



AB 60 - Now That It Is Law & Effective January 1, 2014, Now What?

Nicole Lamboley, Chief Deputy
Nevada Secretary of State

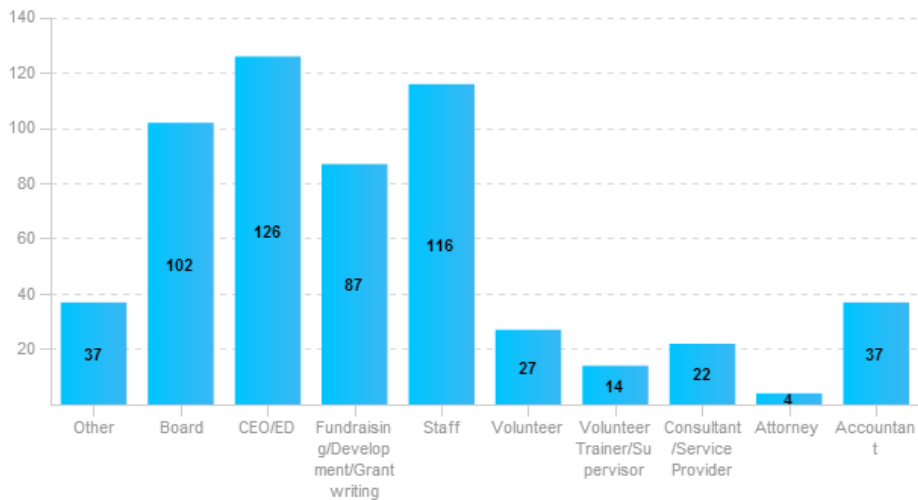
Phil Johncock, Executive Director
Alliance for Nevada Nonprofits




Who Is On This Webinar?




What's your primary role with your nonprofit?







Agenda



- Resources
- Why AB 60?
- Quick Summary of AB 60 by Section
 - Example of AB 60 Implementation Working Draft
- Overview of Implementation Tasks & Timeline
- Questions and Answers (Q&A)
 - Pre-Webinar Questions
 - During Webinar Questions



Resources



- **AllianceForNevadaNonprofits.com/AB60**
 - Handouts
 - PowerPoint Slides
 - AB 60 Implementation Working Draft
 - Link to survey for providing your feedback
 - Resources like “Final AB 60 Text As Enrolled”
 - Education ... announcing ...
 - Webinars like QuickBooks 101 for Small Nonprofits (Aug 14)
 - Fall/Winter Regional Conferences
 - Solicitation Training for Staff & Volunteers - **Poll**
 - Communication
 - ANN monthly eNewsletter
 - ANN LinkedIn Group for discussions
 - ANN LinkedIn company page for AB 60 updates
 - Outreach




Why AB 60?




Quick Summary of AB 60 By Section



- Section 3 (pages 2-4)
 - New nonprofit corporations indicate intention to solicit tax-deductible charitable contributions
 - All nonprofits file certain info (detailed in forms)
 - Defines “Form 990”, “Solicit charitable contributions”
 - Everyone asked for financial report with annual list
 - 990-N (e-Postcard) \leq \$50,000 (Good faith estimate)
 - 990-EZ $<$ \$200,000 revenue + $<$ \$500,000 assets
 - 990 \geq \$200,000 revenue



Example From AB 60 Working Draft




Financial Report defined.


- For the purposes of providing financial information pursuant to NRS Chapter 82..., the following information as reported to the Internal Revenue Service on the corporations **most recent Form 990 or 990EZ** must be provided on the form prescribed by the Secretary of State:
 - Total Revenue (*line 12 990; line 9 990EZ*)
 - Total Expenses (*line 18 990; line 17 990EZ*)
 - Revenue Less Expenses (*line 19 990; line n/a 990EZ*)
 - Total Assets (*line 20 990; line 25 990EZ*)
 - Total Liabilities (*line 21 990; line 26 990EZ*)
 - Net Assets or Fund Balances (*line 22 990; line 27 990EZ*)

Financial Report using good faith estimates defined.


- If a corporation is not required to file a Form 990 or 990EZ, but filed a 990N or was formed in the past year and does not have any financial information available, it shall select the box indicating it is providing a good faith estimate based on the records of the corporation.




