



Legal Compliance Checklist for North Carolina Nonprofits

Created by the North Carolina Center for Nonprofits and updated annually, the legal compliance checklist outlines laws that affect North Carolina nonprofits' governance, finances, advocacy, human resources, and fundraising. This checklist is not intended to give legal advice and should not be relied on without your attorney's counsel. Throughout the document, the term "nonprofit" generally refers to 501(c)(3) public charities incorporated in or operating in North Carolina. Private foundations and nonprofits classified as tax-exempt under other Internal Revenue Code sections may be subject to different rules and regulations.

Have you	Who has to do it	How and when to do it	Notes
<input type="checkbox"/> Filed your articles of incorporation?	<ul style="list-style-type: none"> All NC nonprofits must file articles of incorporation with the NC Secretary of State to operate as a nonprofit corporation. Any individual (incorporator) can file the articles. 	<ul style="list-style-type: none"> File with the NC Secretary of State Business Registration Division, www.sosnc.gov/divisions/business_registration. Then adopt bylaws and related governance policies at your initial board meeting. It is a good practice for nonprofit boards and key staff to review articles of incorporation and bylaws regularly to be certain they are consistent with each other, with state laws, and with the organization's actual practices. Nonprofits that need to make changes to their articles of incorporation can file articles of amendment or restated articles of incorporation with the NC Secretary of State Business Registration Division. 	
<input type="checkbox"/> Updated your registered agent's name, phone number, and physical addresses with the NC Secretary of State?	<ul style="list-style-type: none"> Any nonprofit incorporated (or authorized as a foreign nonprofit) in North Carolina that has changed its principal office address, registered office address, or registered agent. Note: If your nonprofit is registered as a foreign corporation in other states, you may need to file annual reports in those states. Currently, North Carolina is one of the few states that does not require nonprofit corporations to file annual reports. The Center continues to advocate for the state to adopt a simple, no-fee annual report for nonprofit corporations. In 2023, the NC House approved legislation (H.B. 741) that would create a no-fee annual reporting requirement for North Carolina nonprofit corporations, effective January 1, 2026. It is possible the NC Senate could take up this legislation in 2024. 	<ul style="list-style-type: none"> File a Change of Registered Office/Agent or Change of Office Address form at any time. To get the form or check what is on file now, contact the NC Secretary of State, www.sosnc.gov/divisions/business_registration. 	
<input type="checkbox"/> Notified the NC Attorney General if your nonprofit has merged with another nonprofit or has transferred all or most of its assets to another entity? <i>continued</i>	<ul style="list-style-type: none"> Any 501(c)(3) nonprofit that is engaging in a merger or is transferring all or a significant portion of its assets to another entity. 	<ul style="list-style-type: none"> Nonprofits must provide notice to the NC Attorney General's Office at least 30 days in advance of a merger or significant asset transfer. The Attorney General's office has up to 30 days (or up to 60 days if it provides notice to the nonprofit) to review the transaction and determine if it has any objections. The transaction may not be finalized until the end of this review process. The NC Attorney General's Office has developed an 	

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<p><i>continued</i></p> <p>Notified the NC Attorney General if your nonprofit has merged with another nonprofit or has transferred all or most of its assets to another entity?</p>		<p>online form that nonprofits can submit to facilitate the review process at ncdoj.gov/notice-of-merger-or-transfer-of-assets.</p> <ul style="list-style-type: none"> The Center continues to work with the NC Attorney General's Office to develop a simplified review process for most asset transfers by dissolving nonprofits. 	
<p><input type="checkbox"/> Filed IRS Form 1023 to apply for federal corporate tax exemption and made it available to the public?</p>	<ul style="list-style-type: none"> All nonprofits with gross receipts of \$5,000 or more that want to receive tax-deductible grants or contributions. Churches, their integrated auxiliaries, and conventions or associations of churches do not have to apply. For more, see IRS Publication 1828 (www.irs.gov/pub/irs-pdf/p1828.pdf). Many organizations with annual gross receipts of \$50,000 or less and total assets of \$250,000 or less may file the online Form 1023-EZ. 	<ul style="list-style-type: none"> Make your form available for review by anyone who requests it. Download Form 1023 at www.irs.gov/pub/irs-pdf/f1023.pdf and instructions at www.irs.gov/pub/irs-pdf/i1023.pdf. Download Form 1023-EZ at www.irs.gov/pub/irs-pdf/f1023ez.pdf and instructions at www.irs.gov/pub/irs-pdf/i1023ez.pdf. The form must be filed electronically at www.pay.gov. File within 27 months of incorporation for retroactive recognition of tax exemption. 	
<p><input type="checkbox"/> Filed Form 990, 990-EZ, or 990-N (e-Postcard) and made your forms for the past three years publicly available?</p> <p><i>continued</i></p>	<ul style="list-style-type: none"> Nonprofits with \$50,000 or less in annual gross receipts may use the online Form 990-N (e-Postcard). Very small nonprofits with budgets under \$5,000 do need to file, even if they are not required to file Form 1023 or Form 1023-EZ. Nonprofits with annual gross receipts of more than \$50,000 or with an average of more than \$50,000 over the past three years must file Form 990 or 990-EZ. Nonprofits with annual gross receipts under \$200,000 and total assets under \$500,000 may file Form 990-EZ. All supporting or controlling organizations must file Form 990 or 990-EZ. Nonprofits that fail to file their 990, 990-EZ, or 990-N for three consecutive years will automatically lose their tax-exempt status. The IRS must provide notice of this possible revocation of tax-exempt status to organizations that have failed to file a Form 990, 990-EZ, or 990-N for two consecutive years. Churches, their integrated auxiliaries, and conventions or associations of churches don't have to file. Private foundations file Form 990-PF. 	<ul style="list-style-type: none"> File the form each year by the 15th day of the 5th month after your fiscal year ends (e.g., November 15 if your year ends June 30). All 501(c)(3) nonprofits must file their 990s electronically. For nonprofits filing Form 990 and 990-PF, electronic filing requirements took effect for tax years ending July 31, 2020 and later. For nonprofits filing Form 990-EZ, electronic filing requirements took effect for tax years ending July 31, 2021. For more information, see www.irs.gov/e-file-providers/e-file-for-charities-and-non-profits. Get forms at www.irs.gov/charities-non-profits/required-filing-form-990-series and www.irs.gov/charities-non-profits/annual-electronic-filing-requirement-for-small-exempt-organizations-form-990-n-e-postcard. Nonprofits that change their name or address or make significant structural or operational changes must report these on their Form 990. For more, see www.irs.gov/charities-non-profits/exempt-organizations-reporting-changes-to-irs. You must make your forms available for review by anyone who requests them. You must provide immediately for in-person requests or within 30 days for written requests. You may charge a reasonable copying fee and postage, if any. Alternately, post your three most recent forms on your website or GuideStar. 	

