out of concerns about one certain outlet, Face the State, which had procured affiliate membership in the CPA, along with press ID cards. Colorado Confidential, the precursor to the Colorado Independent, did the same. Romanoff asked some of the regular members of the Capitol press corps to come up with a system to distinguish news media as legislators had always known it from political-affiliated groups. We researched the issue and devised the CCPA system that is at issue today.

## Floor access

**Where media is allowed on the floor.** Reporters can walk on the back and side aisles of the House and Senate, but not the front. Journalists are not allowed in the center aisle or in the rows through the members' desks. Each chamber has a press table in the front, to the right of the speaker's/president's platform. It has audio plugs for radio and personal recorders. During third reading, resolutions, and other times the chambers are sitting formally as the House and Senate, members are expected to be at their desks, and journalists may not approach them. During second reading, or "Committee of the Whole," legislators often get up and walk around, and journalists may conduct quiet interviews. Aside from journalists, the only other groups with floor access are staff and invited guests.

**Journalistic benefits of floor access.** I often hear that journalists can cover the Capitol without floor access. That's true. Most of us are resourceful, and we could cover the Capitol without a lot of resources we take for granted, including electricity, running water and, perhaps for a day or two, coffee. But our jobs would be harder because of the loss of these benefits:

1. *Access to legislators.* The floor is the only place we can find lawmakers who are not surrounded by a scrum of lobbyists. And we can reliably find them there at 9 a.m. daily. Several legislators also approach the press table to talk.
2. *Color reporting.* It's true you can cover the business of the House and Senate from the

balcony level. But from up there, it's harder to see the expressions on faces, to hear the muttered comments, and find out who is talking to whom in the side chambers.

3. *Enforcement on the Sunshine laws.* During the 2012 debate on civil unions, when minority Democrats all but took over the House, Republican Speaker Frank McNulty angrily called House Minority Leader Mark Ferrandino into a side room and shut the door. The Fort Collins reporter and I led a troop of around 10 reporters to enter the meeting. We had a standoff with the House clerk for a few minutes before Rep. Dan Pabon opened the door and invited us in to witness a crucial moment in state policymaking. The open meetings law was not perfectly enforced that night – the public had no access – but through the media, people were able to know what happened. This would not have been possible without floor access.

## Challenges in applying the rules

By far the biggest challenge in vetting applicants is in answering the question, “Who is a journalist?” A popular answer to this question these days is, “Everyone is a journalist.” That answer provides little help to us in this situation. We soon abandoned trying to answer the question, and we try to avoid passing judgment on anyone else's journalism. Instead of asking who is a journalist, we have found it is easier to ask who is tied to political groups. We make this determination by researching the applicant organization's funding and operational structure. Sometimes, it is an easy call to deny an applicant. In one case, reporters applied from a group that is operated by the Independence Institute, which routinely runs ballot campaigns and engages in lawsuits against the state. In another case this year, a talk show host applied for credentials just days after he appeared at a press conference on the Capitol steps, not as a reporter but as a participant. Sometimes, it is a harder call. We have declined to recommend credentials to organizations funded by political foundations or big individual political donors. Similarly, we don't recommend groups who do not reveal their donors and whose content is overtly political, with no evidence of advertising or subscriber support.

## Counterarguments

**The ownership argument.** Critics of our method of vetting political groups by looking at their funders often misinterpret what we do when we look at the funding of organizations that have no discernible revenue stream, like advertising or subscriptions. They cite two frequent examples, the Colorado Springs Gazette and public radio stations, saying that, respectively, the Gazette is owned by a politically involved businessman, and public radio's donors include some of the same foundations behind the liberal group Democracy Alliance.

The Gazette endeavors on a daily basis to engage in straight reporting. While like any outlet, its reporting may not be error free or always fair, omissions of facts or competing viewpoints are usually treated as errors, not as standard operating procedure.

A 501(c)3 nonprofit is not necessarily qualified or disqualified. For example, Colorado Public

Radio is a nonprofit, and its donors include some of the same foundations that fund the Colorado Independent. There are two key differences, however, between the economic model of CPR and that of a partisan news site. First, the radio station has a wide array of donors that includes thousands of individual subscribers. In this way, it is accountable to many people, not just one or two, and the only way it can maintain its accountability is by endeavoring to practice fair journalism. Second, the large donors get public recognition in return for their sponsorship. Although public radio stations don't call it advertising, that's what it is.