Quick Summary of AB 60 By Section



- Section 4 (page 4)
 - Authorizes Secretary of State to post on website
- Section 5 (pages 4-5)
 - Explains process for written notices to violations
 - Imposes a civil penalty of not more than \$1,000
 - Explains “cease and desist” orders
- Sections 6.5-12 (pages 5-9)
 - Authorizes Secretary of State’s office and Attorney General’s office to ..
- Section 13 (page 9)
 - AB 60 becomes effective January 1, 2014.



Wording of Disclosure (Working Draft)




Wording of Disclosure (AB 60 Sec. 12)


The disclosure statement on written or electronic materials must include the full legal name of the charitable organization or nonprofit corporation as registered with the Secretary of State and whether the contribution may be eligible for a tax deduction or not. Provided below are some guidelines or sample language that can be used:

- *Corporation or Charitable Organization Name*
- *Your contribution may be tax-deductible under federal law.*
- *Your contribution may qualify as a federally recognized tax deduction.*

- *Corporation or Charitable Organization Name*
- *All contributions or donations to this organization are not tax deductible under state or federal law.*




Implementation



Overview of Implementation Tasks & Timeline

- Regulations
 - Scope
 - Outline Rulemaking Procedures
- Defining Financial Reporting
- Guidelines
- Frequently Asked Questions
- Communication/Outreach
- Forms
 - Draft Articles of Incorporation, Charitable Registration Statement, Annual List of Officers

Nonprofit Articles of Incorporation Form



ROSS MILLER
Secretary of State
204 North Carson Street, Suite 4
Carson City, Nevada 89701-4200
(775) 684-5708
Website: www.nvsos.gov

Nonprofit Articles of Incorporation
(PURSUANT TO NRS CHAPTER 82)

USE BLACK INK ONLY - DO NOT HIGHLIGHT ABOVE SPACE IS FOR OFFICE USE ONLY

1. Name of Corporation: _____

2. Registered Agent for Service of Process: (check only one box. NOTE: a Commercial Registered Agent is defined as a Registered Agent representing 10 or more entities)

Commercial Registered Agent: Name _____

Noncommercial Registered Agent **OR** Office or Position with Entity (name and address below)

Name of Noncommercial Registered Agent **OR** Name of Title of Office or Other Position with Entity _____

Street Address _____ City _____ Nevada _____ Zip Code _____

Mailing Address (if different from street address) _____ City _____ Nevada _____ Zip Code _____

3. Names and Addresses of the Board of Directors/Trustees: (each Director/Trustee must be a natural person at least 18 years of age; attach additional page if more than four directors/trustees)

1) Name _____

Street Address _____ City _____ State _____ Zip Code _____

2) Name _____

Street Address _____ City _____ State _____ Zip Code _____

3) Name _____

Street Address _____ City _____ State _____ Zip Code _____

4. Intent to Solicit Charitable Contributions: Does Corporation intend to solicit charitable/tax deductible contributions? Yes* No
*If yes, registration statement is required.

5. Purpose: (required; attach additional page if necessary) The purpose of the corporation shall be: _____

6. Name, Address and Signature of Incorporator: (attach additional page if more than one incorporation) I declare, to the best of my knowledge under penalty of perjury, that the information contained herein is correct and acknowledge that pursuant to NRS 238.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

Name _____ Incorporator Signature

Address _____ City _____ State _____ Zip Code _____


7. Certificate of Acceptance of Appointment of Registered Agent: I hereby accept appointment as Registered Agent for the above named Entity.

Authorized Signature of Registered Agent or On Behalf of Registered Agent Entity _____ Date _____

This form must be accompanied by appropriate fees. Nevada Secretary of State NRS 82 Articles Revised: 7-8-13

Reset

Charitable Solicitation Registration Statement Form



ROSS MILLER
Secretary of State
202 North Carson Street
Carson City, Nevada 89701-4201
(775) 684-5708
Website: www.nvsos.gov
www.nvsivertum.gov

Charitable Solicitation Registration Statement
(PURSUANT TO NRS CHAPTER 82)
Required for any corporation that intends to solicit charitable/tax deductible contributions