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<p><i>continued</i></p> <p>Filed Form 990, 990-EZ, or 990-N (e-Postcard) and made your forms for the past three years publicly available?</p>		<ul style="list-style-type: none"> • For what to file, see www.irs.gov/charities-non-profits/form-990-series-which-forms-do-exempt-organizations-file-filing-phase-in. • Ask the IRS (877-829-5500) or your CPA for details. • State law requires nonprofits that receive \$5,000 or more in federal, state, or local grants or loans to make their Forms 990, 990-EZ, or 990-N available to the public. Comply by posting it on your website or GuideStar (www.guidestar.org/updatenonprofitprofile). These nonprofits must also give anyone who asks a basic statement about the amount of public funds received and how they were used. 	
<p><input type="checkbox"/> Made sure that your board members understand their fiduciary duties?</p>	<ul style="list-style-type: none"> • All nonprofits. • Every nonprofit board member is a fiduciary of the organization and has duties of care, loyalty, and obedience. 	<ul style="list-style-type: none"> • Part 3 of the North Carolina Center for Nonprofits' <i>Guidebook for Boards of Directors of North Carolina Nonprofits</i> explains the duties and liabilities of board members (www.ncnonprofits.org/sites/default/files/resource_attachments/BoardGuidebook_2ed.pdf). Share it with your board. • Nonprofits with board members who are local government elected officials (e.g. county commissioners, city council members, or mayors) should be particularly careful that these board members avoid potential conflicts of interest if the local government where they serve awards grants, contracts, or appropriations to the nonprofits on whose boards they serve. A state law that took effect in January 2022 requires these local elected officials to recuse themselves from voting on the award of grants, contracts, or appropriations to the nonprofits on whose boards they serve. The law does not prohibit local elected officials from serving on nonprofit boards, and it does not apply to employees of counties or municipalities. The criminal penalties in the law only apply in cities and towns with at least 15,000 residents and in counties that have cities or towns with at least 15,000 residents. 	
<p><input type="checkbox"/> Adopted and adhered to policies on conflicts of interest, gift acceptance, Form 990 review, whistleblower protection, and document retention and destruction?</p>	<ul style="list-style-type: none"> • Most nonprofits. • On Part VI of Form 990, nonprofits may be required to indicate whether they have these policies in place. • On Part VI of Form 990, nonprofits are also asked whether officers, directors, trustees, and key employees are required to disclose annually interests that could give rise to conflicts. 	<ul style="list-style-type: none"> • See the Center's website for sample policies on conflicts of interest (www.ncnonprofits.org/resources/sample-conflict-interests-policy), gift acceptance (www.ncnonprofits.org/resources/gift-acceptance-policies), whistleblower protection (www.ncnonprofits.org/resources/whistleblowing-retaliation), and document retention and destruction (www.ncnonprofits.org/resources/document-retention-and-destruction-policy). 	

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<input type="checkbox"/> Complied with the limitation on private benefit and the prohibition on private inurement for 501(c)(3) organizations?	<ul style="list-style-type: none"> All 501(c)(3) public charities. 	<ul style="list-style-type: none"> Under the private benefit doctrine, tax-exempt nonprofits must be organized and operated for public purposes, and any benefits to specific private individuals must only be incidental. For more, see www.irs.gov/pub/irs-tege/eotopich01.pdf. Under the private inurement doctrine, tax-exempt nonprofits are prohibited from providing unjust enrichment to insiders, including board members and officers. Common examples of private inurement include paying excessive compensation to an executive director and paying a board member greater than fair market value for goods or services provided to the nonprofit. For more, see https://nonprofitlawblog.com/private-benefit-rules-part-ii-private-inurement-doctrine. The Internal Revenue Code may impose “intermediate sanctions” on insiders who receive excess benefits from their transactions with the nonprofits they serve. These sanctions can require the organization to undo the transaction with the insider and lead to excise taxes on the insider and other board members and officers of the nonprofit. For more, see www.irs.gov/charities-non-profits/charitable-organizations/intermediate-sanctions. 	
<input type="checkbox"/> Satisfied the public support requirement to be classified as “not a private foundation” under Section 501(c)(3) of the Internal Revenue Code?	<ul style="list-style-type: none"> All 501(c)(3) public charities. 	<ul style="list-style-type: none"> To be treated as a public charity rather than a private foundation for federal income tax exemption purposes, a nonprofit must demonstrate that it has broad public support. There are two basic tests for public support: (1) a donative test under Section 509(a)(1) of the Internal Revenue Code in which at least one-third of a nonprofit’s support comes from contributions from the general public, or at least 10% of the nonprofit’s support comes from contributions from the general public, and it also meets a facts and circumstances test; and (2) a gross receipts test under Section 509(a)(2) of the Internal Revenue Code in which at least one-third of a nonprofit’s support comes from a combination of contributions from the general public and mission-related earned income, and no more than one-third of the nonprofit’s support comes from investment income or unrelated business income. For more, see www.irs.gov/charities-non-profits/exempt-organizations-annual-reporting-requirements-form-990-schedules-a-and-b-public-charity-support-test. Some other organizations qualify as public charities because they are organized and operated in support of another tax-exempt nonprofit. Hospitals, schools, houses of worship, and medical research organizations are deemed public charities by the nature of their activities and are not required to meet a public support test. 	