**The advertising argument.** We hear a frequent objection to our practice that goes something like, "Newspapers aren't truly independent of pressure, because you won't write negative stories about your advertisers." The rebuttal to this argument is fairly easy. For one, most newspapers and television stations have a diverse array of advertisers, so many that no one company will be able to set the editorial agenda. Second, it is true that major advertisers can hold sway over certain stories (I've worked at a paper where this happened) but in the few cases when this happens, it will be irrelevant to our credentialing system for the state Capitol (unless a state legislator is for some reason buying advertisements, a situation that remains purely hypothetical, as far as I know). Advertisers can indeed hold sway over some weak-willed media executives on specific stories, but on the whole, the economic model of advertising promotes accountability by challenging the media outlet to improve its quality and appeal to a diverse audience.

Let's turn now to a case study of the Colorado Independent, a group we have declined to recommend credentials for several years.

## The Colorado Independent

Editors of the Colorado Independent have applied for credentials several times, always assuring us of their organization's independence from political influence. When we have denied to recommend credentials to this group, we have often been vilified as old-media dinosaurs who want to lock out our upstart competition. We see it differently, and I hope this history demonstrates why we look at this organization very closely when it applies for floor access.

The Independent first applied for floor credentials in 2008, when it was known as Colorado Confidential. At the time, we were aware that Colorado was a national proving ground for entrepreneurial political groups. Colorado Confidential was a pioneer in the new model of coordinated partisan journalism.<sup>1</sup> It was established as a project of Colorado Democracy Alliance, which itself was a subset of the national Democracy Alliance, a "shadow party" of wealthy Democratic donors who set out to change the electoral climate for their candidates. Major Democracy Alliance donors in Colorado are U.S. Rep. Jared Polis; Tim Gill and the Gill Foundation;

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<sup>1</sup> The political right was slower to master this model, but with the emergence of Twitter, the right has crafted a model of its own. In Colorado, these groups include Colorado Peak Politics (an anonymous blog), The Colorado Observer (a partisan news site analogous to the Colorado Independent) Compass Colorado (a press-release factory that provides ready quotes against Democrats) and Revealing Politics (a video tracking group that makes a full-time job of taping Democrats and posting the most embarrassing bits online). When one of these groups gets a hit against a Democrat, the others pile on, pinging the story back and forth on Twitter until it catches the attention of mainstream editors.

and Pat Stryker and the Bohemian Foundation. Groups funded by Democracy Alliance included ProgressNow, Media Matters for America, Citizens for Ethics and Responsibility in Washington, and the Center for Independent Media (now known as the American Independent News Network). Their state-level mirrors were ProgressNow Colorado, Media Matters for Colorado, Colorado Ethics Watch and Colorado Confidential. They worked in concert, with a goal of inserting negative stories about Republicans into the mainstream media. Here's how they did it: ProgressNow Colorado would start a campaign, or Ethics Watch would file a complaint against a Republican. Colorado Confidential (and later the Colorado Independent) would write stories about the complaint. Media Matters for Colorado would write critical blog posts of media who declined to cover the complaint, attempting to embarrass mainstream reporters into covering Democracy Alliance's preferred story.

This strategy is taught at yearly "New Media Bootcamps" sponsored by the New Organizing Institute in Washington, D.C. Colorado Confidential editor Wendy Norris attended the 2008 event. ProgressNow Colorado blogger Alan Franklin also attended and provided a summary, disclosing that attendees were trained how to coordinate their groups to boost progressive causes:

In Colorado, we have a unique asset in the form of a state-dedicated Media Matters operation, the only one of its kind of the country. They're here because Colorado has one of the best-organized online progressive activist communities to be found anywhere. It's not just our direct online advocacy component here in ProgressNow, though **we've shown how Media Matters research and our megaphone can work together at a local level. It's the aggregate influence of progressive community hubs we have here, from Squarestate.net to Colorado Confidential** and yes, even the much-maligned 800 pound moderate gorilla of Colorado Pols. Together, we provide the distribution and amplification for Media Matters' research. We take the truth from them and others and put it into action. (Alan Franklin, "Inside Media Matters: 5 days in DC, #3," blog post on ProgressNowAction.org, <http://www.progressnowaction.org/page/community/post/al/CqTz>, accessed March 27, 2008. Emphasis is mine; hyperlinks removed from the original.)

