

WRITTEN SOLICITATION DISCLOSURES FOR CHARITABLE ORGANIZATIONS

A number of states require solicitation disclosure statements on all written materials mailed to potential donors in their states. The following summary lists the current disclosure information that must be included on all charitable solicitations mailed to residents in these states. Please note that this summary does not include certain information that is required to be disclosed upon request. Also note that additional disclosures are required if a professional fundraiser is used to conduct the solicitation, which are summarized in a separate document, "Charitable Solicitation Disclosures for Professional Fundraisers."

Here is an example of a **Model Fundraising Disclosure Statement for Charitable Organizations** which encompasses all the required disclosures to be included in written solicitations and can be customized for your organization.

The information provided in this document does not constitute legal advice, and is not intended to substitute for legal counsel.

ALABAMA

No disclosure requirements for written solicitations by charities not using professional solicitors.

ALASKA

No disclosure requirements for written solicitations by charities not using professional solicitors.

ARIZONA

No disclosure requirements for written solicitations by charities not using professional solicitors.

ARKANSAS – Ark. Code Ann. § 4-28-412(12), (A)-(B)

Every charitable organization that solicits in Arkansas, and uses an Arkansas address, including a return address, but does not maintain and staff an office at that address must disclose in writing immediately proximate to the address located in the state both (1) the address of the charitable organization's actual headquarters and (2) the fact that the address is that of a mail drop box or located in a mail-handling facility. The following language may be used:

"The headquarters of this organization is located at (insert the address of the non-Arkansas headquarters). The Arkansas address is that of a (insert either "mail drop box" or "mail-handling facility") located in the state."

CALIFORNIA – Cal. Bus. & Prof. Code § 17510.3(a)

Any printed solicitation material must be presented in at least 10-point type and must include the following:

(1) The name and address of the combined campaign, each organization, or fund on behalf of which all or any part of the money collected will be utilized for charitable purposes.

(2) If there is no organization or fund, the manner in which the money collected will be utilized for charitable purposes.

(3) The non-tax-exempt status of the organization or fund, if the organization or fund for which the money or funds are being solicited does not have a charitable tax exemption under both federal and state law.

(4) The percentage of the total gift or purchase price which may be deducted as a charitable contribution under both federal and state law. If no portion is so deductible the card shall state that "This contribution is not tax deductible."

(5) If the organization making the solicitation represents any nongovernmental organization by any name which includes, but is not limited to, the term "officer," "peace officer," "police," "law enforcement," "reserve officer," "deputy," "California Highway Patrol," "Highway Patrol," "deputy sheriff," "firefighter," or "fire marshall," which would reasonably be understood to imply that the organization is composed of law enforcement or firefighting personnel, the solicitor shall give the total number of members in the organization and the number of members working or living within the county where the solicitation is being made, and if the solicitation is for advertising, the statewide circulation of the publication in which the solicited ad will appear.

(6) If the organization making the solicitation represents any nongovernmental organization by any name which includes, but is not limited to, the term "veteran" or "veterans," which would reasonably be understood to imply that the organization is composed of veterans, the solicitor shall give the total number of members in the organization and the number of members working or living within the county where the solicitation is being made. This paragraph does not apply to federally chartered or state incorporated veterans' organizations with 200 or more dues paying members or to a thrift store operated or controlled by a federally chartered or state incorporated veterans' organization. This paragraph does not apply to any state incorporated community-based organization that provides direct services to veterans and their families and qualifies as a tax-exempt organization under Section 501(c)(3) or 501(c)(19) of the Internal Revenue Code and Section 23701d of the Revenue and Taxation Code.

COLORADO

No disclosure requirements for written solicitations by charities not using professional solicitors.

CONNECTICUT

No disclosure requirements for written solicitations by charities not using professional solicitors.

DELAWARE – 6 Del.C. § 2595(b)

Any person soliciting a charitable contribution must disclose prior to making the solicitation the name of the charitable organization.

DISTRICT OF COLUMBIA

No disclosure requirements for written solicitations by charities not using professional solicitors.