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<input type="checkbox"/> Reported and paid tax on Unrelated Business Income (UBIT) and made your Form 990-T for the past three years publicly available?	<ul style="list-style-type: none"> Any nonprofit with unrelated business income of \$1,000 or more. Nonprofits with more than one line of unrelated trade or business must “silos” their tax liability for each “separate” “trade or business” and pay UBIT on each of these rather than aggregating all the profits and losses from all of their unrelated business income activities. See IRS Publication 598, Tax on Unrelated Business Income of Exempt Organizations (www.irs.gov/pub/irs-pdf/p598.pdf). Ask the IRS (877-829-5500, www.irs.gov/charities-non-profits/unrelated-business-income-defined) or your CPA for details. 	<ul style="list-style-type: none"> File IRS Form 990-T (www.irs.gov/pub/irs-pdf/f990t.pdf) each year by the 15th day of the 5th month after your fiscal year ends (e.g., November 15 if your year ends June 30). Nonprofits are now required to file Form 990-T electronically. File Form CD-405 with the NC Department of Revenue by the 15th day of the 5th month after your fiscal year ends and pay any applicable state corporate income tax. In December 2020, the IRS issued proposed regulations on siloing of UBIT expenses (www.govinfo.gov/content/pkg/FR-2020-12-02/pdf/2020-25954.pdf). A state law requires the NC Department of Revenue to inform the NC Secretary of State of any nonprofit that fails to pay state income tax on UBIT for 90 days after it is due and for the Secretary of State to immediately suspend the nonprofit’s articles of incorporation. If a nonprofit corporation has its corporate status suspended, it may be reinstated by paying any state taxes, fees, and penalties that are due to the NC Department of Revenue. 	
<input type="checkbox"/> Stayed nonpartisan?	<ul style="list-style-type: none"> Under federal tax law, all 501(c)(3) nonprofits are prohibited from supporting or opposing candidates for office or political parties. This means that nonprofits can’t endorse candidates, contribute money in partisan elections, or coordinate activities with political campaigns. 	<ul style="list-style-type: none"> Be certain your staff and board understand that they may not suggest or imply that they are speaking on behalf of your nonprofit when they engage in personal political activities. Nonprofits can (and should) engage in a wide range of nonpartisan election-related activities, including voter registration, voter education, and get-out-the vote efforts (www.nonprofitvote.org). Nonprofits also may take positions on ballot measures such as state constitutional amendments and bond initiatives. For more on what nonprofits can and can’t do during an election year, see www.ncnonprofits.org/blog/everything-you-wanted-know-about-nonprofits-and-elections-but-were-afraid-ask and www.ncnonprofits.org/blog/answers-common-questions-about-nonprofits-and-2023-election. In September 2023, the Center responded to a request for information from the U.S. House of Representatives Ways and Means Committee with information about the ways charitable nonprofits in North Carolina engage in nonpartisan election-related activities. See bit.ly/RFINCNPNNonpartisanActivities. For more on the nonpartisanship requirement and why it matters for charitable nonprofits, see www.ncnonprofits.org/blog/why-weakening-johnson-amendment-would-be-devastating-nonprofits. 	

Have you

Who has to do it

How and when to do it

Notes

<p><input type="checkbox"/> Elected 501(h) status to have clearer and more generous limits on your lobbying than if you stay with the default option of “insubstantial part test”?</p>	<ul style="list-style-type: none"> Any charitable nonprofit (other than a house of worship and integrated auxiliaries of houses of worship) that lobbies can choose to elect 501(h) status. Under Section 501(h), nonprofits can use for direct lobbying up to 20% of the first \$500,000 of their exempt purpose expenditures. For larger organizations, this limit increases on a sliding scale up to \$1 million. Under Section 501(h), the limit on grassroots lobbying expenditures (i.e., asking members of the public to contact legislators with a specific call to action) is 25% of the limit on direct lobbying expenditures. Nonprofits that do not take the 501(h) election must be prepared to demonstrate that lobbying is an “insubstantial” part of their activities. 	<ul style="list-style-type: none"> Complete the simple one-page IRS Form 5768 once (www.irs.gov/pub/irs-pdf/f5768.pdf); the election will apply for the current and subsequent tax years. See www.councilofnonprofits.org/nonprofit-advocacy/taking-501h-election. Note that advocacy for or against ballot measures, such as state constitutional amendments and bond initiatives, is direct lobbying. A nonprofit’s expenditures advocating for or against ballot measures are included as direct lobbying expenses for the 501(h) expenditure test. For a nonprofit not taking the 501(h) election, ballot measure advocacy activities are included in the “insubstantial” part determination. Nonprofits that engage in lobbying must complete Schedule C of Form 990. 	
<p><input type="checkbox"/> Provided donors with letters of acknowledgment for “quid pro quo” gifts of \$75 or more and all gifts of \$250 or more?</p>	<ul style="list-style-type: none"> Every nonprofit that provides goods or services to donors in exchange for contributions above \$75. Your nonprofit must disclose the value of the goods or services received by the donor. Only the remaining amount is tax-deductible. The U.S. Tax Court has denied a donor’s significant tax deduction in part because the nonprofit didn’t follow these rules! 	<ul style="list-style-type: none"> See IRS Publication 1771 (www.irs.gov/pub/irs-pdf/p1771.pdf) for gift acknowledgement guidelines. Donors are responsible for obtaining written gift acknowledgments for contributions of \$250 or more, but it is a good practice for nonprofits to send timely acknowledgements for <i>all</i> contributions. 	
<p><input type="checkbox"/> Applied for a state charitable solicitation license, renewed it every year, and included the required disclosure statement on your fundraising materials and donor acknowledgement letters?</p> <p><i>continued</i></p>	<ul style="list-style-type: none"> Most nonprofits must contact the NC Secretary of State each year. Generally, any nonprofit that receives \$50,000 or more a year in private grants and contributions is required to have a charitable solicitation license. If your nonprofit receives less than \$50,000 per year in contributions, you may be eligible to apply annually to become exempt from requiring the license. Government grants and contracts, fees for services, and other earned or investment revenues are not included. Nonprofit churches, hospitals, YMCAs, YWCAs, and schools are generally exempt. For other statutory exemptions to this requirement, contact the Charitable Solicitation Licensing Section (www.sosnc.gov/csl) or see www.ncnonprofits.org/resources/charitable-solicitation-faqs. 	<ul style="list-style-type: none"> Apply at any time and renew annually by the 15th day of the 5th month after your fiscal year ends. Contact the Charitable Solicitation Licensing Section, NC Secretary of State, www.sosnc.gov/csl. Online filing is available, but not required. A Unified Registration Statement is acceptable if you also complete the NC Addendum (multistatefiling.org). A new law that took effect in 2023 makes two important changes to the North Carolina charitable solicitation statutes. One part of the law increased the threshold for charitable solicitation exemption to \$50,000 in contributions per year, effective September 14, 2023. This change also requires the Secretary of State to accept the notice of receipt of a nonprofit’s Form 990-N filing as evidence that it meets this threshold. The second part of the law brings the filing deadline for charitable solicitation renewals into alignment with Form 990 filing deadlines and extensions, effective October 1, 2023. This change should help prevent nonprofits from having their charitable solicitation licenses lapse. Check requirements if you solicit funds in other states. For more, see www.councilofnonprofits.org/running-nonprofit/fundraising-and-resource-development/charitable-solicitation-registration. The National Association of State Charity Officials (NASCO) is working on developing a 	

