

Notice: This guide is for informational purposes only and does not provide legal advice or create an attorney-client relationship. You should contact an attorney to obtain advice with respect to any particular issue or problem.

## MASSACHUSETTS NONPROFIT SOLICITATION REQUIREMENTS

### What is a charitable solicitation?

Charitable solicitation is the act of asking for donations or contributions, usually for a charitable cause or organization. The goal is to raise money or resources for nonprofit organizations, charities, or causes in need of support. Charitable solicitation can take various forms including:

- fundraising campaigns
- in-person solicitations and requests
- online donations
- direct mail and mailing lists
- phone calls or text messages
- fundraising events
- street fundraising
- social media campaigns
- advertising

### What is a charitable registration?

A charitable registration is the registration requirement for a nonprofit organization or charity to register with a government agency (usually at the state level). Before fundraising or asking for donations, this registration must be completed.

Each state has its own requirements, which are typically found on a state Attorney General's Office website. In Massachusetts, before soliciting contributions or having others solicit contributions on its behalf, a nonprofit or charitable organization must get a valid Certificate of Solicitation from the Non-Profit Organizations/Public Charities Division of the Attorney General's Office (AGO). To receive or renew a Certificate of Solicitation, the organization must complete Schedule A-1 and Schedule A-2 of the Form PC and submit it to the Attorney General's Office, along with the rest of Form PC, other required documents, and the appropriate filing fees. The Form PC and other important documents can be found at <https://www.mass.gov/info-details/non-profit-organizationspublic-charities-forms>.

### Who needs to register for charitable solicitation and when? Are there any exemptions?

Any organization that solicits donations from the public *must* register with the Non-Profit Organization/Public Charities Division of the Attorney General's Office *unless* they fall under a 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 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.
- In Massachusetts, submissions for registrations and annual filings must be made online. Filings are reviewed by staff (not automated) so account for processing times for deadlines.
- Massachusetts requires that nonprofit organizations provide written acknowledgements for all donations of \$250 or more. The acknowledgement must include: (1) the amount of the contribution and (2) a statement that no goods or services were provided in exchange for the donation (if applicable).
- Treat donor information as confidential, including donors’ personal and financial data. Some donors want to stay anonymous or do not want their contact information shared.
- Some best practices for *mail* solicitations include:
  - clearly stating the purpose of the solicitation
  - clearly identifying the name of the nonprofit organization and its tax-exempt status
  - informing donors that their contributions may be tax-deductible
  - including details on how they can claim deductions,
  - avoiding misleading or deceptive statements
- Some best practices for *online* solicitations include:
  - a clear and accessible donation page that is compatible for a mobile device
  - clear articulation on how donations will be used
  - donation receipts, etc.
  - For *email specifically*: only email those who opt in, clearly identify yourself, and always provide an “unsubscribe” option.
- For *text messages and phone calls*, you must have consent prior and include a way to opt-out.

**Looking for legal help? Contact the following legal organizations to see if you qualify for free legal assistance!**

**Legal Food Hub**  
**legalfoodhub.org**  
**[legalfoodhub@clf.org](mailto:legalfoodhub@clf.org)**  
**1-844-LAW-GROW (1-844-529-4769)**

**Northeastern University Community Business Clinic**  
**<https://law.northeastern.edu/experience/clinics/community-business/>**  
**617-373-6435**

The “MASSACHUSETTS NONPROFIT SOLICITATION REQUIREMENTS” Q&A was created as a collaboration between Legal Food Hub and the Northeastern University Community Business Clinic Spring 2025 cohort.