FLORIDA – West’s F.S.A. § 496.411

A charitable organization or sponsor soliciting in this state must include all of the following disclosures at the point of solicitation:

1. The name of the charitable organization or sponsor and state of the principal place of business of the charitable organization or sponsor;
2. A description of the purpose or purposes for which the solicitation is being made;

For every charitable organization or sponsor which is required to register in this state, the following verbatim disclosure must be conspicuously displayed, IN CAPITAL LETTERS, and included on all fund-raising materials sent to Florida residents:

“A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE, WITHIN THE STATE, 1-800-HELPFLA, OR VIA THE INTERNET AT www.FloridaConsumerHelp.com. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE.”

The disclosure statement must also include the charity’s registration number. When the solicitation consists of more than one piece, “the statement must be displayed prominently” in the materials. If the solicitation occurs on a website, the statement must be conspicuously displayed on any webpage that identifies a mailing address where contributions are to be sent, identifies a telephone number to call to process contributions, or provides for online processing of contributions.

GEORGIA – Ga. Code Ann. § 43-17-8

Every charitable organization required to be registered and soliciting in this state must include the following disclosures at the point of solicitation:

1. The name and location of the charitable organization for which the solicitation is being made;
2. That the following information will be made available upon request:
 1. A full and fair description of the charitable program for which the solicitation campaign is being carried out and, if different, a full and fair description of the programs and activities of the charitable organization on whose behalf the solicitation is being carried out; and
 2. A financial statement or summary which shall be consistent with the financial statement required to be filed with the Secretary of State.

HAWAII

No disclosure requirements for written solicitations by charities not using professional solicitors.

IDAHO

No disclosure requirements for written solicitations by charities not using professional solicitors.

ILLINOIS – 225 ILCS 460/15(b)

If a charitable organization engages in any public solicitation and purports to relate the purpose or purposes for which the funds are solicited, such purposes must be fully and accurately identified to the prospective donor.

If a charitable organization whose purposes include the rendering of noneducational program services intends to expend or budget more than 50% of its program service expenditures for informing or educating the public, and the funds being solicited will be used for such purpose, the donor at his or her request must be told that a primary use of the program funds will be for public education.

INDIANA

No disclosure requirements for written solicitations by charities not using professional solicitors.

IOWA – I.C.A. § 13C.2

No disclosure requirements for written solicitations by charities not using professional solicitors.

A charitable organization must provide, upon request and without cost to the requesting party, financial disclosure information concerning contributions received and disbursements for the organization’s last complete fiscal year, or, if the organization has not completed a full fiscal year, for its current fiscal year, to the person requesting the information within five days of the request.

KANSAS

No disclosure requirements for written solicitations by charities not using professional solicitors.

KENTUCKY

No disclosure requirements for written solicitations by charities not using professional solicitors.

LOUISIANA

No disclosure requirements for written solicitations by charities not using professional solicitors.

MAINE – 9 M.R.S.A. § 5012(1)

Any person or entity who solicits contributions must fully disclose to the prospective donor, at the time of solicitation but prior to the request for contributions, the name and address of the charitable organization for which the solicitation is being conducted.

MARYLAND – MD Code, Business Regulation, § 6-411; MD Code, Business Regulation, § 6-101

A charitable solicitation that is a specific written request to the public for money, and any written receipt for a charitable contribution, must contain a disclosure statement with the following information:

1. a statement that a copy of the current financial statement of the charitable organization is available on request;
2. the name of the charitable organization and the address and telephone number where requests for a copy of the financial statement should be directed; and
3. a statement that, for the cost of copies and postage, documents and information submitted under this title are available from the Secretary of State.

The disclosure statement must be displayed conspicuously on a charitable solicitation and on a receipt for a charitable contribution.

Solicitations made by an accredited school, college, or university to its students, former students, parents of students or former students, board members, or staff, or formal grant applications prepared for and submitted to a specific corporation or foundation are specifically exempt from this disclosure requirement.

MASSACHUSETTS

No disclosure requirements for written solicitations by charities not using professional solicitors.

MICHIGAN

No disclosure statement required. However, the state Attorney General's office strongly encourages inclusion of the organization's Michigan registration number in all solicitations written as: "MICS No.____."