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<p><i>continued</i></p> <p>Applied for a state charitable solicitation license, renewed it every year, and included the required disclosure statement on your fundraising materials and donor acknowledgement letters?</p>		<p>single portal that may simplify multi-state filing for nonprofits that solicit funds in more than one state.</p> <ul style="list-style-type: none"> Conspicuously display (in at least 9-point bold type) this disclosure statement on every printed solicitation, written confirmation, receipt, and contribution reminder: <p>Financial information about this organization and a copy of its license are available from the Charitable Solicitation Licensing Section at 888-830-4989. The license is not an endorsement by the State.</p>	
<p><input type="checkbox"/> Confirmed that any contract fundraisers or fundraising consultants are licensed?</p>	<ul style="list-style-type: none"> Any nonprofit that uses a contractor to solicit contributions or to advise or assist in fundraising-related activities. Note: All contracts with solicitors and fundraising consultants are filed with the NC Secretary of State and available to the public. 	<ul style="list-style-type: none"> Check the registry of licensed solicitors and fundraising consultants at www.sosnc.gov/search/index/csl. Have at least two officials of your nonprofit (including at least one board member) sign all contracts with solicitors and fundraising consultants. 	
<p><input type="checkbox"/> Requested state corporate income and franchise tax exemption?</p>	<ul style="list-style-type: none"> To be exempt from corporate taxes, all North Carolina nonprofits must request these state tax exemptions from the NC Department of Revenue. 	<ul style="list-style-type: none"> Send a request to the NC Department of Revenue with a brief description of your charitable purposes and dissolution provision. Enclose copies of your articles of incorporation, certified copy of bylaws, and IRS determination letter. Send the request to NC Department of Revenue, Corporate Tax Division, Nonprofit Corporate Tax PO Box 871, Raleigh, NC 27602-0871. 	
<p><input type="checkbox"/> Applied for exemption from local property taxes?</p>	<ul style="list-style-type: none"> Most nonprofits owning real or personal property (buildings, land, or property such as office equipment) used wholly and exclusively for tax-exempt purposes. 	<ul style="list-style-type: none"> Apply with your local county tax assessor. Contact your local county tax office for details. You may appeal the local board's decision to the State Property Tax Commission. Notify the county assessor of any change in the use of your nonprofit's property. A September 2018 article in the <i>North Carolina Law Review</i> provides a good overview of nonprofit property tax exemption in North Carolina (https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=6690&context=nclr). Let the Center know if your request for property tax exemption is unreasonably denied by your county assessor. 	
<p><input type="checkbox"/> Applied for refunds of state and local sales and use taxes that you have paid?</p> <p><i>continued</i></p>	<ul style="list-style-type: none"> Any qualifying nonprofit that wants refunds of sales tax it pays on purchases in NC. Qualifying nonprofits include all 501(c)(3)s except those properly classified with NTEE codes of Community Improvement and Capacity Building, Public and Societal Benefit, or Mutual and Membership Benefit organizations (https://nccs.urban.org/project/national-taxonomy-exempt-entities-ntee-codes). 	<ul style="list-style-type: none"> Apply for an Account ID number from the Central Examination Division, NC Department of Revenue. Details at www.ncdor.gov/taxes-forms/sales-and-use-tax/amended-returns-and-refund-claims/frequently-asked-questions-regarding-form-e-585-nonprofit-and-governmental-entity-claim-refund-state. File Form E-585 semi-annually for refunds: by October 15 for taxes paid January-June; by April 15 for taxes 	

Have you

Who has to do it

How and when to do it

Notes

continued

Applied for refunds of state and local sales and use taxes that you have paid?

- Applies to purchases made directly by the organization *and* through staff reimbursement (other than reimbursement for travel expenses).
- Refunds are capped at \$45 million per year (total of state and local sales taxes paid) per nonprofit.
- Nonprofits are generally not exempt from North Carolina's 3% highway use tax and are not eligible for refunds of this tax. Charitable nonprofits may be exempt from highway use tax on vehicles that are donated solely for the purpose of resale by the nonprofits.

- paid July-December.
- If the Internal Revenue Service misclassifies your nonprofit's NTEE code, you may appeal and request refunds from the NC Department of Revenue based on the proper classification.
- **Note: Under North Carolina's current tax laws, nonprofits are not eligible for point-of-sale exemption from sales and use tax, and the NC Department of Revenue does not issue sales and use tax exemption certificates to nonprofits on the basis of their federal tax-exempt status. Some businesses erroneously ask North Carolina nonprofits to provide a sales tax exemption certificate (Form E-595E) when they make purchases.**
- **The Center continues to advocate for legislators to replace the current nonprofit sales tax refund process with a point-of-sale exemption from sales tax for most 501(c)(3) nonprofits. A 2023 bill in the NC House of Representatives (H.B. 882) would make this change. It is possible that the NC General Assembly could consider this legislation in 2024.**

Collected sales tax on items you sell and remitted these funds to the State?

- Any nonprofit selling physical or digital retail items like books, videos, t-shirts, concessions, recordings of webinars, and e-publications.
- Sales are exempt if conducted on an annual basis to raise funds *and* if all products are delivered within 60 days after the solicitation (e.g., Girl Scout cookie sales). **A 2023 law clarifies that nonprofits may have up to six distinct annual sales events that are exempt from sales tax each year as long as: (1) the events do not overlap with one another; (2) the nonprofit sells different products during each sales event; and (3) each event funds a distinct project from the other annual sales periods occurring during the year.** Note: This exemption doesn't apply to sales tax on admission charges.
- Other nonprofit exemptions from sales tax include: (a) sales where the proceeds are given to the State of North Carolina or a state agency (e.g., public schools); (b) sales of concessions at school events that benefit the school, even if the proceeds go through a charitable nonprofit; (c) nonprofits' sales of meals to seniors and individuals with disabilities where the meals are delivered to the individuals' homes; and (d) food or prepared food sold by a house of worship where the proceeds are used for religious activities.
- A nonprofit charging admission for entertainment activities, including live performances or live events for the purpose of entertainment, motion pictures,

- Register with the NC Department of Revenue for a Certificate of Registration.
- File Form E-500 and pay the tax quarterly or monthly, depending on your volume of sales (www.ncdor.gov/taxes-forms/sales-and-use-tax/sales-and-use-tax-forms-and-certificates/tax-returns-schedules/form-e-500-sales-and-use-tax-return-october-2014-and-forward).
- If your nonprofit has collected taxes in more than one county, also file Form E-536 (Schedule of County Sales and Use Taxes). The county rate you charge is generally based on the delivery location. The tax rate differs by county (www.ncdor.gov/taxes-forms/sales-and-use-tax/sales-and-use-tax-rates).

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Have you

Who has to do it

How and when to do it

Notes

continued

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museums, cultural sites, gardens, exhibits, shows, and similar attractions. Educational, recreational, and many fundraising events done by nonprofits are not subject to this tax. Nonprofits do not need to charge sales tax on tuition or registration fees for educational events, regardless of whether entertainment is offered as an ancillary feature of these events.

- Admission fees are exempt if they are tax-deductible contributions, including any tax-deductible portion of membership fees that would otherwise be subject to the tax.
- Admission fees are also exempt if they are: (a) events sponsored by elementary or secondary schools; or (b) sponsored by “volunteer only” nonprofits that do not pay salary or other compensation to individuals and that do not compensate anyone for performing in, placing in, or producing the event.
- Nonprofits and businesses are required to collect and remit sales tax on digital property, including many online educational offerings. There is an exemption from the sales tax on digital property for sales of digital audio or audiovisual works that consist of the contemporaneous access to a non-taxable service. Effectively, this means that nonprofits do not need to charge sales tax on registration fees for online educational participatory events like webinars, conferences, workshops, or fitness classes. However, nonprofits are required to collect and remit sales tax if they sell recordings of these types of online offerings.
- Marketplace facilitators such as Amazon or Ebay are required to collect and remit sales tax on sales made through their platforms. This means that nonprofits may not need to collect and remit sales tax on goods and services sold through certain third-party websites.