When the Colorado Independent first applied for credentials in 2008, reporters immediately suspected it was a project of Colorado Democracy Alliance. The site's founders, Cara DeGette and Wendy Norris, assured us it was not, and they criticized us using many of the same arguments we are hearing this year. Subsequent reporting by several journalists revealed that what DeGette and Norris told us was untrue. The Denver Post reported in 2008 on the early days of Colorado Democracy Alliance. "Attached to an Aug. 8, 2006, meeting agenda where 'funding recommendations for CoDA members' appeared as an agenda item was a sheet describing the functions of four media-related groups such as online news outlet The Colorado Independent." (Jessica Fender, The Denver Post, "[Progressive gang uses nonprofits to push politics](#)," Oct. 8, 2008). The most comprehensive examination of Colorado's new progressive infrastructure came from former KUSA reporter Adam Schragger and former Republican state Rep. Rob Witwer in The Blueprint. That book, too, identified Colorado Independent as a Democracy Alliance project. (Adam Schragger and Rob Witwer: The Blueprint: How the Democrats Won Colorado, Fulcrum Publishing. Page 143.)

One week after the 2008 election, when Barack Obama carried Colorado and Mark Udall was easily elected to the Senate, the Independent laid off the majority of its staff. After DeGette and Norris departed, the site's new managers assured us that it was different. However, a Politico story in 2010 demonstrated how it was still acting as a partner of ProgressNow to place damaging information about Republicans in the mainstream press. During the 2010 Senate race, ProgressNow was trying to get the mainstream press to pick up on a story the Greeley Tribune had reported four years earlier about Republican candidate Ken Buck's refusal to prosecute a rape case as Weld County district attorney, calling it a possible case of "buyer's remorse." Progress Now reached out to the Independent and facilitated an interview with the victim. It became part of a narrative of Buck's unfriendliness to women that helped propel Sen. Michael Bennet to victory. (David Catanese, Politico. "Rape case haunts Buck in Colorado," Oct. 11, 2010.)

This model is still in use today. Less than a week before this report was written, Progress Now approached mainstream reporters with an embarrassing story about Republican Senate candidate Randy Baumgardner. In at least one case, ProgressNow warned the reporter that the Colorado Independent also was given the story – a tactic to try to make the mainstream reporter write the story quickly. Sure enough, within hours, the Independent had posted a story, which ProgressNow promptly tweeted to its followers. Remember, this happened in February 2014, with the brand-new Independent. In isolation, this incident would say nothing. But in light of the history I just recounted, it makes us wonder if the Independent is fulfilling the same purpose it always has.

This year is not the first time the Independent has sought to bolster its journalistic credentials by hiring respected mainstream journalists. One such person was Sandra Fish, formerly of the Boulder Daily Camera. She recounted her experience in a 2009 blog post:

i once served as a consultant to a political news Web site funded in part by Polis. The idea was to pay bloggers to report and write more like journalists. But when it came right down to it, there was some news that wasn't news. Like when a Polis staffer/blogger slammed his two 2nd Congressional District opponents and was forced to resign. The managing editor for the site refused to allow a post on this subject for most of a day because, as she told me, A) Polis helped fund the site and B) the staffer in question was a friend of hers and C) Polis had paid to send the ME, the Polis staffer and others to Yearly Kos (aka Netroots Nation) the weekend before. After much debate among the staff, ME wrote her own brief post (after midnight). And i resigned from the site. Because i didn't want to work for a political campaign. i wanted to work for a news site. And suppressing or ignoring the news isn't what journalism is about. (Sandra Fish, blog post on Fishnette.com, <http://www.fishnette.net/spew/2009/03/left-and-right-continue-to-gloat.html>, accessed March 4, 2009. Capitalization in the original. Hyperlinks removed.)

Let's examine the case for and against the Independent. The arguments against recommending credentials all involve evidence that the organization has not changed significantly from its early days as an instrument of Democracy Alliance. It has:

- The same major funders – the Gill Foundation and Bohemian Foundation.
- The same managing editor for the past several years.
- The same website host by the American Independent News Network.
- The same link on AINN's site identifying The Colorado Independent as a partner organization.
- Essentially the same content.

