

Required Filings for Different Types of Professional Fundraisers¹²

“**Professional solicitor**” is defined as a person that, for monetary consideration, solicits contributions for or on behalf of a charitable organization.¹³

- Common types of professional solicitors include: (a) telephone solicitors; (b) bingo promoters; (c) thrift stores and donation bins; (d) door-to-door; and (e) commission-based fundraising consultants.
- “Professional solicitor” also means a person that plans, conducts, manages, carries on, advises, or acts as a consultant to a charitable organization in connection with the solicitation of contributions, but that does not qualify as a “professional fundraising counsel” under the Solicitation of Charitable Funds Act.

“**Professional fundraising counsel**” is a person that for a fixed rate of compensation plans, conducts, manages, prepares materials for, advises, or acts as a consultant, directly or indirectly, in connection with soliciting contributions for or on behalf of a charitable organization, but that does not actually solicit contributions as a part of these services.

A person whose compensation is computed on the basis of funds actually raised or to be raised is not a “professional fundraising counsel” under the Act.¹⁴

“**Commercial co-venturer**” is a person that regularly and primarily engages in trade or commerce for profit that, for the benefit of an organization, may raise funds by advertising that the purchase or use of goods, services, entertainment, or other thing of value benefits the charitable organization, if it is offered at a price comparable to similar goods or services on the market.¹⁵

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Type of Filing	Professional Solicitor Company	Individual Professional Solicitor	Professional Fundraising Counsel	Commercial Co-venturer
Registration Application	Yes	Yes	Yes	Yes
Notice of Solicitation	Yes	No	No	Yes
Contract	Yes	No	Yes	Yes
Joint Financial Report	Yes	No	No	Yes

¹² S.C. House of Representatives, House Legislative Oversight Committee, “Agency Presentation – Charities and Trademarks (October 28, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Secretary of State, Office of the,” and under “Meetings,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/SoS%20presentation%20-%20Charities%20and%20Trademarks%20\(10.28.19\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/SoS%20presentation%20-%20Charities%20and%20Trademarks%20(10.28.19).pdf) (accessed November 27, 2019), slide 30-34. Hereinafter “Charities Presentation.”

¹³ Charities Presentation, Slide 29.

¹⁴ Charities Presentation, Slide 31.

¹⁵ Charities Presentation, Slide 32.