Properly classified all employees and independent contractors?

• Any nonprofit with paid staff, consultants, or contractors. The U.S. Department of Labor, IRS, and NC Department of Revenue can impose penalties for improper classification of consultants and contractors who are really employees.

- See IRS Publication 1779 (www.irs.gov/pub/irs-pdf/p1779.pdf) to find specific criteria for classifying employees vs. contractors for the purpose of federal tax laws.
- **In October 2022, the U.S. Department of Labor issued a proposed regulation (www.govinfo.gov/content/pkg/FR-2022-10-13/pdf/2022-21454.pdf) setting new standards for classifying workers as employees or independent contractors under the Fair Labor Standards Act. Until the new rule is finalized, the U.S. Department of Labor continues to follow a March 2021 rule that created a two-prong test focusing on the employee’s exercise of control over their work and their opportunity for profit or loss. This “economic realities” test allows**

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Have you	Who has to do it	How and when to do it	Notes
<p><i>continued</i></p> <p>Properly classified all employees and independent contractors?</p>		<p>more employers – including some nonprofits – to classify their workers as contractors to avoid paying benefits and payroll taxes.</p> <ul style="list-style-type: none"> When the most recent regulations are finalized (likely late in 2023) and take effect (most likely in 2024), the DOL will once again use a multi-factor “totality of circumstances” test to determine whether workers are properly classified as employees or independent contractors for purposes of federal employment laws. The six factors in the proposed new regulations are: (1) opportunity for profit or loss depending on managerial skill; (2) investments by the worker and the employer; (3) degree of permanence of the work relationship; (4) nature and degree of control by the employer; (5) extent to which the work performed is an integral part of the employer’s business; and (6) the worker’s skill and initiative. For more information, see www.dol.gov/agencies/whd/flsa/misclassification. Nonprofits that pay individuals \$600 or more as independent contractors must file IRS Form 1099-NEC with the IRS and with these contractors. In the past, nonprofits used IRS Form 1099-MISC to report non-employee compensation to contractors. Nonprofits should still use Form 1099-MISC to report compensation of \$600 or more paid to attorneys and for raffle prizes of \$600 or more. See www.irs.gov/forms-pubs/about-form-1099-misc. 	
<p><input type="checkbox"/> Properly classified all employees as either exempt or non-exempt from the Fair Labor Standards Act and paid overtime where appropriate?</p> <p><i>continued</i></p>	<ul style="list-style-type: none"> All nonprofits and foundations with paid employees. Under the Fair Labor Standards Act (FLSA) and the NC Wage and Hour Act, you <i>must</i> provide overtime pay to all workers unless they are <i>specifically</i> exempted from coverage. See p. 20-22 of the Center’s <i>Employment Law for North Carolina Nonprofits</i> (www.ncnonprofits.org/sites/default/files/resource_attachments/EmploymentLawHandbook.pdf). 	<ul style="list-style-type: none"> Employees are exempt from the overtime pay requirements of FLSA if they: (1) are paid at least the minimum salary level; (2) are paid on a salary basis; and (3) exercise job duties that are classified as exempt (<i>i.e.</i>, executive, administrative, or professional). Effective January 1, 2020, the salary threshold for exempt administrative, executive, and professional employees increased to \$35,568 per year (\$684 per week), and the salary threshold for highly compensated employees increased to \$107,432 per year. The salary threshold is likely to increase sometime in 2024 (see next bullet point for more details). On August 30, 2023, the U.S. Department of Labor (DOL) issued proposed regulations that would increase the salary threshold for exempt employees to \$55,068 per year (\$1,069 per week) and would increase the salary threshold for highly compensated employees to \$143,988 per year. The proposed regulations are open for public comments through November 7, 2023, and DOL is expected to issue final regulations sometime in 2024. The final regulations could set the salary threshold as high as \$60,000 per year. The proposed regulations make no changes to the duties tests for executive, administrative, or professional employees. For more on the proposed regulations, its potential impact 	

Have you	Who has to do it	How and when to do it	Notes
<p><i>continued</i></p> <p>Properly classified all employees as either exempt or non-exempt from the Fair Labor Standards Act and paid overtime where appropriate?</p>		<p>on nonprofits, and compliance options for nonprofits, see bit.ly/NewFLSAOvertimeRule.</p> <ul style="list-style-type: none"> • Nonprofits can change an employee's status any time during the year. • Nonprofits must pay non-exempt staff 1.5 times their usual hourly pay rate for any time they work more than 40 hours in one work week. • The U.S. DOL has a fact sheet with more details about the duties tests for administrative, executive, and professional employees at www.dol.gov/agencies/whd/fact-sheets/17a-overtime. 	
<p><input type="checkbox"/> Followed all state and federal employment laws including: filing I-9, W-2, and W-4 forms; withholding tax; paying employment taxes; and putting up posters?</p>	<ul style="list-style-type: none"> • Any nonprofit with paid employees, whether part-time or full-time. • Your nonprofit must pay Social Security and Medicare taxes for <i>all</i> employees. • State law requires nonprofits with 25 or more employees to use the federal E-Verify system to check the immigration status of new employees. 	<ul style="list-style-type: none"> • Contact the U.S. Department of Labor, www.dol.gov, or NC Department of Labor, www.labor.nc.gov. • Download free employment posters at www.labor.nc.gov/safety-and-health/publications. You do not need to buy these posters! • See the Center's <i>Employment Law for North Carolina Nonprofits</i> (www.ncnonprofits.org/sites/default/files/resource_attachments/EmploymentLawHandbook.pdf). • For more on withholding and paying federal employment taxes, see www.irs.gov/charities-non-profits/employment-taxes-for-exempt-organizations. • The U.S. Citizenship and Immigration Services released a new Form I-9 in 2023. Nonprofits must use this new form beginning November 1, 2023. See www.uscis.gov/i-9. 	
<p><input type="checkbox"/> Applied for an Unemployment Tax Number and paid State Unemployment Tax?</p> <p><i>continued</i></p>	<ul style="list-style-type: none"> • Nonprofits generally pay state unemployment insurance (UI) taxes. • Nonprofits that have employed four or more people for any part of 20 different weeks in the current or previous calendar year. • Nonprofits have the option of electing to reimburse the state for unemployment claims instead of paying UI taxes. Nonprofits electing to reimburse must maintain 1% of their total payroll in an escrow account with the NC Department of Commerce. • Most nonprofits with fewer than four employees and most religious nonprofits are exempt from paying state UI taxes. Employees of exempt nonprofits are generally not eligible for UI benefits if they are out of work. 	<ul style="list-style-type: none"> • Apply before hiring employees. • Contact the Division of Employment Security (DES) of the NC Department of Commerce, http://des.nc.gov. • The Center's unemployment tax savings program for members has already saved nonprofits more than \$9 million. For details, see First Nonprofit at www.ncnonprofits.org/services/money-saving-partnerships#FirstNonprofit and contact Cheryl Jones (612-308-4283, cjones@firstnonprofit.com). • Nonprofits that elect to reimburse the state for unemployment claims may apply for a refund if they erroneously remit more than the required 1% of payroll to the state. • Because unemployment benefits are lower in North Carolina than in other states, electing to reimburse may be a more cost-effective approach for many North Carolina nonprofits. • Nonprofits that pay state unemployment tax (SUTA) instead of reimbursing for unemployment claims must pay SUTA quarterly. The SUTA tax rate is a combina- 	

