

Wisconsin Department of Regulation & Licensing

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DIVISION OF PROFESSIONAL CREDENTIAL PROCESSING

CHECKLIST TO DETERMINE EXEMPTION FROM REGISTRATION AS A CHARITABLE ORGANIZATION

There are 11 reasons that qualify a charitable organization to be exempt from registration. If the organization does not meet one of the 11 reasons listed below, the organization will be required to register with the Wisconsin Department of Regulation and Licensing. To register, an organization must complete the Charitable Organization Registration Statement (Form #296) and submit it with all the required attachments and registration fee to the Department.

1. We are not a charitable organization, as defined in Wis. Stats. § 440.41.
2. We are a charitable organization, BUT WE DO NOT SOLICIT CONTRIBUTIONS.

NOTE: A private foundation, IF IT DOES NOT SOLICIT contributions, also falls under this exemption. See Wis. Stats. § 440.41, for the definition of “solicit” and “solicitation”.

3. We are a religious entity that is exempt from filing a federal annual information return (Form #990) under sec. 6033(1)(2)(A)(i) and (iii) and (C)(i) of the Internal Revenue Code.

NOTE: SUMMARY OF EXEMPTIONS FOR FILING RETURNS

Section 6033(a)(2)(A)(i): Churches, their integrated auxiliaries, and conventions or associations of churches.

Section 6033(a)(2)(A)(iii): The exclusively religious activities of any religious order.

Section 6033(a)(2)(C)(i): A religious organization described in sec. 501(c)(3) of the Internal Revenue Code

4. I am or we are a candidate for national, state or local office or a political party or other committee or group required to file financial information with the federal elections commission or a filing officer under Wis. Stats. § 11.02.
5. We are a charitable organization which does not intend to raise or receive contributions in excess of \$5,000 during a fiscal year and all of our functions, including solicitation, are performed by persons who are unpaid for their services and no part of our assets or income inures to the benefit of, or is paid to, any officer or member of the charitable organization.

NOTE: If a charitable organization would otherwise be exempt under Wis. Stats. § 440.42(5)(a)3, but it raises or receives more than \$5,000 in contributions or pays someone to do fund-raising functions, it must, within 30 days register with the Department.

6. We are a fraternal, civic, benevolent, patriotic or social organization that solicits contributions solely from our membership.

NOTE: An initial membership, when conferred solely as consideration for making a grant or pledge of money in response to a solicitation, is a contribution.

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7. We are a veterans organization incorporated under Wis. Stats. Ch. 188, or chartered under federal law or the service foundation of a veterans organization recognized in the bylaws of the veterans organization.
8. We are a nonprofit, postsecondary educational institution accredited by a regional accrediting agency or association approved under 20 USC 1099b, or an educational institution and its authorized charitable foundations which solicit contributions only from its students and their families, alumni, faculty, trustees, corporations, foundations and patients.
9. I am or we are a person soliciting contributions for the relief of a named individual and all contributions, without any deductions, were or will be given to the named individual.
10. We are a state agency, as defined in Wis. Stats. § 20.001(1), or a local government unit, as defined in Wis. Stats. § 605.01(1).

NOTE: Wis. Stats. § 20.001(1), reads: “‘State agency’ means any office, department or independent agency in the executive branch of Wisconsin State government, the legislature and the courts.”

NOTE: Wis. Stats. § 605.01(1), reads: “‘Local governmental unit’ means any local governmental association, authority, board, commission, department, independent agency, institution, office, society or other body, including any city, county, town or village board or common council, school or library board, or board of control of a cooperative educational service agency.”

11. We are a private school, as defined in Wis. Stats. § 118.165.

NOTE: Wis. Stats. § 118.165, reads: “PRIVATE SCHOOLS. (1) An institution is a private school if its educational program meets all of the following criteria: (a) The primary purpose of the program is to provide private or religious-based education. (b) The program is privately controlled. (c) The program provides at least 875 hours of instruction each school year. (d) The program provides a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health. This subsection does not require the program to include in its curriculum any concept, topic or practice in conflict with the program’s religious doctrines or to exclude from its curriculum any concept, topic or practice consistent with the program’s religious doctrines. (e) The program is not operated or instituted for the purpose of avoiding or circumventing the compulsory school attendance requirement under sec. 118.15(1)(a). (f) The pupils in the institution’s educational program, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than 2 months of summer vacation, or the institution is licensed as a child welfare agency under sec. 48.60(1). (2) An institution may request the state superintendent to approve the institution’s educational program as a private school. The state superintendent shall base his or her approval solely on the criteria under sub. (1).”