USE BLACK INK ONLY - DO NOT HIGHLIGHT ABOVE SPACE IS FOR OFFICE USE ONLY

1. Names of Nonprofit Corporation: (check one box; attach additional page if necessary)

a) Exact Name of Nonprofit Corporation as Registered with the Internal Revenue Service, if different from that registered with the Secretary of State: _____

b) Name or Names under which Nonprofit Corporation May or Intends to Solicit Charitable Contributions: _____

2. Web Address: _____ *May be listed on Public Entity Search

3. Places of Business: (attach complete forms a and b, attach additional pages if necessary)

a) Address and Telephone Number of the Principal Place of Business of the Nonprofit Corporation: _____ Telephone Number _____

Address _____ City _____ State _____ Zip Code _____

b) Address and Telephone Number of Any Office in this State or if none, Person who has Custody of its Financial Records: _____ Telephone Number _____

Address _____ City _____ State _____ Zip Code _____

4. Exempt Status and Federal Tax ID: Federal Tax Exempt Status: _____ EIN - Federal Tax ID: _____

5. Names and Addresses of Executive Personnel: (attach additional page(s) if necessary)

Name _____ Title _____

Address _____ City _____ State _____ Zip Code _____

6. Fiscal Year: The Last Month of the Fiscal Year of the Nonprofit Corporation is: _____

7. Financial Information from IRS Form 990, 990EZ or if no Form 990, a good faith estimate for most recent fiscal year:

Check here if you file Form 990 or have not filed a form 990 or 990EZ. If checked, please provide a good faith estimate for its current fiscal year. All others please provide the information from form 990 or 990EZ for the most recent fiscal year.

Total Revenue (line 12, Form 990; line 9, Form 990EZ): _____

Total Expenses (line 18, Form 990; line 17, Form 990EZ): _____

Revenue less Expenses (line 19, Form 990; n/a, Form 990EZ): _____

Total Assets (line 20, Form 990; line 25, Form 990EZ): _____

Total Liabilities (line 21, Form 990; line 28, Form 990EZ): _____

Net Assets or Fund Balances (line 22, Form 990; line 27, Form 990EZ): _____

8. Signature: (must be signed by an officer of the nonprofit corporation) I declare, to the best of my knowledge under penalty of perjury, that the information contained herein is correct and acknowledge that pursuant to NRS 238.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

Officer Signature _____ Title _____ Date _____

Nevada Secretary of State NRS 82 Charitable Solicitation Registration Revised: 7-8-13

Reset

Nonprofit Annual List of Officers & Directors

(NONPROFIT) ANNUAL LIST OF OFFICERS, DIRECTORS AND REGISTERED AGENT OF FILE NUMBER _____

NAME OF CORPORATION _____

FOR THE FILING PERIOD OF _____ TO _____

USE BLACK INK ONLY - DO NOT HIGHLIGHT
 Return one file stamped copy. (If filing not accompanied by order instructions, file stamped copy will be sent to registering agent.)

****YOU MAY NOW FILE YOUR ANNUAL LIST ONLINE AT www.nvsnos.gov****

IMPORTANT: Read instructions before completing and returning this form:

- Print or type names and addresses, either residence or business, for all officers and directors. A President, Secretary, Treasurer or registered agent of all Directors must be named. There must be at least one director. An Officer or other authorized signer must sign the form. **FORM 801C-02 RETURNED IF UNCORRECTED.**
- If there are additional officers, attach a list of them to this form. **ABOVE SPACE IS FOR OFFICE USE ONLY**
- Return the completed form with the \$25.00 filing fee. If no capitalization. A \$50.00 penalty must be added for failure to file this form by the deadline. An annual list received more than 30 days before its due date will be deemed an amended list for the previous year.
- Nonprofit entities formed under NRS Chapters 80 and 81 without 501(c) nonprofit designation are required to maintain a state business license. Those with 501(c) designation must indicate by checking box below. For those requiring a State Business License, the fee is \$200.00.
- If nonprofit corporation intends to seek charitable contributions, the Charitable Solicitation Registration Statement must be completed and attached. Failure to include the statement may result in rejection.
- Make your check payable to the Secretary of State. Your canceled check will constitute a certificate to transmit business.
- Ordering Copies: If requested above, one file stamped copy will be returned at no additional charge. To receive a certified copy, enclose an additional \$30.00 per certification. A copy fee of \$2.00 per page is required for each additional copy generated when ordering 2 or more file stamped or certified copies. Appropriate instructions must accompany your order.
- Return the completed form to: Secretary of State, 202 North Carson Street, Carson City, Nevada 89701-4201, (775) 684-5700.
- Form must be in the possession of the Secretary of State on or before the last day of the month in which it is due. (Postmark date is not accepted as receipt date.) Forms received after due date will be returned for additional fees and penalties.