Its new journalists, Mike Littwin and Susan Greene, have sterling reputations and insist we should trust them when they say the Independent is now a different organization. However, Littwin admitted to Westword in September 2013 that he does not know who funds the Colorado Independent. "I said to them, 'I don't want to be involved with any funders. I don't even want to know who they are, because I don't want to have to think about not offending them.' I want to be free to offend whoever." (Michael Roberts, Westword, "[Mike Littwin on his Denver Post ouster and his new Colorado Independent challenge](#)," Sept. 12, 2013.) This sort of plausible deniability might be useful from his perspective as a columnist, but it renders him unqualified to make pronouncements about the organizational structure of the Independent.

## A path forward

Legislative leadership has asked us for a better way to evaluate applicants. Unfortunately, I believe there will never be a black-and-white test to make decisions easier. However, we could fine-tune the criteria we use. Just like the courts devise balancing tests to apply statutes, we could create a written criteria to help us apply our bylaws.

This is where outside-the-Capitol groups like the Colorado Press Association and Colorado Freedom of Information Coalition can perform a great service. *If the wider journalistic community can come together around a set of criteria, we could ensure that Colorado continues to have one of the most open legislative floor access policies in the country.*

As an aid in devising new criteria or a new system, we can look at what other states do.

## Models of press credentialing

The National Conference of State Legislatures compiled a list of credentialing procedures across the country in 2011 (see NCSL: [Media Access and Credentialing](#)). The following is based substantially on NCSL's research.

**State with models like Colorado:** California, Idaho, Missouri, New Jersey<sup>2</sup>, New York, North Carolina, Ohio, Oregon, Pennsylvania, Virginia, Washington and West Virginia. In these states, legislative leaders look to journalists to figure out who is a journalist and who has conflicts.

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<sup>2</sup> New Jersey's state press association handles credentials. Based on NCSL's research, New Jersey appears to be the only state where this happens.

Here are some alternative models:

**Credentialing by chamber leadership:** The Senate and House leaders, or their press staffs, or nonpartisan clerks and secretaries, issue press credentials.

Practiced in: Alaska, Arkansas, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, New Hampshire, Tennessee and Wyoming.

Benefits: Removes the press corps from its advisory role to elected leaders, which can be uncomfortable.

Drawbacks: Although the chamber leaders now have 100 percent control over access to their chambers, ending the press corps' advisory role would remove a check on future leaders to limit access to a select group of reporters, or no reporters at all. *Colorado's legislative leaders have expressed strong opposition to this model.*

Also, nonpartisan staff like the Senate secretary and House clerk are not trained to evaluate journalism, and in practice, they would likely look to the press corps for informal advice. This system would be less transparent than the current one.

**A beat-reporters-only model:** Access to the chambers is reserved only for reporters who cover the legislature full-time. Seats at the press table may be assigned.

Benefits: Guarantees chamber access to the journalists who need it most, the full-time beat reporters.

Drawbacks: Locks out visiting reporters, citizen journalists and reporters from smaller outlets that cannot afford full-time coverage.

Does not explicitly forbid credentials to people associated with political groups.

**No access for anyone:** Journalists are not allowed on the floor of the House or Senate.

Practiced in: Arkansas, Illinois, Hawaii, Nevada, New Mexico, Oklahoma, Tennessee.

(Additionally, many states restrict floor access to a press gallery, which limits journalists' movement much more than Colorado. They include: Alabama, Alaska, California, Indiana, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri and South Dakota.)

Benefits: This is the most parsimonious way to vet credentials, because there would be no access for journalists to the chamber floors. Outside the floors, First Amendment access applies equally to reporters and the public.

Drawbacks: Reporters would lose an important newsgathering tool. Access to lawmakers would be limited, which decreases press coverage of public affairs.

It's worth noting that this last option is advocated by some of the few people who have been denied credentials by the chamber leaders. It would punish the hundreds of credentialed reporters, from citizen bloggers to Denver Post beat writers, out of a fit of pique. Such behavior is usually confined to playgrounds, when one boy says, "If I can't be quarterback, I'm going to take my ball and go home." Even among 10-year-olds, this behavior is considered juvenile.

## Access by lawsuit

Some people have suggested that a credentialing system is not needed, because if legislators bar

access by the media to the chamber floors, we could sue them under the First Amendment.

However, a First Amendment claim for floor access is unlikely to succeed. Please keep in mind that I did not have the benefit of legal advice in preparing the following analysis. However, my colleagues and I have researched the topic extensively.

