



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4221

by Rep. Charles Meier

#### SYNOPSIS AS INTRODUCED:

225 ILCS 460/3

from Ch. 23, par. 5103

Amends the Solicitation for Charity Act. Exempts any non-profit organization committed to ensuring the safety, welfare, and well-being of animals that spends at least 80% of its annual solicited contributions on animal shelters and activities directly ensuring the safety, welfare, and well-being of animals within the State, which does not include promoting or opposing legislation by any legislative body or administrative costs of the organization, from registering and filing reports with the Attorney General.

LRB100 16228 SMS 31351 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Solicitation for Charity Act is amended by  
5 changing Section 3 as follows:

6 (225 ILCS 460/3) (from Ch. 23, par. 5103)

7 Sec. 3. Exemptions.

8 (a) Upon initial filing of a registration statement  
9 pursuant to Section 2 of this Act and notification by the  
10 Attorney General of his determination that the organizational  
11 purposes or circumstances specified in this paragraph for  
12 exemption are actual and genuine, the following entities shall  
13 be exempt from all the report filing provisions of this Act,  
14 except for the requirements set forth in Section 2 of this Act:

15 1. A corporation sole or other religious corporation,  
16 trust or organization incorporated or established for  
17 religious purposes, nor to any agency or organization  
18 incorporated or established for charitable, hospital or  
19 educational purposes and engaged in effectuating one or  
20 more of such purposes, that is affiliated with, operated  
21 by, or supervised or controlled by a corporation sole or  
22 other religious corporation, trust or organization  
23 incorporated or established for religious purposes, nor to

1 other religious agencies or organizations which serve  
2 religion by the preservation of religious rights and  
3 freedom from persecution or prejudice or by fostering  
4 religion, including the moral and ethical aspects of a  
5 particular religious faith.

6 2. Any charitable organization which does not intend to  
7 solicit and receive and does not actually receive  
8 contributions in excess of \$15,000 during any 12 month  
9 period ending December 31 of any year. However, if the  
10 gross contributions received by such charitable  
11 organization during any 12 month period ending December 31  
12 of any year shall be in excess of \$15,000, it shall file  
13 reports as required under this Act and the provisions of  
14 this Act shall apply.

15 (b) The following persons shall not be required to register  
16 with the Attorney General:

17 1. The University of Illinois, Southern Illinois  
18 University, Eastern Illinois University, Illinois State  
19 Normal University, Northern Illinois University, Western  
20 Illinois University, all educational institutions that are  
21 recognized by the State Board of Education or that are  
22 accredited by a regional accrediting association or by an  
23 organization affiliated with the National Commission on  
24 Accrediting, any foundation having an established identity  
25 with any of the aforementioned educational institutions,  
26 any other educational institution confining its

1 solicitation of contributions to its student body, alumni,  
2 faculty and trustees, and their families, or a library  
3 established under the laws of this State, provided that the  
4 annual financial report of such institution or library  
5 shall be filed with the State Board of Education, Governor,  
6 Illinois State Library, County Library Board or County  
7 Board, as provided by law.

8 2. Fraternal, patriotic, social, educational, alumni  
9 organizations and historical societies when solicitation  
10 of contributions is confined to their membership. This  
11 exemption shall be extended to any subsidiary of a parent  
12 or superior organization exempted by Sub-paragraph 2 of  
13 Paragraph (b) of Section 3 of this Act where such  
14 solicitation is confined to the membership of the  
15 subsidiary, parent or superior organization.

16 3. Persons requesting any contributions for the relief  
17 or benefit of any individual, specified by name at the time  
18 of the solicitation, if the contributions collected are  
19 turned over to the named beneficiary, first deducting  
20 reasonable expenses for costs of banquets, or social  
21 gatherings, if any, provided all fund raising functions are  
22 carried on by persons who are unpaid, directly or  
23 indirectly, for such services.

24 4. Any bona fide union, bona fide political  
25 organization or bona fide political action committee,  
26 which does not solicit funds for a charitable purpose.

