

REFERENCE TITLE: charitable organizations; filings; exemptions

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

## **SB 1252**

Introduced by  
Senator Smith

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~~ BEFORE SOLICITING ITS FIRST CONTRIBUTION, whether  
7 through a contracted fund raiser or otherwise and each ~~January~~ SEPTEMBER  
8 thereafter, ~~the~~ A charitable organization shall file A STATEMENT with the  
9 secretary of state IN A FORMAT PRESCRIBED AND ADOPTED BY THE SECRETARY OF  
10 STATE BY RULE. ~~A written statement containing the following information:~~

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

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

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

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

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

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

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

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

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

41 B. ~~The president and treasurer or equivalent officers of the~~  
42 ~~charitable organization shall sign and swear to the written statements filed~~  
43 ~~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. PURSUANT TO RULES ADOPTED BY THE SECRETARY OF STATE, the  
5 secretary of state shall file and preserve all information required to be  
6 filed with the secretary of state pursuant to this section for five years  
7 from the date of filing, ~~after which the information may be destroyed.~~ This  
8 information is public information and is open to public inspection.

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

18 Sec. 2. Repeal

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

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

22 44-6553. Exemptions

23 POLITICAL PARTIES, CANDIDATES FOR OFFICE AND CAMPAIGN COMMITTEES  
24 REQUIRED TO FILE FINANCIAL INFORMATION WITH THE SECRETARY OF STATE ARE EXEMPT  
25 FROM THE REGISTRATION REQUIREMENTS WITH THE SECRETARY OF STATE PRESCRIBED IN  
26 SECTION 44-6552.