I know of no legal precedents that apply neatly to our situation. In his letter to House and Senate leaders and the CCPA, Colorado Independent attorney Steve Zansberg cites the case of *Getty News Services Corp. v. Department of Defense* to make his case that excluding one media outlet from floor access is an unconstitutional abridgment of press freedom. However, this case was about press access to the terrorist detention facility in Guantanamo Bay, Cuba. Although the Colorado Senate can sometimes feel like a torture chamber after a 10-hour floor session, I think it's unlikely that a judge would equate it to a high-security, wartime prison camp on foreign soil. Both the House and Senate have public balconies, and the bodies conduct their business in full public view, in sessions that are broadcast on cable television and archived online.

One possible case that offers guidance concerned protests on the grounds of the U.S. Supreme Court. The decision allowed protest signs on the perimeter sidewalk, but not inside the building itself. The opinion by Justice Byron White is not encouraging for those who see a First Amendment right to access the legislative chamber floors:

There is little doubt that, in some circumstances, the government may ban the entry on to public property that is not a "public forum" of all persons except those who have legitimate business on the premises. The government, "no less than a private owner of property, has the power to preserve the property under its control for the use to which it is lawfully dedicated." *Adderley v. Florida, supra*, at [385 U. S. 47](#). See *Cox II, supra*, at [379 U. S. 563-564](#). ([United States v. Grace](#) - 461 U.S. 171 (1983))

Furthermore, the rules of Colorado's House and Senate clearly spell out that the speaker of the House and Senate president have broad power to maintain decorum in their respective chambers. I find it hard to imagine a situation in which either a state or federal court would usurp that power. Because of the separation of powers doctrine, I believe the courts will give the legislature a wide berth and not get involved in any access claim.

Luckily for us, we will soon have a federal court precedent on exactly this situation. The Illinois Policy Institute<sup>3</sup> sued that state's speaker of the House, Senate president and their press secretaries for denying its reporter access to the press boxes. The lawsuit was filed Feb. 4, 2014, in U.S. District Court for the Central District of Illinois. There are material differences between press access in Colorado and Illinois. Colorado reporters enjoy wider access to the floor, not just a press box. Also, Illinois lacks the press corps advisory committee that Colorado has; the speaker and president in Illinois delegate press credentialing to their press secretaries. Nevertheless, the

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<sup>3</sup> The Illinois Policy Institute is akin to Colorado's Independence Institute. Both run their own news operations, the Illinois Press Service and the Colorado News Agency, respectively. The CCPA has declined to recommend credentials to CNA, on the grounds that the Independence Institute is a political organization that seeks to influence state policy and is routinely engaged in litigation against the state. This is forbidden for credentialed members of the CCPA.

situation is similar enough that we should soon have a federal court precedent on media access to the floor of a legislature.

## Conclusion

The reporters who gather news at the state Capitol need help. We find ourselves the subject of a political controversy, which is an unacceptable position for any reporter. Equally unacceptable, we think, would be to lose our journalistic access to the floor of the House and Senate. We could use the assistance of other journalist advocacy groups to help us maintain and improve a system that guarantees us floor access. However, anyone offering such assistance must be cognizant of the environment and groups with which we are dealing. A system that allows anyone to self-identify as a journalist will be rejected by legislators. But a system that enjoys greater acceptance and understanding among journalists both inside and outside the Capitol would be a service to the cause of media access to government. Possible areas for improvement include a more detailed balancing test to identify political-affiliated groups, assistance to the Standing Committee in vetting credentials and a more sustainable model of electing (or drafting) members to the Standing Committee. We are open to ideas.

## Appendix A

### Currently credentialed members of the Colorado Capitol Press Association

The list might include some outdated information on individual members' media outlets, because of the lack of a reliable method for updating such information every year.