1           5. Any charitable organization receiving an allocation  
2           from an incorporated community chest or united fund,  
3           provided such chest or fund is complying with the  
4           provisions of this Act relating to registration and filing  
5           of annual reports with the Attorney General, and provided  
6           such organization does not actually receive, in addition to  
7           such allocation, contributions in excess of \$4,000 during  
8           any 12 month period ending June 30th of any year, and  
9           provided further that all the fund raising functions of  
10          such organization are carried on by persons who are unpaid  
11          for such services. However, if the gross contributions  
12          other than such allocation received by such charitable  
13          organization during any 12 month period ending June 30th of  
14          any year shall be in excess of \$4,000, it shall within 30  
15          days after the date it shall have received such  
16          contributions in excess of \$4,000 register with the  
17          Attorney General as required by Section 2.

18          6. A bona fide organization of volunteer firemen, or a  
19          bona fide auxiliary or affiliate of such organization,  
20          provided all its fund raising activities are carried on by  
21          members of such an organization or an affiliate thereof and  
22          such members receive no compensation, directly or  
23          indirectly, therefor.

24          7. Any charitable organization operating a nursery for  
25          infants awaiting adoption providing that all its fund  
26          raising activities are carried on by members of such an

1 organization or an affiliate thereof and such members  
2 receive no compensation, directly or indirectly therefor.

3 8. Any corporation established by the Federal Congress  
4 that is required by federal law to submit annual reports of  
5 its activities to Congress containing itemized accounts of  
6 all receipts and expenditures after being duly audited.

7 9. Any boys' club which is affiliated with the Boys'  
8 Club of America, a corporation chartered by Congress;  
9 provided, however, that such an affiliate properly files  
10 the reports required by the Boys' Club of America and that  
11 the Boys' Club of America files with the Government of the  
12 United States the reports required by its federal charter.

13 10. Any veterans organization chartered or  
14 incorporated under federal law and any veterans  
15 organization which is affiliated with, and recognized in  
16 the bylaws of, a congressionally chartered or incorporated  
17 veterans organization; provided, however, that the  
18 affiliate properly files the reports required by the  
19 congressionally chartered or incorporated veterans  
20 organization, that the congressionally chartered or  
21 incorporated veterans organization files with the  
22 government of the United States the reports required by its  
23 federal charter, and that copies of such federally required  
24 reports are filed with the Attorney General.

25 11. Any parent-teacher organization that is controlled  
26 by teachers and parents of children attending a particular

1 public or private school for which the organization is  
2 named and solicits contributions for the benefit of that  
3 particular school; provided that:

4 (i) the school is specified by name at the time the  
5 solicitation is made;

6 (ii) all of the contributions are turned over to  
7 the school, after first deducting reasonable expenses  
8 for fundraising and parent-teacher activities;

9 (iii) all fundraising functions are carried on by  
10 persons who are not paid, either directly or  
11 indirectly, for their fundraising services;

12 (iv) the total contributions, less reasonable  
13 fundraising expenses, do not exceed \$50,000 in any  
14 calendar year;

15 (v) the organization provides the school at least  
16 annually with a complete accounting of all  
17 contributions received; and

18 (vi) the governing board of the school certifies to  
19 the Attorney General, if the Attorney General makes a  
20 request for certification, that the parent-teacher  
21 organization has provided the school with a full  
22 accounting and that the organization has provided  
23 benefits and contributions to the school.

24 12. Any non-profit organization committed to ensuring  
25 the safety, welfare, and well-being of animals that spends  
26 at least 80% of its annual solicited contributions on

1       animal shelters and activities directly ensuring the  
2       safety, welfare, and well-being of animals within the  
3       State. For the purposes of this paragraph 12, activities  
4       directly ensuring the safety, welfare, and well-being of  
5       animals do not include promoting or opposing legislation by  
6       any legislative body or administrative costs of the  
7       organization.

8       (Source: P.A. 90-469, eff. 8-17-97; 91-444, eff. 8-6-99.)