MINNESOTA – M.S.A. § 309.556, Subd. 1

The following information must be clearly disclosed in any written charitable solicitation:

1. the name and location by city and state of each charitable organization on behalf of which the solicitation is made;
2. the tax deductibility of the contribution; and
3. a description of the charitable program for which the solicitation campaign is being carried out; and, if different, a description of the programs and activities of the organization on whose behalf the solicitation campaign is being carried out.

MISSISSIPPI – Miss. Code Ann. § 79-11-523(3)

The following statement must be reproduced verbatim on written solicitations, confirmations, receipts and reminders of oral solicitations:

"The official registration and financial information of (insert the legal name of the charity as registered with the Secretary of State) may be obtained from the Mississippi Secretary of State's office by calling 1-888-236-6167. Registration by the Secretary of State does not imply endorsement by the Secretary of State."

MISSOURI

No disclosure requirements for written solicitations by charities not using professional solicitors.

MONTANA

No disclosure requirements for written solicitations by charities not using professional solicitors.

NEBRASKA

No disclosure requirements for written solicitations by charities not using professional solicitors.

NEVADA

No disclosure requirements for written solicitations by charities not using professional solicitors.

NEW HAMPSHIRE

No disclosure requirements for written solicitations by charities not using professional solicitors.

NEW JERSEY – Charities Regulations 13:48-11.2

Prior to soliciting any contribution in writing, a charitable organization, unless exempt from registration, shall clearly and conspicuously disclose the following:

1. The name of the individual making the solicitation;
2. The individual making the solicitation is a volunteer; and
3. The name of the charitable organization which will receive the contribution.

The following disclosure must be "conspicuously printed" on any printed solicitation, written confirmation, receipt or written reminder of a contribution from an organization, independent paid fund raiser or solicitor:

"INFORMATION FILED WITH THE ATTORNEY GENERAL CONCERNING THIS CHARITABLE SOLICITATION AND THE PERCENTAGE OF CONTRIBUTIONS RECEIVED BY THE CHARITY DURING THE LAST REPORTING PERIOD THAT WERE DEDICATED TO THE CHARITABLE PURPOSE MAY BE OBTAINED FROM THE ATTORNEY GENERAL OF THE STATE OF NEW JERSEY BY CALLING (973) 504-6215 AND IS AVAILABLE ON THE INTERNET AT <http://www.state.nj.us/lps/ca/charfrm.htm>. REGISTRATION WITH THE ATTORNEY GENERAL DOES NOT IMPLY ENDORSEMENT."

NEW MEXICO

No disclosure requirements for written solicitations by charities not using professional solicitors.

NEW YORK – McKinney's Executive Law § 174-b

Any solicitation, by any means, including oral and written solicitations, by or on behalf of a registered charitable organization, must include:

1. A statement that upon request, a person may obtain from the organization or from the charities registry on the attorney general's website, a copy of the last financial report filed by the organization with the attorney general. Such statement shall specify the address of the organization and the address of the attorney general, to which such request should be addressed and in the case of a written solicitation, must be placed conspicuously in the material with print no smaller than ten point bold face type or, alternatively, no smaller than the size print used for the most number of words in the statements. Provided, however, such statement need not be made where the space for a printed advertisement or promotional time in any media has been donated

or made available to the charitable organization at no cost and such space or time does not reasonably permit inclusion of such statement.

2. A clear description of the programs and activities for which it has requested and has expended or will expend contributions or a statement that, upon request, a person may obtain from the organization such a description.
3. A statement identifying the website and telephone number of the New York state office of the attorney general where an individual can receive information on charitable organizations.
4. If the solicitation is by an institution subject to the New York Prudent Management of Institutional Funds Act, and is for an endowment fund, the solicitation must include a statement that, unless otherwise restricted by the gift instrument, the institution may expend so much of an endowment fund as it deems prudent after considering the factors set forth in NPC-L §553(a).
5. If any charitable organization makes contributions to another organization which is not its affiliate, the solicitation must include a statement that such contributions have been made and that a list of all organizations which have received contributions during the past twelve months from the soliciting organization may be obtained from that organization provided, however, a united way, federated fund or incorporated community appeal, by or through which a donation is merely transferred to a charity selected by the donor, need not include such donor selected organizations in the list. The term "affiliate" includes any chapter, branch, auxiliary, or other subordinate unit of any registered charitable organization, howsoever designated, whose policies, fund raising activities, and expenditures are supervised or controlled by such parent organization.

