

Instructions for Amending your Unit's Constitution/By-laws

Instructions for Amending your Unit's Constitution/By-laws to include Requirements to be Exempt as an Organization described in section 501(c)(3) of the Internal Revenue Code

Please note that both the purpose and membership statements of your constitution must reflect the 501(c)(3) charitable and educational purpose of your organization.

In addition, the **exact wording** of the following article must be added to your Unit's constitution/by-laws to include the requirements to be exempt as an organization described in section 501(c)(3) of the Internal Revenue Code. The five sections included in the article are all required to be included in the constitution/by-laws by the Internal Revenue Service: they include purpose, inurement, lobbying, notwithstanding, and dissolution clauses.

Amendment to the Constitution/By-laws

Article _____

(Please give this article a new number to add it to your constitution/by-laws)

Requirements to be exempt as an Organization described in section 501(c)(3) of the Internal Revenue Code

Section 1. Said organization is organized exclusively for charitable, religious, educational, or scientific purposes, including, for such purposes, the making of distributions to organizations that qualify under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Section 2. No part of the net earnings of the organization shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in section 1 hereof and in article _____ of this constitution. (In the blank, please enter the number of the article in your Constitution/By-laws that includes the purpose of your organization.)

Section 3. No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.

Section 4. Notwithstanding any other provision of these articles, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by an organization, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Section 5. Upon the dissolution of the organization, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a Court of Competent Jurisdiction of the county in which the principal office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.