

Upcoming Change to Louisiana Secretary of State's Policy on Business Filings: What You Need to Know

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An upcoming change in the Louisiana Secretary of State's filing rules will require businesses in certain parishes to file all available documents through the Secretary of State's online portal, geauxbiz.com, beginning January 1, 2018.

In 2009, the Louisiana Secretary of State began modernizing how Louisiana businesses file documents with the Secretary's Commercial Division by launching geauxbiz.com. The site is the official online portal for filing a business' organizational documents, amendment documents, annual reports, and other available documents with the Secretary of State's office. While online filing has never previously been required, the online portal provides another convenient option for business owners to handle their filings with the Secretary of State. A full list of available documents is viewable with a geauxbiz.com account, and the Secretary of State's office is working to expand the list.

The Secretary of State's office recently announced the next step in its modernization process. Beginning January 1, 2018, business owners in Ascension, Bossier, Caddo, Calcasieu, East Baton Rouge, Jefferson, Lafayette, Livingston, Orleans, Ouachita, Rapides, St. Tammany, Tangipahoa, and Terrebonne Parishes will be **required** to file all available business documents through the online portal.

Business owners or managers in the affected parishes who have not used geauxbiz.com should establish an account with the site and **link their new account to their business' current records** with the Secretary of State's office. To do so, once logged in to the proper account, click the handle next to your name and select **My Dashboard**, then, click **My Businesses**, and choose **Add Business**. Follow the prompts to locate and link the business' existing records.

Business owners should note that the process for filing new business documents using the portal is more complex and lengthy than filing outside of the site. The online process requires the business owner to first reserve the business' name with geauxbiz.com and request and receive a federal tax identification number from the IRS before the company's formation documents can be accepted. In some instances, this may prohibit same-day entity formation. Additionally, the geauxbiz.com form for filing a new business requests personally

identifiable information, such as Social Security numbers, for key people in an entity, including shareholders, members, officers, and managers.

Importantly, for affected McGlinchey Stafford clients, the new requirements mean the firm will no longer be able to fax-file or otherwise file business documents available on the geauxbiz.com website. The firm will also be unable to file documents that contain personally identifiable information on a client's behalf. Some of our Louisiana business clients, therefore, may have to file their business documents directly with the Secretary of State's office through the geauxbiz.com portal.

Because most businesses will only need to visit the site once per year to file their annual report, the new online filing requirement will likely present two common issues: 1) failure to file the business' annual reports in a timely manner; and 2) failure to maintain the business' username and password. Affected business owners are advised to establish protocols, or to review existing protocols, for filing the business' annual report and for maintaining the business' geauxbiz.com username and password in a safe and secure manner so that it is accessible when needed.

If you need assistance with the geauxbiz.com site, establishing a new business, or maintaining a current business, please contact any member of McGlinchey Stafford's Corporate Law team.

Related people

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