Have you	Who has to do it	How and when to do it	Notes
<p><i>continued</i></p> <p>Applied for an Unemployment Tax Number and paid State Unemployment Tax?</p>		<p>tion of the base rate (1.9% in 2023) and employers' experience rating, which is based on the history of UI claims by their employees.</p>	
<p><input type="checkbox"/> Obtained workers' compensation insurance?</p>	<ul style="list-style-type: none"> Any incorporated nonprofit with three or more employees and/or corporate officers. Nonprofits are not required to provide workers' compensation for uncompensated board officers. 	<ul style="list-style-type: none"> Contact the NC Industrial Commission, 800-688-8349, www.ic.nc.gov. For more, see www.ncnonprofits.org/public-policy/workers-compensation-good-nonprofit-employees-and-employers. 	
<p><input type="checkbox"/> Used comparability data to determine executive compensation?</p>	<ul style="list-style-type: none"> Nonprofits with paid employees. On Form 990, nonprofits are required to indicate whether they used comparability data to determine salaries and benefits. 	<ul style="list-style-type: none"> The Center publishes a biennial report on salaries and benefits in NC nonprofits (www.ncnonprofits.org/resources/salaries-and-benefits). 	
<p><input type="checkbox"/> Properly compensated your paid interns?</p>	<ul style="list-style-type: none"> Charitable nonprofits can use volunteer interns as long as they are unpaid and not provided a stipend. If a 501(c)(3) nonprofit chooses to pay its interns, these interns may be classified as employees who are subject to minimum wage and overtime pay requirements under the Fair Labor Standards Act. If a nonprofit pays an intern a stipend lower than the minimum wage of \$7.25 per hour, it must be certain that the internship satisfies the "economic realities" test that the relationship is not employment. 	<ul style="list-style-type: none"> The U.S. Department of Labor provides guidance with a seven-factor test to determine whether paid interns are classified as employees who are subject to the minimum wage requirements of the Fair Labor Standards Act (www.dol.gov/agencies/whd/fact-sheets/71-flsa-internships). See the National Council of Nonprofits' resource on nonprofit interns at www.councilofnonprofits.org/running-nonprofit/employment-hr/interns-employee-or-volunteer. 	
<p><input type="checkbox"/> Created a plan document for your employee retirement plan and electronically filed a Form 5500?</p>	<ul style="list-style-type: none"> Nonprofits with 403(b) plans and other retirement plans subject to the Employment Retirement Income Security Act (ERISA). 	<ul style="list-style-type: none"> You must file Form 5500 electronically. It is due seven months after your plan's year-end date. See www.dol.gov/agencies/ebsa/employers-and-advisers/plan-administration-and-compliance/reporting-and-filing/form-5500. Those at your nonprofit responsible for signing your Form 5500 need to register on the Department of Labor's EFAST2 website, www.efast.dol.gov. If your nonprofit has a 403(b) plan, you must have a written plan document. See www.irs.gov/retirement-plans/irc-403b-tax-sheltered-annuity-plans. 	
<p><input type="checkbox"/> Provided health insurance for your employees?</p> <p><i>continued</i></p>	<ul style="list-style-type: none"> Any nonprofit with 50 or more full-time employees (including full-time equivalents) on average for the prior year is a large employer that is required to offer health insurance to its employees under the Affordable Care Act. Smaller nonprofits have the <i>option</i> of offering health coverage for their employees. Nonprofits that offer employer-based health coverage also have the option of covering some or all of the costs for 	<ul style="list-style-type: none"> Nonprofits that qualify as large employers are required to provide health insurance for their employees and must file Form 1095-C and 1094-C with the Internal Revenue Service. The IRS has more information about requirements for large employers at www.irs.gov/affordable-care-act/employers/aca-information-center-for-applicable-large-employers-ales. Smaller nonprofits have a variety of options for providing (or not providing) health coverage for their 	

Have you

Who has to do it

How and when to do it

Notes

continued

Provided health insurance for your employees?

employees' spouses and dependents to participate in these health plans.

employees. These options include obtaining a group health insurance for employees and offering a taxable salary supplement to cover some or all of employees' health insurance costs and tax-free Qualified Small Employer Health Reimbursement Arrangement (QSEHRA) or Individual Coverage Health Reimbursement Arrangement (ICHRAs). Healthcare.gov has more information about QSEHRAs (www.healthcare.gov/glossary/qsehra) and ICHRAs (www.healthcare.gov/job-based-help/ichra).

- Some nonprofits that offer health insurance for their employees may be eligible for a refundable tax credit under the Small Business Health Care Tax Credit (www.healthcare.gov/small-businesses/provide-shop-coverage/small-business-tax-credits).
- A law that took effect in October 2021 allows nonprofits and small businesses to form exclusive provider benefit (EPO) plans for their employees. EPO benefit plans are typically about 10% less expensive than other health insurance plans and allow participants to use a limited network of local health care providers while paying the full cost for any out-of-network health services other than emergency care.
- Under 2013 IRS regulations, employees and their spouses and dependents were ineligible for Affordable Care Act marketplace premium subsidies if the employee had access to "affordable" health insurance through their employer, regardless of whether other family members had access to "affordable" health coverage. New IRS regulations that took effect in January 2023 makes spouses and dependents of employees eligible for Affordable Care Act marketplace premium subsidies if coverage for the entire family costs more than 9.12% of household income under the lowest-cost employer-provided health plan. This change means that many family members of nonprofit employees are eligible for less-expensive health coverage on the Affordable Care Act marketplace.
- The Center has more information on health insurance options for nonprofits at www.ncnonprofits.org/nonprofit-health-insurance.

Followed state laws for raffles, bingo events, game nights, and alcohol at fundraising events?

- Any nonprofit that offers a raffle or bingo game as a fundraising event.
- Any nonprofit that offers a game night (or casino night) as a fundraising event.
- Any nonprofit that serves or sells alcohol at a fundraising event.

