

**For Immediate Release:**

April 18, 2022

**Contact:** Jerri Mares — (505) 321-4372

**AG BALDERAS LEADS BIPARTISAN COALITION OF 28 ATTORNEYS GENERAL  
URGING BETTER DISCLOSURE AND CLARITY FROM GOFUNDME**

Today, a bipartisan coalition of Attorneys General, led by General Hector Balderas (New Mexico), General Lynn Fitch (Mississippi), and General Jeff Landry (Louisiana), wrote GoFundMe to urge better disclosure policies and greater clarity in terms of service for consumers who use their platform.

“GoFundMe has a duty to its donors and charities to be transparent and accountable,” said Attorney General Balderas.

GoFundMe has become a popular crowdfunding platform. According to their website, they’ve served over 50 million donors and helped organizers raise more than \$5 billion since its launch in 2010. Individuals, businesses, and charities pay a fee of 2.2-2.9%, plus \$0.3 per transaction. But information on the terms of service and policies, particularly related to blocking, freezing, refunding, and redirecting donations, is hard to find and unclear.

As the Attorneys General state in their letter, “[P]latforms like GoFundMe are not and should not be empowered to unilaterally make decisions regarding where donated funds will go or why. If GoFundMe is making opaque and unilateral decisions about which fundraisers are legitimate and which fundraisers to re-route donations to irrespective of initial donor choice, GoFundMe has likely crossed the line from fundraising platform to fundraiser itself. Such a role implicates significantly different regulatory schemes directed at ensuring transparency in charitable giving.”

The Attorneys General ask GoFundMe to take the following steps and provide the following information in response to their letter:

1. Explain in detail how GoFundMe investigates or analyzes fundraisers on its platform, and what criteria GoFundMe uses to determine whether those fundraisers are fundraising for acceptable purposes or not;
2. Explain in detail how GoFundMe determines whether to block, freeze, re-direct, or refund donations, and what criteria GoFundMe uses to decide which avenue to take;
3. Explain in detail how GoFundMe handles donations when GoFundMe decides to (i) block donations, (ii) freeze donations, (iii) re-direct donations, and/or (iv) re-direct donations;
4. Review GoFundMe’s policies and Terms of Service to ensure that donors are adequately and conspicuously informed at the time of their donation of the circumstances under which their donation may be blocked, frozen, re-directed or refunded without their

authorization by conspicuously disclosing those circumstances through the user interface on your platform;

5. Explain in detail the meaning of the term “unacceptable” in the context of GoFundMe’s Terms of Service and describe whether there are additional internal policies defining it; and
6. Articulate any steps being taken to address these issues in the form of a responsive letter or a meeting with the undersigned Attorneys General.

The letter was signed by the Attorneys General of New Mexico, Louisiana, Mississippi, Alaska, Arizona, Arkansas, Florida, Georgia, Guam, Indiana, Kansas, Kentucky, Michigan, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Northern Mariana Islands, Oklahoma, South Carolina, South Dakota, Texas, Utah, U.S. Virgin Islands, Virginia, and West Virginia.

A copy of the letter is attached.

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April 18, 2022

Ms. Kim Wilford  
General Counsel for GoFundMe  
855 Jefferson Avenue  
Redwood City, CA 94063  
[KWilford@GoFundMe.com](mailto:KWilford@GoFundMe.com) Delivered by Email

Re: GoFundMe Terms of Service

Dear Ms. Wilford,

The undersigned state attorneys general write to express our concern regarding the clarity and disclosure of GoFundMe's Terms of Service.

Users engage with the GoFundMe platform with the fundamental expectation that their donation will be directed to its intended beneficiary fundraiser. If GoFundMe acts to subvert that altruistic relationship due to unpermitted activity, it should be under a clearly articulated and disclosed standard. Instead, GoFundMe's Terms of Service state that GoFundMe can suspend or remove a user's account, freeze a donation, or stop payment to a fundraiser for "any activity that GoFundMe may deem, in its sole discretion, to be unacceptable."

The GoFundMe platform serves an important purpose by facilitating charitable giving. However, the parameters under which a user's donation may be blocked, frozen, re-directed to another fundraiser, or refunded without the user's consent are unclear. While platforms like GoFundMe can and should act as conduits connecting donors and fundraisers, platforms like GoFundMe are not and should not be empowered to unilaterally make decisions regarding where donated funds will go or why. If GoFundMe is making opaque and unilateral decisions about which fundraisers are legitimate and which fundraisers to re-route donations to irrespective of initial donor choice, GoFundMe has likely crossed the line from fundraising platform to fundraiser itself. Such a role implicates significantly different regulatory schemes directed at ensuring transparency in charitable giving.

We request that GoFundMe take the following steps in response to this letter:

1. Explain in detail how GoFundMe investigates or analyzes fundraisers on its platform, and what criteria GoFundMe uses to determine whether those fundraisers are fundraising for acceptable purposes or not;
2. Explain in detail how GoFundMe determines whether to block, freeze, re-direct, or refund donations, and what criteria GoFundMe uses to decide which avenue to take;
3. Explain in detail how GoFundMe handles donations when GoFundMe decides to (i) block donations, (ii) freeze donations, or (iii) re-direct donations;
4. Review your policies and Terms of Service to ensure that donors are adequately and conspicuously informed at the time of their donation of the circumstances under which their donation may be blocked, frozen, re-directed or refunded without their authorization by conspicuously disclosing those circumstances through the user interface on your platform;
5. Explain in detail the meaning of the term “unacceptable” in the context of your Terms of Service and describe whether there are additional internal policies defining it; and
6. Articulate any steps being taken to address these issues in the form of a responsive letter or a meeting with the undersigned attorneys general.

This letter is not intended to address all possible issues regarding the GoFundMe platform and a response to this letter does not relieve GoFundMe of its obligation to fully respond to any previously issued or forthcoming civil investigative demands or administrative subpoenas.

Sincerely,



Jeff Landry  
Louisiana Attorney General



Lynn Fitch  
Mississippi Attorney General



Hector Balderas  
New Mexico Attorney General

Treg R. Taylor  
Alaska Attorney General

Mark Brnovich  
Arizona Attorney General

Leslie Rutledge  
Arkansas Attorney General

Ashley Moody  
Florida Attorney General

Christopher M. Carr  
Georgia Attorney General

Leevin Taitano Camacho  
Guam Attorney General

Todd Rokita  
Indiana Attorney General

Derek Schmidt  
Kansas Attorney General

Daniel Cameron  
Kentucky Attorney General

Dana Nessel  
Michigan Attorney General



Eric S. Schmitt  
Missouri Attorney General



Austin Knudsen  
Montana Attorney General



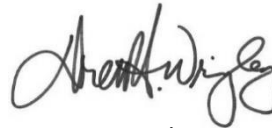
Douglas Peterson  
Nebraska Attorney General



Aaron D. Ford  
Nevada Attorney General



John M. Formella  
New Hampshire Attorney General



Drew H. Wrigley  
North Dakota Attorney General



Edward Manibusan  
Northern Mariana Islands Attorney General



John O'Connor  
Oklahoma Attorney General



Alan Wilson  
South Carolina Attorney General



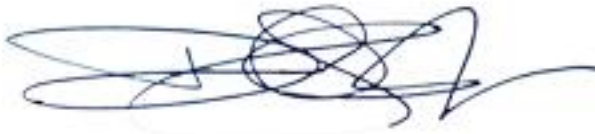
Jason R. Ravensborg  
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