

Chapter RL 5

CHARITABLE ORGANIZATIONS

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**RL 5.01 Authority and purpose.** Pursuant to s. 227.11 (2), Stats., the rules of this chapter are adopted for the purpose of interpreting and clarifying ch. 440, Stats., relating to registration of charitable organizations.

**History:** Cr. Register, February, 1977, No. 254, eff. 3-1-77; correction made under s. 13.93 (2m) (b) 7, Stats., Register, May, 1988, No. 389.

**RL 5.02 Definitions.** (1) "Charitable organization" means an organization which, as all or part of its purpose, aids, manages, administers or conducts activities for the relief of poverty, advancement of education, promotion of health or for any other purpose which benefits the community.

(2) "Solicitation" means any direct or indirect request for money, property, financial assistance or other thing of value on the representation or implication that it will be used for some charitable purpose.

(3) "Contribution" as defined in s. 440.41(1)(b), Stats., includes, without limitation, the sale price of tickets or goods, less the cost to the organization of the item sold when such sale was made on the representation that all or part of the proceeds will be used for some charitable purpose.

**History:** Cr. Register, February, 1977, No. 254, eff. 3-1-77.

**RL 5.03 Clarification of exemptions.** (1) A charitable organization that claims exemption on the basis of s. 440.41(3), Stats., shall submit all information requested by the department substantiating the grounds for such claimed exemption.

(2) All veterans' organizations and their affiliates that are not chartered under federal law or incorporated under ch. 188, Stats., shall register under s. 440.41, Stats.

(3) Federal or state tax-exempt status is not a basis for claimed exemption from registration under s. 440.41, Stats.

**History:** Cr. Register, February, 1977, No. 254, eff. 3-1-77.

**RL 5.04 Declaratory rulings.** An organization uncertain of its status under s. 440.31, Stats., may request from the department a declaratory ruling pursuant to s. 227.41, Stats.

**History:** Cr. Register, February, 1977, No. 254, eff. 3-1-77; correction made under s. 13.93 (2m) (b) 7, Stats., Register, May, 1988, No. 389.

**RL 5.05 Registration.** (1) Charitable organizations shall at the request of the department submit a description of proposed solicitations including the manner in which contributions will be solicited and the date and general locale of the solicitations.

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(2) Charitable organizations that plan to solicit on behalf of another organization or individual shall submit to the department proof that the organization or individual on whose behalf the solicitation is made agrees to the solicitation.

(3) Charitable organizations shall submit to the department a list of salaries or other compensation of officers, directors, trustees and executive personnel and other employees.

(4) Organizations that have failed to register in the past and that seek to comply with registration requirements shall file financial data equivalent to the requirements of s. 440.41(4), Stats., for each year the organization received solicited contributions of more than \$500.

(5) Each charitable organization shall submit the proportion, expressed as a percentage, of contributions expected to be used for the organization's charitable purpose, and the basis upon which such calculation was made.

(6) An application for registration shall be granted or denied within 30 business days after receipt of a completed registration.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; cr. (6), Register, November, 1986, No. 371, eff. 12-1-86.

**RL 5.06 Annual reports.** (1) Charitable organizations shall at the request of the department attach to the annual report a description of solicitations conducted in the preceding year and a list of solicitation costs for any solicitation for which a professional fund raiser was retained.

(2) Charitable organizations shall provide proof of compliance with s. 100.18(4), Stats., for the preceding year's solicitations.

(3) Each charitable organization shall submit a calculation of the proportion of contributions received, expressed as a percentage, actually used for the organization's stated purpose, and the basis upon which such calculation was made.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

**RL 5.07 Professional fund raisers.** (1) Professional fund raisers include individuals or organizations that plan but do not actually engage in solicitations.

(2) Professional fund raisers shall attach to applications for renewal copies of all contracts with Wisconsin charitable organizations entered into in the preceding year.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.