- Nonprofits may conduct up to five raffles per year as fundraising events. The maximum cash prize for any raffle is \$250,000, and nonprofits may raffle real property valued at up to \$2.25 million. At least 90% of the net proceeds of the raffle must be used for a nonprofit's mission-related purposes, and none of the net proceeds can be used to pay a person to conduct a raffle or to rent a space where the raffle is conducted. Nonprofits are not required to have a license to conduct raffles. See www.ncnonprofits.org/resources/raffles-101.

- **A law that took effect on October 10, 2023 increased**

continued

Have you	Who has to do it	How and when to do it	Notes
<p><i>continued</i></p> <p>Followed state laws for raffles, bingo events, game nights, and alcohol at fundraising events?</p>		<p>the maximum number of raffles that a nonprofit may conduct from four to five and increased the maximum value of raffles of real estate from \$500,000 to \$2.25 million.</p> <ul style="list-style-type: none"> • Nonprofits may offer alcohol in the manufacturer's original closed container as a prize for a raffle or auction, as long as the nonprofit has obtained a special one-time alcohol permit for the event. For more on one-time alcohol permits, see www.abc.nc.gov/permit/applySOTNPPPermit. • It is legal for nonprofits to offer casino nights or game nights as fundraising events anywhere east of I-26 in North Carolina. Nonprofits may offer up to four game nights per year (not more than one per quarter) and must obtain a license from the NC Department of Public Safety (www.ncdps.gov/our-organization/law-enforcement/alcohol-law-enforcement/game-nights). The fee for a game night sponsor license is \$100. • A nonprofit conducting bingo games is required to get an annual license from the NC Department of Public Safety (www.ncdps.gov/our-organization/law-enforcement/alcohol-law-enforcement/bingo). The annual fee for a nonprofit bingo license is \$200. • Nonprofits may obtain special one-time permits from the NC Department of Public Safety to sell or serve alcohol at fundraising events (www.abc.nc.gov/permit/applySOTNPPPermit). • Nonprofits must file IRS Form W-2G on raffle prizes of \$600 or more where the payout is at least 300 times the amount of the wager, and must withhold 25% taxes on raffle prizes of \$5,000 or more. Raffle tickets are not deductible as charitable contributions. For more, see www.irs.gov/pub/irs-tege/notice_1340.pdf. 	
<p><input type="checkbox"/> Complied with donor instructions not to reveal their identity?</p>	<ul style="list-style-type: none"> • Nonprofits receiving contributions from donors who provide written instructions prior to, or at the time of, their donations that the nonprofit may not disclose their identity. 	<ul style="list-style-type: none"> • Under legislation that passed the NC General Assembly in 2021 but was vetoed by Governor Cooper, nonprofits would have been required to keep private (and not disclose) the identity of donors who provided written notice requesting that their identity not be disclosed. Although this limitation is not currently required by the NC Nonprofit Corporation Act, it is a good practice for nonprofits to follow written instructions from their donors requesting that their identities not be disclosed. It is possible that the NC General Assembly could consider similar legislation in 2025. 	

Have you

Who has to do it

How and when to do it

Notes

Studied current reporting requirements and contracting rules for any funds that your nonprofit receives through the State?

- Any nonprofit that receives state grant funds or federal grant funds that pass through a state government agency.
- **Starting on July 15, 2022, nonprofits with grants and contracts through the NC Department of Health and Human Services have additional contractual rights.**

- Any nonprofit receiving state grants and/or appropriations must provide certification to its granting agency that its state funds were used for the purposes for which they were awarded and must provide an accounting of all state funds it receives, uses, holds, or spends.
- Any nonprofit receiving a state grant must provide the granting agency a copy of its conflict of interest policy and must certify to the granting agency that it does not have overdue federal, state, or local tax debts.
- Any nonprofit receiving \$25,000 or more in state grants and/or appropriations must report to its granting agency on its activities and accomplishments, including reporting on any relevant performance measures.
- Any nonprofit receiving \$500,000 or more in state grants and/or appropriations must have a single or program-specific audit prepared in accordance with Generally Accepted Governmental Auditing Standards (also known as a Yellow Book Audit).
- Nonprofits receiving state grants and/or appropriations must submit reports directly to their granting agencies.
- Cities and counties *may* require nonprofits receiving grants or appropriations of \$1,000 or more in any fiscal year to have an audit.
- The NC State Auditor has the authority to audit any nonprofit receiving \$1,000 or more in state funding in any fiscal year.
- Under a law that took effect in October 2021, any nonprofit with a state grant or state contract that does not provide information requested by the State Auditor as part of a state verification audit is presumed to have “failed to meet any condition precedent, classification, or other eligibility or qualifying standard subject to the verification audit.”
- **Under a law that took effect in July 2022, any nonprofit with a grant or contract through the NC Department of Health and Human Services (DHHS) has three new rights: (1) the right to two-year contracts, with the opportunity for an extension for a third year if the nonprofit is receiving recurring funding and multi-year contracts are not prohibited by other funding sources; (2) the ability to receive three-month continuity of services extensions if the nonprofit has been operating for at least five years, receives recurring funding, has an unqualified report on its most recent audit, and has a track record of timely performance and financial reporting; and (3) the right to a *de minimis* indirect cost rate of 10% of modified total direct costs for nonprofits without negotiated federal indirect costs rates. The Center successfully advocated for this new law based on input from, and with collaboration from, a large**

continued

Have you	Who has to do it	How and when to do it	Notes
<p><i>continued</i></p> <p>Studied current reporting requirements and contracting rules for any funds that your nonprofit receives through the State?</p>		<p>coalition of nonprofits. The Center continues to work with NCDHHS on clarification for how the law is being implemented and will continue to work with other nonprofits, the Department, and legislators on any additional changes that are necessary to improve the contracting process for nonprofits with state grants and contracts.</p>	
<p><input type="checkbox"/> Followed the federal grant and contract rules under the OMB Uniform Guidance?</p>	<ul style="list-style-type: none"> • Nonprofits with federal grants or contracts – or state or local grants or contracts that include federal funds. 	<ul style="list-style-type: none"> • Nonprofits without a federally-approved indirect cost rate can elect to be paid a <i>de minimis</i> rate of 10% of modified total direct costs. • Pass-through entities (state and local governments) are required to recognize this <i>de minimis</i> rate of nonprofits' federally-negotiated rates. • More costs (e.g., some program administration costs) are treated as direct costs under the OMB Uniform Guidance. • The threshold for single audits is \$750,000. • The OMB Uniform Guidance requires the use of consistent, documented procurement processes for purchases made with federal funds. • In October 2023, OMB published a proposal to make significant improvements to its Uniform Guidance. The proposed changes include: (a) increasing the <i>de minimis</i> indirect cost rate on federal grants from 10% to 15% of modified total direct costs; (b) clarifying that federal agencies cannot force nonprofits receiving grants to use an indirect cost rate lower than the proposed 15% <i>de minimis</i> rate unless a lower rate is required by statute; (c) clarifying that nonprofits with federally negotiated rates must receive these indirect cost rates even when federal funds flow through state and/or local governments; (d) raising the federal single audit threshold from \$750,000 to \$1 million; (e) requiring federal agencies to eliminate program reports that are not necessary for the effective monitoring of grants; and (f) revising the Notice of Funding Opportunities to make postings simpler and easier for nonprofits to navigate. For more, see www.councilofnonprofits.org/files/media/documents/2023/initial-analysis-of-omb-uniform-guidance-reforms-2023.pdf. • For more information, see www.councilofnonprofits.org/trends-and-policy-issues/omb-uniform-guidance. 	