<b>Name</b>	<b>Media outlet</b>	<b>Credentialed since</b>
Alles, Brett	KUSA-TV	1/8/08
Arnold, Matt,	KUSA-TV	1/8/08
Ashby, Charles	Grand Junction Daily Sentinel	1/4/08
Baltz, Tripp	BNA	1/8/08
Barkley, Gary	KMGH-TV	1/21/08
Bartels, Lynn	Denver Post	1/11/08
Bell, Jerry	KOA Radio	1/4/08
Birdsong, Peter	KDVR-TV	1/11/08
Birkeland, Bente	Rocky Mountain Public Radio	1/4/08
Bogott, Brad	KMGH-TV	1/21/08
Boyd, Shaun	CBS4	1/20/11
Brookins, Don	KUSA-TV	1/8/08
Brooks, Jodi	KCNC-TV	1/11/08
Brown, Jennifer	Denver Post	1/4/08
Brydum, Sunnivie	Out Front Colorado	1/13/11
Bunch, Joey	Denver Post	4/1/13
Cabrera, Ana	KMGH-TV	1/25/12
Caldwell, Alicia	Denver Post	1/4/08
Campbell, Greg	Daily Caller	1/11/13
Castellanos, Sara	Aurora Sentinel	1/6/10
Caster, Jennifer	KMGH-TV	1/21/08
Cedars, Dayle	KMGH-TV	1/17/12
CBS4 Photographers	KCNC-TV	1/11/08
Cole, Aaron	Aurora Sentinel	1/7/13
Cole, Tom	KUSA-TV	1/8/08
Cool, Christine	Denver Voice	3/24/08
Cooper, Thomas	Denver Business Journal, Getty	1/11/08
Covert, Natalie	Denver Voice	3/24/08
Covi, Timothy	Denver Voice	3/24/08
Crummy, Karen	Denver Post	1/4/08
Daley, John	Colorado Public Radio	1/15/14
DeLay, Tom	KWGN-TV	1/11/08
Delozier, Dave	KUSA-TV	1/8/08
Dolan, Dennis	KUSA-TV	1/8/08
Dougherty, James	KMGH-TV	1/17/12
Engdahl, Todd,	Ed News Colorado	2/1/08
Farr, Morning Glory	Denver Voice	3/24/08
Flanagan, R. Michael	KMGH-TV	1/11/08
Folsom, William	KOAA-TV	1/8/08
Fosholt, John	KUSA-TV	1/8/08
Frosch, Dan	New York Times	1/4/08
Gilbert, Scott	Colorado Community Media	1/11/13
Gillett, Bruce	KWGN-TV	1/11/08
Gionet, Alan	KWGN-TV	1/11/08
Goldstein, Adam	Aurora Sentinel	1/6/10
Goodland, Marianne	freelance	1/11/08
Goody, Eric	KMGH-TV	1/21/08

Grace, Madeline	KWGN-TV	1/11/08
Hanel, Joe	Durango Herald	1/4/08
Haythorn, Russell	KMGH-TV	1/21/08
Healey, Gerard	Colorado Community Media	1/11/13
Herbst, Anne	KUSA-TV	1/8/08
Hernandez, Lance	KMGH-TV	2/1/08
Hewson, Anna	KUSA-TV	1/8/08
Hooley, Jim	KMGH-TV	1/11/08
Hope Strogoff, Jody	Colorado Statesman	1/11/08
Howell, Coby	KMGH-TV	1/17/12
Ingold, John	Denver Post	1/4/08
Jessup, Terry	KCNC-TV	1/11/08
John Schroyer	Colorado Springs Gazette	12/10/10
Jurgemeyer, Megan	KMGH-TV	1/17/12
Kehe, Eric	KUSA-TV	1/8/08
Kelly, Mikkell	Colorado Community Media	1/23/13
Keown, Marla Renee	Aurora Sentinel	1/15/14
King, Major	KMGH-TV	2/1/08
Knapik, Adam	KOAA-TV	1/17/12
Kost, Amanda	KMGH-TV	1/17/12
Knox, Don	Law Week Colorado	1/8/08
KRDO Photographers	KRDO-TV Colo Springs	1/11/08
Kuhlen, Courtney	Colorado Community Media	1/11/13
Larson, Brian	KUNC	1/4/08
Lavine, Kathleen	Denver Business Journal	3/8/11
LeClaire, Michael	KMGH-TV	1/21/08
Lee, Kurtis	Denver Post	3/21/13
Lopez, Cory	KOA, KKZN, KHOW radio	1/11/08
Marcus, Peter	Colorado Statesman	1/4/08
McRae, Ian	KMGH-TV	1/21/08
Michlewicz, Chris	Colorado Community Media	1/11/13
Montgomery, John	KCNC-TV	1/11/08
Moriki, Darin	Colorado Community Media	1/23/13
Moreno, Ivan	Associated Press	2/7/11
Morton, Bruce	Metronetworks.com (radio)	1/8/08
Mostek, Ken	KUSA-TV	1/8/08
Newton, John	KMGH-TV	1/21/08
Noreen, Barry	Colorado Springs Gazette	1/21/08
Oldham, Jennifer	Bloomberg News	7/11/11
Overbeck, Sarah	Law Week Colorado	1/17/12
Patterson, Amelia	Denver Voice	3/24/08
Paulson, Steven	Associated Press	1/4/08
Pearce, Bob	KCNC-TV	1/21/08
Preston, Darrell	Bloomberg News	8/25/10
Reed, Byron	KUSA-TV	1/8/08
Reis, Mark	Colorado Springs Gazette	1/11/08
Reuter, Jane	Colorado Community Media	1/11/13
Rhoads, Paula	Denver Open Media	3/20/08
Rittiman, Brandon	9News	1/17/12
Roeder, Tom	Colorado Springs Gazette	12/22/09
Rotar, Chris	Colorado Community Media	1/11/13
Rush, Justin	KDVR-TV	2/1/08
Sapin, Rachel	Aurora Sentinel	1/15/14
Satrom, Meg	Law Week Colorado	1/25/12
Schrader, Megan	Colorado Springs Gazette	1/23/13

