

On Demand Reference Guide

Corporate Series #9 - 3 Tips for Avoiding Rejection of Articles of Incorporation



Corporate Filings Are Often Rejected for Simple Errors-Follow These Easy Steps to Avoid Rejection of Your Business Entity Filings

In most states, filing articles of incorporation (or organization) is a pretty straightforward process; document filers simply fill out a form, collect a signature and send the document off to be filed. Nevertheless, corporate filings often get rejected and it is usually for simple errors. What follows is a brief overview of three easy tips to help guard against rejection of your business formation filings.

Check Name Availability

A new business must have a unique name. If your chosen name is the same or deceptively similar to an existing entity, the state filing office will reject your document. To assist you in choosing a unique name, most states will allow you to check the availability of the name you wish to use prior to submitting your paperwork. Then, if the name is available, you can reserve it for your exclusive use.

Aim to Meet the Minimum Requirements

It is a good strategy to aim to satisfy the minimum requirements for filing formation documents, without elaborating or providing additional information. In some cases, providing too much information can be a cause for rejection. For example, while some states require officer and director information to be included in the articles, others will reject for its inclusion on the basis that the proper way to communicate officers and directors is on the statement of information or annual report form.

Don't Get Too Creative

If the state provides a fillable form for the type of document you need to file, read the instructions carefully and fill out the state's form. For some filing types though, there is no special form; some require a filer to create their own formation document according to certain specifications. In these cases, look to the state's website for a sample of a drafted document. Don't get too creative here. Whenever possible, draft your document using the same verbiage as the sample as many states have required statements that must be included verbatim to avoid rejection.

When in doubt, work with a service provider with expertise in the filing of business formation documents. These firms can provide you with the appropriate form or sample document, offer expedited filing options and offer guidance on subsequent filing requirements.



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