The written disclosure must be placed conspicuously in the materials with print no smaller than 10 point bold face type or, alternatively, no smaller than the size print used for the most number of words in the solicitation. A charitable organization must comply with requests for the above information within fifteen (15) days of receipt.

NORTH CAROLINA – N.C.G.S.A. § 131F-9

A charitable organization soliciting in this State must include all of the following disclosures at the point of solicitation:

1. The name of the charitable organization and state of the principal place of business of the charitable organization.
2. A description of the purpose for which the solicitation is being made.

Every charitable organization that is required to obtain a license to solicit contributions must conspicuously display in type of a minimum size nine points, the following statement on every printed solicitation, written confirmation, receipt, or reminder of a contribution:

"Financial information about this organization and a copy of its license are available from the State Solicitation Licensing Branch at 1-888-830-4989 (within North Carolina) or (919) 807-2214 (outside of North Carolina). The license is not an endorsement by the State."

The statement must be made conspicuous by use of one or more of the following: underlining, a border, or bold type. When the solicitation consists of more than one piece, the statement must be displayed prominently in the solicitation materials, but not necessarily on every page.

NORTH DAKOTA

No disclosure requirements for written solicitations by charities not using professional solicitors.

OHIO – R.C. § 1716.10

Every charitable organization that directly solicits contributions in this state must make the following disclosures at the point of solicitation:

1. The name of the charitable organization and the city of the principal place of business of the charitable organization;
2. If the charitable organization has not received a determination letter from the Internal Revenue Service that is currently in effect, stating that the organization is exempt from federal income taxation under section 501(a) and described in section 501(c)(3) of the Internal Revenue Code, and the particular charitable purpose or purposes to be advanced with the funds raised.

OKLAHOMA

No disclosure requirements for written solicitations by charities not using professional solicitors.

OREGON – O.R.S. § 128.891(2); O.R.S. § 128.893

Any written statement made in connection with a solicitation of contributions that the person or organization conducting the solicitation is registered or has filed, will file or is required to file any report with the Attorney General, or any statement of similar import, shall be immediately followed by a statement of equal prominence that such registration or report in no way constitutes or implies any endorsement, sanction or approval of the solicitation, its purposes, the manner in which it is conducted or the person or organization conducting it, by the Attorney General or any other governmental agency or officer. O.R.S. § 128.891(2)

Every charitable organization that solicits in Oregon, and uses an Oregon address, including a return address, but does not maintain and staff an office at that address must disclose in writing immediately proximate to the address located in the state both (1) the address of the charitable organization's actual headquarters and (2) the fact that the address is that of a mail drop box or located in a mail-handling facility. The following language may be used:

"The headquarters of this organization is located at (insert the address of the non-Oregon headquarters). The Oregon address is that of a (insert either "mail drop box" or "mail-handling facility") located in the state." O.R.S. § 128.893

PENNSYLVANIA – 10 P.S. § 162.13

A charitable organization soliciting in Pennsylvania shall include all of the following disclosures at the point of solicitation:

1. Its legal name as registered with the department and location and, if different, the legal name and address of the charitable organization as registered with the department on whose behalf the

solicitation is being conducted. Any use of a project or program name in a solicitation must be immediately followed by a disclosure of the legal name of the charitable organization as registered.

2. A full and fair description of the charitable purpose or purposes for which the solicitation is being made, and a source from which written information is available.

The following must also be reproduced verbatim and “conspicuously printed” in any solicitation materials, including any written confirmation, receipt, and reminder of a contribution:

“The official registration and financial information of [legal name of the charity as registered with the department] may be obtained from the Pennsylvania Department of State by calling toll-free, within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement.”