Scholl, Corky	KUSA-TV	1/8/08
Schatz, Bryan	5280 magazine	1/7/13
Sealover, Ed	Denver Business Journal	1/4/08
Slater, Jane	KMGH-TV	1/21/08
Slevin, Coleen	Associated Press	
Sotelo, Manny	KUSA-TV	1/8/08
Steadman, Alan	KMGH-TV	2/1/08
Tobin, Sean	KDVR-TV	2/1/08
Trumble, Gerald	<a href="http://www.denverdirect.tv">www.denverdirect.tv</a>	1/15/10
Vanderveen, Chris	KUSA-TV	3/8/11
Vela, Vic	Colorado Community Media	1/11/13
Verlee, Megan	Colorado Public Radio	
Wallace, Glenn	Colorado Community Media	1/23/13
Weaver, Dan	KUSA-TV	1/8/08
Weis, Jim	KMGH-TV	1/21/08
Whitney, Eric	freelance	1/15/14
Willie, Brian	KUSA-TV	1/8/08
Wolfe, Gary	KUSA-TV	1/8/08
Wood, Dan	KUSA-TV	1/8/08
Wright, Scott	KUSA-TV	1/8/08
Wyatt, Kristen	Associated Press	12/10/10
Yachnin, Jennifer	Energy & Environment News	1/7/13
Young, J. David	KWGN-TV	1/11/08
Yun, Scott	KUSA-TV	1/8/08
Zellinger, Marshall	KMGH-TV	1/25/12

**Not recommended for credentials**

Sloan, Kelly	Grand Junction Business Times	2014
Mike Littwin	Colorado Independent	2014
Tessa Cheek	Colorado Independent	2014
Clark, Ken	560 KLZ	2014
	Colorado News Agency	
	Face the State	2008
	StateBill Colorado	2008
	Life Enhancement News	2008

# Appendix B

## **RULES GOVERNING THE COLORADO CAPITOL PRESS ASSOCIATION**

### **1. Establishment**

As of January 1, 2008, there is hereby established the Colorado Capitol Press Association, consisting of full-time correspondents of bona fide news organizations whose duty consists of covering the Colorado General Assembly. Administration of the Association shall be vested in a Standing Committee of Correspondents. The Standing Committee shall consist of five members drawn from organizations that have full-time, Capitol-based coverage of the Legislative session. Any member of the Standing Committee may petition for an organization's removal from the committee for failure to maintain Capitol coverage for one year. A majority of the members of the Standing Committee must vote both on the removal of current members or the addition of new members of the Standing Committee.

### **2. Purpose**

The Association exists to make recommendations on press credentialing to the Speaker of the House, Chief Clerk of the House, President of the Senate and Secretary of the Senate for the purpose of granting media access to the House and Senate floors. The Association may also serve as a forum for discussion of other matters related to newsgathering at the Colorado State Capitol.

### **3. Applying for membership**

Persons desiring membership in the Association shall make application to its Standing Committee of Correspondents. Membership will be granted to applicants on a majority vote of the Standing Committee's membership.

