

specified exemption. This registration requirement includes all organizations soliciting funds in Massachusetts, including out of state organizations.

Certain groups may be exempt from registration, but exemption may require an annual application. Groups that may be exempt include:

- **Small charitable organizations** that raise *less than* \$5,000 in contributions in a calendar year
- **Religious organizations** that only solicit donations within their religious community or congregation
- Federal, state, or local **government entities** soliciting donations for public purposes
- **Charitable organizations that do not receive contributions from more than ten people in a calendar year** *if* the following requirements are met:
 - 1) all of the charitable organization's functions, including fundraising activities, are performed by people who are unpaid for their services; and
 - 2) no part of the charitable organization's assets or income goes to the benefit of, or is paid to, any officer or members

An organization should register *before* soliciting any donations, as doing so without registration may result in penalties. To allow time for processing and registration, it is recommended that organizations register at least a few weeks in advance of soliciting donations.

If a registered charity wishes to begin soliciting prior to the due date of its first Form PC, it may submit a Schedule A-2 and a \$50 check to the Attorney General's Office as an application for a Certificate of Solicitation.

When do I need to register for charitable solicitation in other states?

Like Massachusetts, most states require registration *before* soliciting funds. Generally, you must register in every state that you solicit funds in (including through the Internet). This registration is *in addition to* Massachusetts' registration. For example, if you solicit funds in Massachusetts, New Hampshire, and Rhode Island, you must register in all three states. State registration requirements are typically found on a state Attorney General's Office website.

What activities trigger the need to register?

Registration is needed *before* an organization attempts to request or ask for donations or charitable contributions from the public through *any* form. It does *not* matter how donations are solicited. The need to register may be triggered by in-person requests, telephone solicitations, mail or electronic mail communications, online, social media campaigns, advertisements, mailing lists, fundraising events, and more. The need to register is triggered by the activities of the organization itself *or* indirect solicitations such as third-party fundraising (professional hired fundraisers) and public appeals for social causes.



The need to register is *not* triggered by personal gifts or donations without solicitation, grants or donations from the government, or voluntary gifts that were not solicited.

Is registration a one-time thing?

No, registration is not a one-time thing and *there are ongoing requirements*.

1. **Annual Filings:** Annual Charity Filings (Form PC) and required attachments must be filed *every year*. The Form PC is generally due within 4.5 months of the nonprofit's fiscal year end.
2. **Supplemental Initial Solicitation Form:** If instructed by the Attorney General's Office, you must complete the Supplemental Initial Solicitation Form (Schedule A2).
3. **Additional documentation:** Changes to address or governing documents must be submitted.
4. **Additional Financial Statements:** If certain thresholds are met for gross support and revenue amounts (the total amount of funds and resources that the organization receives) for a fiscal year, an additional financial statement is required. For charities with gross support and revenue amounts of more than \$200,000 to \$500,000 in a fiscal year, a CPA's Review Report is required. For charities with gross support and revenue amounts of more than \$500,000 in a fiscal year, an Audited Financial Statement is required.
5. **Additional Requirements for Professional Fundraisers:** If a professional fundraiser (professional solicitor, fundraising counsel, or commercial co-venturer) is hired to raise funds on the charity's behalf, the professional fundraiser must separately register with the AGO as a fundraiser. In addition to this separate registration, the professional fundraiser has additional and ongoing filing requirements. Depending on the professional fundraiser's classification, the professional fundraiser may be subject to filing fees, bonds, and/or filing fundraising contracts and annual financial reports.
6. **Record Inspection:** Fiscal records may be requested for inspection. Thus, keep true fiscal records for at least three years after which the records relate.

What are the penalties for not registering for charitable solicitation?

Failing to register and submit the required annual filings can result in several penalties. These penalties include but are not limited to the following:

- Fines, imprisonment, or both
- Legal action against the charitable organization and its officers
- Cancelled or suspended registration leading to termination of fundraising activities.

What are the best practices to ensure compliance with the registration requirements?

- To meet the requirements of every state that you solicit funds in, keep good records of everywhere you solicit and receive funds from. Sometimes a "Donate Now" button on a website may be enough to trigger out of state registration requirements.



