



## Advanced Issues in Fundraising

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## State Charitable Solicitation Acts

- Definitions
  - Charitable
  - Solicitation
  - Membership
  - Fundraising counsel
  - Professional Fundraiser/Solicitor
  - Commercial co-ventures

## Charitable Solicitation Acts *(cont.)*

- Regulation of:
  - Charities
  - Fundraisers
  - Solicitors
  - Sales promotions

## CSA Exemptions

- Churches and other religious organizations
- Educational institutions
- Health care institutions
- Membership organizations
- Small solicitations

# New California Fundraising Law

- On October 7, 2021, California Governor Gavin Newsom signed into law [Assembly Bill 488](#), establishing a new statutory framework to regulate online charitable fundraising platforms
- The new law defines a “charitable fundraising platform” as:
  - “any person, corporation, unincorporated association or other legal entity that uses the internet to provide an internet website, service, or other platform to persons in this state, and performs, permits, or otherwise enables acts of solicitation to occur.”
  - The broad definition of charitable fundraising platform applies to most consumer-facing websites that facilitate the receipt of online donations or that allow a portion of the purchase price from the sale of goods or services to be donated to specified charities
  - Examples of organizations that could be included in the definition of charitable fundraising platform include Amazon, eBay, Facebook, GoFundMe, Google, and PayPal
- The bill also regulates platform charities, which are charitable organizations that facilitate acts of solicitation on a charitable fundraising platform

# New California Fundraising Law

- Requirements for charitable fundraising platforms and charities
  - Registration and reporting
  - Disclosures
  - Written consent of charity beneficiaries
  - Soliciting or receiving funds only for charities in good standing
  - Segregation of funds and accounting of fees
  - Prompt distribution of donations

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