FILING FEE: \$25.00 (IF NO CAPITALIZATION) LATE PENALTY: \$50.00

Does Corporation intend to solicit charitable/tax deductible contributions? Yes No *If yes, registration statement is required.

For NRS Chapter 80 and 81 nonprofit corporations:
 Pursuant to NRS Chapter 78, this entity is a 501(c) nonprofit entity and is exempt from the business license fee. Exemption code 002

NOTE: If claiming an exemption, a notarized Declaration of Eligibility form must be attached. Failure to attach the Declaration of Eligibility form will result in rejection, which could result in late fees.

NAME _____	TITLE: _____
ADDRESS _____	PRESIDENT (OR EQUIVALENT OF)
CITY _____	STATE _____ ZIP CODE _____
NAME _____	TITLE: _____
ADDRESS _____	SECRETARY (OR EQUIVALENT OF)
CITY _____	STATE _____ ZIP CODE _____
NAME _____	TITLE: _____
ADDRESS _____	TREASURER (OR EQUIVALENT OF)
CITY _____	STATE _____ ZIP CODE _____
NAME _____	TITLE: _____
ADDRESS _____	DIRECTOR
CITY _____	STATE _____ ZIP CODE _____

I declare, to the best of my knowledge under penalty of perjury, that the above mentioned entity has complied with the provisions of NRS Chapter 78 and acknowledge that pursuant to NRS 239.230, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

Title _____ Date _____

Signature of Officer _____ Nevada Secretary of State Annual List Nonprofit Renewal 7.8.13

Reset



Q&A



From Pre-Webinar Survey:

- What and when are the filing requirements?
- How can we support our partner organizations?
- How does this affect ...
 - New Nevada nonprofit corporations?
 - Nevada Nonprofit corporations that have filed for tax-exempt status with the IRS but not yet approved?
 - Nonprofit corporations with a 501.3.c. approval?
 - Churches?
 - Nonprofits with a status other than 501.c.3., like 501.c.4, 501.c.6?



Q&A





- Define “donation”, “executive personnel”, “volunteer”, “solicitation”, “person soliciting for or on behalf of”
- What are some guidelines or sample wording to use in disclosures?
- What are the various forms in which a solicitation can take place (i.e., mail, face-to-face, website, email, mobile phone, etc.)?
- What are the penalties for not complying?





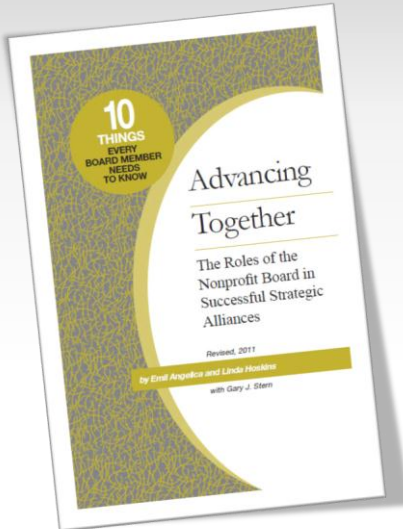
Q&A



 **Announcements** 

- Handouts+: AllianceForNevadaNonprofits.com/ab60
- **July 31**– Deadline for Reduced Membership Rate for Small Nevada Nonprofit
- Upcoming webinars at 9 am:
 - **July 24** - *Best Practices in Protecting Employee Rights* with Attorneys Jason Kuller & Josh Beck
 - **August 14** – *QuickBooks 101 for Small Nonprofits* with CPA Brenda Stout
 - **August 28** – *How to Use the New Charting Impact Tool* with ANN ED Phil Johncock
- Education
 - Fall/Winter Regional Conferences
 - Solicitation Training for Staff & Volunteers

 **Watch Your Inbox** 



<= Watch your inbox at the end of July for an email from First Nonprofit Insurance Company with your free copy of *Advancing Together*