

## Tax-Exempt Organizations Annual Filing Requirements

October 23, 2014

### Introduction and Purpose

Below is guidance for nonprofit organizations with respect to Federal and Minnesota tax filing requirements. This is meant to provide general guidance and organizations should consult their tax advisor with specific questions. The Tax Management Office of the University of Minnesota does not provide tax advice other than to the University. Minnesota 4-H organizations covered under GEN 5939 can find guidance for their filing requirements on the Minnesota 4-H Group Exemption page of our website.

### Quick Reference – Filing Requirements

<b>Internal Revenue Service</b>			
Gross Receipts normally \$50,000 or less	File Form 990-N, e-Postcard	Due by the 15th day of the 5th month	No fee
Gross receipts less than \$200,000 and total assets less than \$500,000 at the end of the year	File Form 990-EZ	Due by the 15th day of the 5th month, 2 extensions available	No fee
Gross receipts \$200,000 or more or total assets \$500,000 or more at the end of the year	File Form 990	Due by the 15th day of the 5th month, 2 extensions available	No Fee
<b>MN Attorney General</b>			
Received \$25,000 or more in contributions (filing exemptions apply)	File Charitable Organization Annual Report, with a copy of Form 990, 990-EZ or 990-N and audited financial statement, if applicable.	Due by the 15th day of the 7th month, extension available	\$25 payable to the State of Minnesota
If not filing Charitable Organization Annual Report and have assets in excess of \$25,000 at any time during the year (filing exemptions apply)	Submit a copy of your Form 990 or 990-EZ with the Attorney General	Due by the 15th day of the 5th month, extension available	\$25 payable to the State of Minnesota
<b>MN Secretary of State</b>			
All MN corporate nonprofits	Online annual registration	Anytime during each calendar year	No fee

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**Federal Filing Requirements**

Annual reporting helps ensure that tax-exempt organizations are held accountable. Nonprofit organizations that have received federal tax-exempt status must submit the following documentation annually.

**IRS Tax Return.** IRS filing requirements are dependent on the income and/or asset levels of the organization. All required filings are due by the 15<sup>th</sup> day of the fifth month after the close of the organization's fiscal year.

- **IRS Form 990-N, e-postcard.** This filing is for tax-exempt organizations that have an IRS Determination Letter whose annual gross receipts are normally \$50,000 or less. The 990-N is an electronic filing that is relatively simple, requiring only eight items of basic information about the organization. For more information, see [Annual Electronic Filing Requirement for Small Exempt Organizations – Form 990-N \(e-Postcard\)](#).
- **IRS Form 990-EZ, Short Form – Return of Organization Exempt From Income Tax.** This filing is for tax-exempt organizations that have an IRS Determination Letter with gross receipts less than \$200,000 and total assets that are less than \$500,000 at the end of the year. For more information, see [Form 990-EZ](#) and the [Instructions for Form 990-EZ](#). Organizations may also need to attach various schedules to their Form 990-EZ. Page 6 of the 990-EZ instructions has a description of each schedule. Common schedules filed are Schedules A, B, G and O. However, organizations should review the full listing to ensure they file a complete return.
- **IRS Form 990, Return of Organizations Exempt from Income Tax.** This filing is for tax-exempt organizations that have an IRS Determination Letter that have gross receipts of \$200,000 or more or total assets of \$500,000 or more at the end of the year. For more information, see [Form 990](#) and the [Instructions for Form 990](#). Organizations may also need to attach various schedules to their Form 990. These schedules would be identified when completing Form 990, Schedule IV. Common schedules that are filed are Schedules A, B, G and O.
- **Note** – if an organization is an unincorporated nonprofit association and has not received tax-exempt status from the IRS and gross receipts are normally less than \$5,000, there is no annual tax return filing with the IRS. However, if gross receipts exceed \$5,000 and the organization has not sought federal tax-exempt status within the required timeframe, the organization will be taxed as a Corporation and will be required to File Form 1120.

**Minnesota Filing Requirements****Attorney General Filing**

- **Charitable Organization Annual Report Form.**
  - Minnesota law requires a charitable organization to file a registration statement if: 1) it solicits or intends to solicit contributions in excess of \$25,000 a year or 2) its functions and activities are not performed wholly by volunteers. For a list of exemptions, see [Minn. Stat. § 309.515](#) or the exemption form at [Charitable Solicitation Registration Exemption Form](#)
  - An organizations that has never been registered as a soliciting charity under Minn. Stat. § 309.52 should file the initial registration information. For more information, see [Charitable Organization Initial Registration & Annual Report Form](#) and the [Charitable Organization Initial Registration Instructions](#).
  - A charitable organization registered to solicit contributions in Minnesota must file an annual report with the Minnesota Attorney General's Office. A [Charitable Organization Initial Registration & Annual Report Form](#) must be filed with the Attorney General by the 15<sup>th</sup> day of

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the 7<sup>th</sup> month after the close of the organization's fiscal year. For more information, see the [Charitable Organization Annual Reporting Instructions](#). The organization may request a four-month extension by requesting it electronically at [Charitable Organization Extension Request Form](#). The organization must also include a copy of whatever return (990-N, Form 990 or Form 990-EZ) it files with the IRS, including all schedules except for the Schedule B. In addition, for organizations with total revenue exceeding \$750,000, a copy of the audited financial statements must be included. Mail the registration and required attachments to Office of the Attorney General, 1200 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101-2130. There is a \$25.00 registration fee, made payable to the State of Minnesota.

- **Charitable Trust Annual Reporting.**

- Organizations that do not solicit but hold \$25,000 or more in charitable assets in Minnesota, must register as a Charitable Trust unless otherwise exempt. (See Minn. Stat § 501B.36.) For more information, see the [Charitable Trust Registration Statement and Instructions](#).
- Annually, mail a copy of your federal tax return (Form 990 or 990-EZ) with the Attorney General by the 15<sup>th</sup> day of the 5<sup>th</sup> month after the close of the organization's fiscal year. The organization may request a six-month extension by requesting it electronically at [Charitable Organization Extension Request Form](#). Mail the return and a check payable to the State of Minnesota in the amount of \$25 to Office of the Attorney General, 1200 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101-2130.

**MN Secretary of State Nonprofit Corporation Annual Registration.** After an organization has filed for incorporation, it must continue to file an online Annual Registration with the Minnesota Secretary of State ([Minnesota Nonprofit Corporations Forms](#)). Failure to register by December 31 each year will result in the dissolution of the organization and a \$25 fee will apply to reinstate the organization's corporate existence.

### **Public Disclosure Rules**

If your organization is a § 501(c) tax-exempt organization, it must make the following documents available for public inspection and copy upon request without charge (except for a reasonable fee for copying).

- Exemption Application (Form 1023 or Form 1024), along with all documents submitted with the application, all documents the IRS requires the organization to submit in support of its application. An organization whose exemption application was filed before July 15, 1987, and which lacked the exemption application on July 15, 1987, need not make a copy of the exemption application available.
- The IRS Determination Letter.
- Annual Information Return (Form 990 or Form 990-EZ), along with schedules, attachments, and supporting documents filed with the IRS. The organization may not disclose the names and addresses of contributors on Schedule B. Returns must be available for a three-year period beginning with the due date of the return (including any extension of time for filing) or, if later, the date it is actually filed.
- § 501(c)(3) organizations must also make their Form 990-T available for public inspection. Returns must be available for a three-year period beginning with the due date of the return (including any extension of time for filing) or, if later, the date it is actually filed.

For more information, see [Exempt Organization Public Disclosure and Availability Requirements](#).