RHODE ISLAND – RI ST § 5-53.1-12

Any written solicitation used by or on behalf of any charitable organization must provide a description of the programs and activities for which it has expended or will expend contributions it receives from the solicitation or must include a statement that, upon written request to a specified person at the charitable organization, a person may obtain such a description from the charitable organization. In addition, any written solicitation must state in clear and unambiguous language whether or not contributions are deductible for federal income tax purposes in accordance with applicable law. These requirements must be satisfied by written notice to the donor or prospective donor. This written notice requirement will be deemed satisfied if made once during the solicitation process, including at the time of confirmation of receipt of any contribution.

If any charitable organization solicits contributions for another organization, or states in a solicitation that it has made contributions to another organization, and that other organization is not its “affiliate” as defined in § 5-53.1-4 of the Rhode Island Solicitation by Charitable Organizations Act (SCOA), the written solicitation must include a statement that the contributions have been made, if applicable, and that a list of all organizations which have received contributions from the soliciting organization during the most recently completed fiscal year of the charitable organization for which information is required to be filed in accordance with § 5-53.1-2 of the SCOA may be obtained from that organization. A United Way, federated fund or incorporated community appeal, by or through which a donation is merely transferred to another organization selected by the donor, does not need to include the donor selected transferee organizations in the list. These requirements must be satisfied by a written notice to the donor or prospective donor. This written notice requirement will be deemed satisfied if made once during the solicitation process, including at the time of confirmation of receipt of any contribution.

SOUTH CAROLINA

No disclosure requirements for written solicitations by charities not using professional solicitors.

SOUTH DAKOTA

No disclosure requirements for written solicitations by charities not using professional solicitors.

TENNESSEE

No disclosure requirements for written solicitations by charities not using professional solicitors.

TEXAS

No disclosure requirements for written solicitations by charities not using professional solicitors.

UTAH

No disclosure requirements for written solicitations by charities not using professional solicitors.

VERMONT

No disclosure requirements for written solicitations by charities not using professional solicitors.

VIRGINIA – VA Code Ann. § 57-55.3

Every charitable organization, required to be registered, soliciting contributions from prospective contributors, shall disclose to the potential donor contemporaneously at the point of a written request or on a written receipt for donations made in response to an oral request that a financial statement is available from the State Office of Consumer Affairs in the Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218.

WASHINGTON – West’s RCWA 19.09.100

A charitable organization that directly solicits contributions from the public in this state must make the following clear and conspicuous disclosures at the point of solicitation:

1. The name of the individual making the solicitation; and
2. The identity of the charitable organization and the city of the principal place of business of the charitable organization.

In the case of a solicitation by advertisement or mass distribution, including posters, leaflets, automatic dialing machines, publication, and audio or video broadcasts, it must be clearly and conspicuously disclosed in the body of the solicitation material that: The potential donor can obtain additional financial disclosure information from the office of the Secretary of State at 1-800-332-4483.

WEST VIRGINIA – W. Va. Code, § 29-19-8

All registered charitable organizations are required to disclose in writing:

1. The name of a representative of the charitable organization to whom inquiries can be made;
2. The name of the charitable organization;
3. The purpose of the solicitation;
4. A clear description of programs for which funds are requested and the source from which written information is available; and

5. The number of the raffle, bingo or other such state permit used for fund raising. If the organization only has a general state charitable solicitation license and not a raffle, bingo or other such state fundraising permit, no registration number is assigned, and this disclosure is not applicable.

The following printed statement is also required:

"West Virginia residents may obtain a summary of the registration and financial documents from the Secretary of State, State Capitol, Charleston, WV 25305. Registration does not imply endorsement."

The disclosure statement must be conspicuously displayed on any written or printed solicitation. When the solicitation consists of more than one piece, "the statement must be displayed on a prominent part of the solicitation materials."

WISCONSIN – W.S.A. 440.455

If an unpaid solicitor solicits a contribution for a charitable organization that is required to be registered, the unpaid solicitor must make the following disclosures prior to accepting a contribution:

1. The name and location of the charitable organization;
2. That a financial statement of the charitable organization disclosing assets, liabilities, fund balances, revenue and expenses for the preceding fiscal year will be provided to the person upon request; and
3. A clear description of the primary charitable purpose for which the solicitation is made.

WYOMING

No disclosure requirements for written solicitations by charities not using professional solicitors.