

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

SENATE BILL 1252

AN ACT

AMENDING SECTION 44-6552, ARIZONA REVISED STATUTES; REPEALING SECTION 44-6553, ARIZONA REVISED STATUTES; AMENDING TITLE 44, CHAPTER 19, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 44-6553; RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 44-6552, Arizona Revised Statutes, is amended to
3 read:

4 44-6552. Registration of charitable organizations

5 A. ~~No later than three days after a charitable organization solicits~~
6 ~~its first contribution~~ EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION AND
7 SECTION 44-6553, BEFORE SOLICITING ITS FIRST CONTRIBUTION, whether through a
8 contracted fund raiser or otherwise and each ~~January~~ SEPTEMBER thereafter,
9 ~~the A~~ charitable organization shall file A REGISTRATION STATEMENT with the
10 secretary of state IN A FORMAT PRESCRIBED AND ADOPTED BY THE SECRETARY OF
11 STATE BY RULE. ~~A written statement containing the following information:~~

12 ~~1. The names, telephone numbers and business street addresses of the~~
13 ~~charitable organization and its officers and directors, including a~~
14 ~~designation of the office held by each officer and director.~~

15 ~~2. The name, telephone number and business street address of any~~
16 ~~contracted fund raiser engaged for remuneration to make solicitations on~~
17 ~~behalf of the charitable organization. If the contracted fund raiser is~~
18 ~~located outside of this state, the statement shall provide the name,~~
19 ~~telephone number and business street address of a local contact person.~~

20 ~~3. A general description of the methods, locations, types and amounts~~
21 ~~of solicitations that the charitable organization, or any of its contracted~~
22 ~~fund raisers, will use to solicit charitable contributions.~~

23 ~~4. The duration of the solicitation period of the charitable~~
24 ~~organization and any of its contracted fund raisers.~~

25 ~~5. Either of the following:~~

26 ~~(a) A current internal revenue service form 990.~~

27 ~~(b) The total dollar amount of all charitable contributions received~~
28 ~~and a detailed statement, on a form prescribed by the secretary of state, of~~
29 ~~all expenditures relating to solicitations for charitable contributions by~~
30 ~~the charitable organization during the preceding calendar year or, if the~~
31 ~~statement is the charitable organization's initial statement and it is filed~~
32 ~~after June 30, the total of all charitable contributions it received and~~
33 ~~expenditures it made during that year to date.~~

34 ~~6. A description of a conviction or plea of no contest to a felony or~~
35 ~~misdemeanor involving fraud, dishonesty, false statement or the receipt or~~
36 ~~the expectation of the receipt of anything of pecuniary value or a violation~~
37 ~~of chapter 9, article 6 of this title of any contracted fund raiser for the~~
38 ~~charitable organization pursuant to paragraph 2 including the date, place and~~
39 ~~nature of the offense.~~

40 ~~7. A specific description of the purpose of the charitable~~
41 ~~organization.~~

42 B. ~~The president and treasurer or equivalent officers of the~~
43 ~~charitable organization shall sign and swear to the written statements filed~~
44 ~~pursuant to this section.~~

1 ~~C. The charitable organization shall report in writing to the~~
2 ~~secretary of state any material change in any information filed with the~~
3 ~~secretary of state pursuant to this section within sixty days of the change.~~

4 ~~D.~~ B. The secretary of state shall file and preserve all information
5 required to be filed with the secretary of state pursuant to this section for
6 five years from the date of filing, after which the information may be
7 destroyed. This information is public information and is open to public
8 inspection.

9 C. THE SECRETARY OF STATE MAY DELIVER BY CERTIFIED MAIL A NOTICE OF
10 FAILURE TO FILE A REGISTRATION STATEMENT PURSUANT TO THIS SECTION TO ANY
11 CHARITABLE ORGANIZATION THAT IS REQUIRED TO FILE A REGISTRATION STATEMENT AND
12 THAT FAILS TO COMPLY WITH THE REGISTRATION REQUIREMENTS OF THIS SECTION. THE
13 CHARITABLE ORGANIZATION SHALL COMPLY WITH THE REGISTRATION REQUIREMENTS OF
14 THIS SECTION WITHIN THIRTY DAYS AFTER RECEIVING THE NOTICE FROM THE SECRETARY
15 OF STATE AND SHALL PAY A LATE REGISTRATION PENALTY OF TWENTY-FIVE DOLLARS. IF
16 THE CHARITABLE ORGANIZATION DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS
17 SUBSECTION, THE CHARITABLE ORGANIZATION IS GUILTY OF A CLASS 1 MISDEMEANOR.

18 D. INSTEAD OF FILING ANY FINANCIAL DISCLOSURE INFORMATION PRESCRIBED
19 BY THE SECRETARY OF STATE PURSUANT TO THIS SECTION, A TAX EXEMPT ORGANIZATION
20 PURSUANT TO SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE MAY EITHER:

21 1. FILE WITH THE SECRETARY OF STATE A COPY OF THE ORGANIZATION'S
22 ANNUAL INFORMATION RETURN AS DEFINED IN THE INTERNAL REVENUE CODE AND
23 APPLICABLE REGULATIONS.

24 2. PROVIDE THE SECRETARY OF STATE WITH THE ADDRESS ON THE INTERNET
25 WHERE THE ORGANIZATION'S ANNUAL INFORMATION RETURN IS AVAILABLE.

26 Sec. 2. Repeal

27 Section 44-6553, Arizona Revised Statutes, is repealed.

28 Sec. 3. Title 44, chapter 19, article 1, Arizona Revised Statutes, is
29 amended by adding a new section 44-6553, to read:

30 44-6553. Exemptions

31 THE FOLLOWING INDIVIDUALS AND ENTITIES ARE EXEMPT FROM THE REGISTRATION
32 REQUIREMENTS PRESCRIBED IN SECTION 44-6552:

33 1. ANY POLITICAL PARTY, CANDIDATE FOR OFFICE OR CAMPAIGN COMMITTEE
34 THAT IS REQUIRED TO FILE FINANCIAL INFORMATION WITH THE SECRETARY OF STATE.

35 2. ANY CHARITABLE ORGANIZATION THAT IS A BONA FIDE AND DULY
36 CONSTITUTED RELIGIOUS INSTITUTION AND ANY OTHER ENTITY THAT IS AN INTEGRAL
37 PART OF A RELIGIOUS INSTITUTION IF ALL OF THE FOLLOWING APPLY:

38 (a) THE RELIGIOUS INSTITUTION OR ENTITY IS A TAX EXEMPT INSTITUTION OR
39 ENTITY PURSUANT TO THE INTERNAL REVENUE CODE.

40 (b) NO PART OF THE RELIGIOUS INSTITUTION'S OR ENTITY'S NET INCOME
41 INURES TO THE DIRECT BENEFIT OF ANY INDIVIDUAL.

42 (c) THE RELIGIOUS INSTITUTION OR ENTITY ONLY SOLICITS MONIES FROM THE
43 INSTITUTION'S OR ENTITY'S MEMBERSHIP, CONGREGATION OR PREVIOUS DONORS AND THE
44 INSTITUTION'S OR ENTITY'S CONDUCT AND FEES CHARGED FOR SERVICES ARE PRIMARILY
45 SUPPORTED AND PAID THROUGH GOVERNMENT GRANTS OR CONTRACTS.