Have you	Who has to do it	How and when to do it	Notes
<input type="checkbox"/> Complied with Uniform Prudent Management of Institutional Funds Act (UPMIFA) to invest and spend from endowed and other restricted funds?	<ul style="list-style-type: none"> All nonprofits holding funds with donor-imposed restrictions. These rules do not apply to funds set aside for specific purposes by the board. Restrictions may be released for funds created more than 10 years ago <i>and</i> with total assets less than \$100,000. 	<ul style="list-style-type: none"> Adopt a policy that requires the board to analyze statutory “prudence factors” when investing and spending from endowed and other restricted funds. Retain gift agreements creating endowed and other restricted funds in your permanent records. 	
<input type="checkbox"/> Registered with the state as a lobbyist principal or solicitor (organizations) and as a lobbyist (individuals), as well as filed quarterly reports?	<ul style="list-style-type: none"> Nonprofit employees (but not volunteers) who spend at least 5% of their time lobbying members of the NC General Assembly or NC executive branch officers in any 30-day period must register as lobbyists. Any paid nonprofit contractor who lobbies must register as a lobbyist. Nonprofits compensating lobbyists need to register as “lobbyist principals.” Prior to 2019, nonprofits that were not “lobbyist principals” but that asked members of the general public to engage in lobbying were required to register as solicitors if they spend at least \$3,000 in any 90-day period on this type of solicitation. This requirement is no longer in place. Nonprofits that collaborate with other organizations on ballot measure advocacy must register as “referendum committees.” 	<ul style="list-style-type: none"> Lobbyists, principals, and solicitors must register with the NC Secretary of State every year (within one day of starting to lobby) and pay a \$500 annual fee (separate fees for lobbyists and principals). Principals must report total compensation paid to lobbyists for actual lobbying and related activities once a year on their final reports. Lobbyists, principals, and solicitors must file notarized quarterly reports of their lobbying and solicitation activities. All forms must be submitted electronically (and, therefore, also include a \$3 electronic filing fee). Note: The annual filing fees for lobbyists and lobbyist principals increased from \$250 to \$500, effective July 1, 2023. The NC House of Representatives has passed legislation to delay the effective date until January 1, 2025, and it is possible that the NC Senate could pass this change into law in November 2023 or December 2023. The Center is working with legislators to explore lowering registration fees for some or all nonprofits that lobby. Get forms at www.sosnc.gov/divisions/lobbying. See a summary of NC lobbying laws at www.ncnonprofits.org/resources/summary-north-carolina-lobbying-law. For statewide ballot measures, referendum committees must register with the NC State Board of Elections. For local ballot measures, referendum committees must register with the county board of elections in the county where the initiative appears on the ballot. For more information, see www.ncsbe.gov/campaign-finance/referendum-committees. 	
<input type="checkbox"/> Filed for an assumed business name certificate?	<ul style="list-style-type: none"> Any nonprofit that operates under a name other than the name identified in its articles of incorporation. 	<ul style="list-style-type: none"> A nonprofit that operates using a name other than its legal name (e.g., the name in its articles of incorporation) is required to file for an assumed business name certificate with the register of deeds in one NC county where it conducts business. The NC Secretary of State maintains a statewide database of assumed business names so nonprofits no longer need to file in more than one county. More information, assumed business names searches, and registration forms are available at www.sosnc.gov/divisions/business_registration/assumed_business_names. 	

Have you

Who has to do it

How and when to do it

Notes

<input type="checkbox"/> Considered applying for the Employee Retention Tax Credit?	<ul style="list-style-type: none">• Nonprofits with a 20% drop in revenue for any of the first three quarters in 2021 compared to the same quarter in 2019.	<ul style="list-style-type: none">• In December 2020, Congress extended and expanded the Employee Retention Tax Credit. Eligible nonprofits may receive this refundable payroll tax credit if they had a 20% decline in revenue for any of the first three quarters of 2021 compared to the same quarter in 2019. Nonprofits that received Paycheck Protection Program loans may also apply for the ERTC, but they must use separate expenses for the two federal relief programs.• The deadline for filing an application for the ERTC for 2020 is April 15, 2024 . The deadline for filling an application for the ERTC for 2021 is April 15, 2025.• Because of the prevalence of ERTC scams, the IRS has created a process that enables businesses or nonprofits that have filed for the ERTC but have not yet received payment on their claims to withdraw their claims without being subject to penalties or interest payments. Nonprofits that have applied for the ERTC and now realize that they may not have been eligible for the tax credit may want to take advantage of this opportunity to withdraw their claims to avoid penalties and interest payments (and the possibility of unwanted negative attention). See www.irs.gov/newsroom/withdraw-an-employee-retention-credit-erc-claim.• See www.councilofnonprofits.org/articles/nonprofits-dont-overlook-your-potential-refund-under-employee-retention-tax-credit.	
<input type="checkbox"/> Followed state laws for remote membership meetings?	<ul style="list-style-type: none">• Nonprofits with voting members.	<ul style="list-style-type: none">• A law that took effect in September 2021 allows nonprofits to conduct membership meetings remotely or in person and allows nonprofits to conduct membership votes by written ballots or electronic votes without a meeting. For more information, see www.ncnonprofits.org/blog/new-options-electronic-voting-boards-and-remote-membership-meetings.	
<input type="checkbox"/> Followed state laws on training programs with state employee attendees?	<ul style="list-style-type: none">• Nonprofits that provide training programs for state employees.	<ul style="list-style-type: none">• A new law that takes effect on December 1, 2023 prohibits any “state employee training program” from promoting 13 specific concepts, most of which are related to race and gender.• The law does not limit the ability of nonprofits – even those with state funding – to have their staff participate in trainings that promote any of these 13 concepts. However, the law could apply to some training programs that nonprofits provide that have participants who are state employees. There are no criminal or civil penalties associated with the law, but nonprofits that provide training programs should be aware of it and ensure that their training programs are in compliance. For more, see the Center’s analysis of the law and its impact on nonprofit training programs at www.ncnonprofits.org/blog/answers-nonprofits-questions-about-workplace-training-law.	