### **4. Criteria for membership**

*Access to the chamber floors is not open to the general public. It is a privilege that has been granted to reporters in order to improve news coverage of the General Assembly. Legislative leadership can and has barred floor access to persons or groups of persons whose presence on the floor is, in leadership's eyes, disruptive to the work of the General Assembly.*

The Standing Committee shall limit its recommendations for access to the chamber floors to bona fide correspondents of repute in their profession, under such rules as the Standing Committee shall prescribe. An applicant for Association press credentials must establish to the satisfaction a majority of the Standing Committee members that he or she is a full-time, paid correspondent who requires chamber floor access to legislative members and staff. Correspondents must be employed by a news organization that is:

(a) A legal publication that has been published for at least 52 weeks consecutively and has a second-class periodical mailing permit from the post office, as described in Colorado Revised Statutes 24-70-102 to 103; or (b) A radio or television station with regularly scheduled news programming; or

(c) A news outlet whose principal business is the daily dissemination of original news and opinion of interest to a broad segment of the public, and which has broadcast or published (online or in print) continuously for 52 weeks. The media outlet must require state Capitol coverage on a continuing basis and must be owned and operated independently of any government, industry, institution, association, lobbying or political organization. The media outlet must (1.) be operated for profit and supported chiefly by advertising or by subscription, or (2.) meet the conditions in this paragraph but be operated by a nonprofit organization that, first, works independently of any government, industry, or institution and, second, does not engage, directly or indirectly, in any lobbying, political activity or other activity intended to influence elections or any matter before the General Assembly or before any independent agency, or any department or other instrumentality of the Executive branch. House organs are not eligible.

Applicants shall state in writing the names of their employers and their additional sources of earned income; and they shall declare that, while a member of the Association, they will not act as an agent in the prosecution of claims, and will not become engaged or assist, directly or indirectly, in any lobbying, promotion, advertising, or publicity activity intended to influence elections, legislation or any other action of the General Assembly, nor any matter before any independent agency, or any department or other instrumentality of the Executive branch.

Applicants must not be engaged in any lobbying or advocacy, advertising, publicity or promotion work for any individual, political party or movement, corporation, organization, or agency of the U.S. or Colorado government, or in prosecuting any claim before the General Assembly or Colorado government, and must not do so while a member of the Colorado Capitol Press Association.

Applicants must demonstrate to the Standing Committee of Correspondents that they and their employing media

outlets meet all the above criteria. Failure to provide information to the Association for this determination, or misrepresenting information, can result in the denial or revocation of credentials.

#### **5. Freelancers and interns**

Freelancers and interns must apply through a sponsoring publication, broadcast outlet or web site that meets the above criteria, by submitting a letter on original letterhead from a supervisor affirming the applicant's freelance or intern status. Freelancers and interns must abide by all Association rules, including those regarding lobbying, political advocacy, etc.

#### **6. Temporary press credentials**

Reporters who come to the Capitol for one-time or sporadic coverage can see a member of the Standing Committee of Correspondents and, if they can demonstrate they meet all of the above criteria, be granted a 24-hour press pass by any Standing Committee member. The press pass constitutes a recommendation from the Standing Committee to House and Senate leadership that the journalist be granted access to the chamber floors. Anyone holding a temporary press pass is expected to follow all Association rules.

#### **7. Final say**

The President of the Senate and the Speaker of the House have the final say on who may enter their respective chambers, notwithstanding any positive or negative recommendation from the Standing Committee of Correspondents.

#### **8. Rules of the House and Senate**

Members of the Colorado Capitol Press Association shall obey all security regulations when entering the Capitol and its office buildings. Association members also are expected to follow the rules of each chamber while working on the floor (i.e. dress codes, remaining quiet during third reading debates, staying on the perimeter of the chambers). Association members must follow the directions of the Sergeants-at-Arms in each chamber.

#### **9. Use of credentials**

Credentials must be used only in the course of reporting for the credentialed organization. Credentials may not be used to gain access to chamber floors when working for non-news clients or media outlets that were not listed on the journalist's application form, or for other purposes unrelated to news coverage.

Members of the families of correspondents are not entitled to the privileges of the chamber floors.

#### **10. Association rule changes**

The Colorado Capitol Press Association shall adopt no changes in these rules except upon a two-thirds vote of the Standing Committee of Correspondents.