

## The Oklahoma Solicitation of Charitable Contributions Act – Are You in Compliance?

On July 1, 2011 Senate Bill 1070 went into effect in Oklahoma affecting all solicitations or acceptance of charitable contributions as well as professional fundraisers and solicitors who are compensated by an organization to fundraise on their behalf. The entire bill is available at [www.sos.ok.gov/charity](http://www.sos.ok.gov/charity) and should be reviewed in full by your board. Below are points of interest to help prepare your organization understand the requirements.

### The Details and How to Be in Compliance

The law requires that all nonprofits must register with the Oklahoma Secretary of State each year. Exempted from the registration are churches, schools and universities, some member-based organizations and fundraising committed on behalf of an individual.

Please note: Title 18, O.S., Section 552.4 pertains to persons and organizations that are exempt from the requirement to register with the Secretary of State. Be advised that the Secretary of State's office, nor any funder or donor *cannot* make the determination as to whether a person or organization conforms to one of the exemptions listed. That decision is the responsibility of the organization.

**Registrations are valid for one year from the date of filing with the Secretary of State and must be renewed each year.**

### Where to Begin

Visit the Oklahoma Secretary of State website at [www.sos.ok.gov/charity](http://www.sos.ok.gov/charity) to start the online process.

- Gross amount of contributions, gifts, grants and other similar amounts received in prior fiscal year.
- Total program service expenses
- Management and general expenses
- Fundraising expenses
- Aggregate amount paid or payable to professional fundraisers and professional fundraising counsel

In addition to the completed and signed registration form, charitable organizations are required to submit the following:

- A Professional Fundraiser Information attachment (if applicable) *see below for definitions*
- List of the names mailing addresses, title/position of each officer, each director and each trustee (or equivalent) and each salaried executive employee of your organization
- Registration fee is payable to the Oklahoma Secretary of State and differs based on your annual charitable contributions received:
  - \$65 if you anticipate contributions in excess of \$10,000\*
  - \$15 if you anticipate your contributions will not exceed \$10,000\*\*

*\*Below is a breakdown of how this fee is dispersed among several state agencies:*

*\$15 – General Revenue Fund of the State Treasury*

*\$34 – Attorney General's Charitable Solicitations Enforcement Revolving Fund*

*\$16 – Secretary of State Charitable Solicitations Revolving Fund*

*\*\*The breakdown of this fee is as follows:*

*\$10 – Attorney General's Charitable Solicitation's Enforcement Revolving Fund*

*\$5 – Secretary of State Charitable Solicitations Revolving Fund*

**Registration Deadline**

Each charitable organization must register each year by the date that the organization files its Form 990.

**Professional Fundraisers and Professional Solicitors**

The legislation defines professional fundraisers and professional solicitors as below:

*Professional Fundraiser* – any person who for compensation or other consideration plans conducts or manages in this state the solicitation of contributions for or on behalf of any charitable organization or who engages in the business of or holds himself or herself out to persons in this state as independently engaged in the business of soliciting contributions for such purpose. This does not include an employee of the charitable organization or any volunteer who receives no payment, compensation or remuneration of any kind for soliciting any contributions. A volunteer may receive credit for fulfilling any community service requirement of an educational institution or government agency. Incidentals provided to uncompensated volunteers are OK; these include meals, supplies or similar support but cannot include reimbursement for expenses incurred in fundraising activities.

*Professional Solicitor* – any person that is either located within the state or that is soliciting contributions from any person in this state who is employed or retained for compensation or other consideration by a professional fundraiser to solicit contributions for or on behalf of any charitable organization. This does not include an employee of a charitable organization and who is engaged in such activities on behalf of the organization for which they are employed nor does it include a volunteer who engages in such activities as long as the volunteer does not receive any payment, compensation or remuneration of any kind and can receive credit for fulfilling any community service requirement of an educational institution or government agency. Incidentals provided to uncompensated volunteers are OK; these include meals, supplies or similar support but cannot include reimbursement for expenses incurred in fundraising activities.