309.531 REGISTRATION OF PROFESSIONAL FUNDRAISERS.

Subdivision 1. **General requirements.** No person shall act as a professional fundraiser unless registered with the attorney general. The registration statement must be in writing, under oath, in the form prescribed by the attorney general and must be accompanied by a registration fee of $200. Each registration is effective for a period of not more than 12 months and in any event expires on April 30 next following the date of registration. The registration may be renewed for additional one-year periods on application and payment of all required fees. A professional fundraiser failing to register on the date required by this section or failing to file the financial report required by this section on or before the date provided shall pay a late fee of $300. This late fee shall be in addition to all other fees, costs, and penalties which may be imposed pursuant to this section or section 309.57.

Subd. 2. **Required registration statement.** The registration statement of the professional fundraiser shall consist of the following:

(1) If the professional fundraiser at any time has custody of or access to contributions from a solicitation, or if any person the professional fundraiser employs, obtains, or engages has custody of or access to contributions from a solicitation, the registration statement shall include a bond, in which the professional fundraiser shall be the principal obligor. The bond shall be in the sum of $20,000, with one or more responsible sureties whose liability in the aggregate as the sureties will at least equal that sum. In order to maintain the registration, the bond shall be in effect for the full term of the registration. The bond, which may be in the form of a rider to a larger blanket liability bond, shall run to the state and to any person who may have a cause of action against the principal obligor of the bond for any liabilities resulting from the obligor's conduct of any activities subject to sections 309.50 to 309.61 or arising out of a violation of the statutes or a rule adopted under the statutes.

(2) If the professional fundraiser, or any person the professional fundraiser employs, procures, or engages, solicits in this state, the registration statement shall include a completed "solicitation notice" on a form provided by the attorney general. The solicitation notice shall include a copy of the contract described in clause (3), the projected dates when soliciting will commence and terminate, the location and telephone number from where the solicitation will be conducted, the name and residence address of each person responsible for directing and supervising the conduct of the campaign, a statement as to whether the professional fundraiser will at any time have custody of contributions, and a description of the charitable program for which the solicitation campaign is being carried out. The charitable organization on whose behalf the professional fundraiser is acting shall certify that the solicitation notice and accompanying material are true and complete to the best of its knowledge.

(3) The professional fundraiser shall also include, as part of the registration statement, a copy of the contract between the charitable organization and the professional fundraiser. The contract shall:

(i) be in writing;

(ii) contain information as will enable the attorney general to identify the services the professional fundraiser is to provide, including whether the professional fundraiser will at any time have custody of contributions; and

(iii) if the professional fundraiser or any person the professional fundraiser employs, procures, or engages, directly or indirectly, solicits in this state, disclose the percentage or a reasonable estimate of the percentage of the total amount solicited from each person which shall be received by the charitable organization for charitable purposes.

The stated percentages required by this section and section 309.556, subdivision 2, shall exclude any amount which the charitable organization is to pay as expenses of the solicitation campaign, including the cost of merchandise or services sold or events staged.

(4) The registration statement shall also include the financial report for previous campaigns conducted by the professional fundraiser in this state as set forth in subdivision 4.

Subd. 3. **Solicitations on behalf of charity; written authorization.** No professional fundraiser shall use the name of or solicit on behalf of any charitable organization unless such solicitor has written authorization from two officers of such organization, a copy of which shall be filed with the attorney general. Such written authorization shall conform to the requirements of the contract described in subdivision 2, clause (3).

Subd. 4. **Solicitation campaign; financial report.** Within 90 days after a solicitation campaign has been completed, and 90 days following the anniversary of the commencement of a solicitation campaign lasting more than one year, the professional fundraiser who solicited contributions in this state in conjunction with a charitable organization shall file with the attorney general a financial report for the campaign, including gross revenue and an itemization of all expenses incurred. The report shall be completed on a form prescribed by the attorney general. The report shall be signed by an authorized official of the professional fundraiser and an authorized official from the charitable organization and they shall certify, under oath, that it is true to the best of their knowledge.

History: *1973 c 762 s 8; 1987 c 336 s 35; 1987 c 358 s 115; 1989 c 151 s 2; 1994 c 465 art 3 s 10; 1995 c 235 s 8,9; 2026 c 88 art 1 s 182*