

INTERNATIONAL ETHELLS CLASS ASSOCIATION

CONSTITUTION

This Constitution operates within the World Sailing Regulations, and in particular Section 10.5 *Regulations on Administering World Sailing Classes*.

Up to date information about the International Etchells Class Association is found at www.etchells.org.

Adopted as a proposal to World Sailing in accordance with the approved process (*Date*).

Approved by World Sailing (*Date*).

1. TITLE

The full title of the Association shall be the “International Etchells Class Association” (IECA).

(Wording will be inserted here with respect to the incorporation status of the IECA)

2. OBJECTS

The objects of the IECA are to:

- A. Maintain the one-design character of the International Etchells.
- B. Promote the construction and racing of the International Etchells as a one-design class.
- C. Ensure the International Etchells provides accessible top-quality racing for both amateur and professional sailors.
- D. Foster an inclusive environment for all people interested in International Etchells regardless of their gender, age, culture, ethnicity, disability, generation, size or sexual identity.
- E. Coordinate, manage and ensure compliance with the Class Rules.
- F. Be responsible for management of any changes to the Class Rules and ensure they do not harm the integrity of the one-design character of the International Etchells.
- G. Coordinate with World Sailing in relation to any changes to, or interpretations of, the Class Rules.
- H. Encourage and coordinate club, national and international competition in the Class.
- I. Control and manage the affairs of the Class.

The IECA is exempt from Federal income tax under Section 501(c)(3) of the US Internal Revenue Code and the IECA shall not carry on any other activities that are not permitted to be carried on by a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code.

3. TERMS AND DEFINITIONS

The following terms and definitions are used in these rules.

Association Register - the register of Members of the IECA

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Certificate - a hull certificate issued by the Member National Authority (MNA) or IECA or National Association as applicable, depending on the country, recording:

- 1) the registered number and ownership of an International Etchells and any changes in ownership.
- 2) the compliance of the International Etchells with the Class Rules on completion of construction, or of modifications or repairs which require re-measurement.

It is noted that different countries have different terminologies and forms (see Class Rules for more detail).

Class - the class of International Etchells

Class Register - the register of International Etchells and their owners

Class Rules - The Class Rules protect the one-design principle of the Class. These are the rules of the Class governing the specification of the hull, keel, mast, rigging and sails of the International Etchells and other matters relating to the maintenance and racing of the Class.

Class Secretary - the duly elected or appointed secretary of the IECA (also known as “Executive Secretary”)

Constitution - this document

Electronic Communication - generally available electronic channels including email, website and internet

Fleet - five or more registered International Etchells located sufficiently near to each other to permit regular racing between them

IGC - International Governing Committee

International Etchells - a one-design sailing yacht designed by E.W. Etchells and made in accordance with the International Etchells Class Rules.

Governor – an elected, appointed or co-opted member of the IGC

Member - a member of the IECA via a National Association being an Owner Member, a Non Owner Member or a Life Member

MNA (Member National Authority) - the World Sailing recognized national authority which controls and organizes the sport of sailing on a national basis in any country

National Association - the class association of a country which represents the members of that country, consisting of one or more fleets and dealing directly with the IECA on behalf of members of that country. Note that countries may have Fleets or Members without organizing themselves under a National Association.

ODTC - One Design Technical Committee

Officer - a person appointed by the IGC to manage a function for the IECA

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Owners and Joint Owners - any person or persons, corporation or association endorsed on a Certificate as the owner or joint owners of an International Etchells. Note that where a corporation or association owns a boat, a person must be noted on the certificate.

Register of Builders - the register of approved builders of hulls, decks, keels, sails and spars of International Etchells maintained by the IECA

Registered Number - the hull number allocated to an International Etchells

4. MEMBERSHIP AND VOTING RIGHTS

A. Classes of Membership

There are three classes of membership of the IECA:

- 1) *Owner Member*: any fully paid-up member of the IECA who is an Owner or Joint Owner of an International Etchells. Note that this was previously referred to as an *Active Member* and may still be referred to as an *Active Member* in some class documentation.
- 2) *Non Owner Member*: any fully paid-up member of the IECA who is not an Owner or Joint Owner of an International Etchells. Note that this was previously referred to as an *Associate Member* and may still be referred to as an *Associate Member* in some class documentation.
- 3) *Life Member*: any person who, having contributed a tremendous amount of personal time and effort to the Class over a substantial number of years, is nominated by an IGC member and voted in by all IGC members.

B. Obligations of Members

The Constitution is binding on all Members, and they must comply with it.

C. Voting Rights

- 1) All Members shall receive copies of notices of General Meetings and shall have the right to attend and to speak, move or second any proposal or motion thereat.
- 2) Each Owner Member (subject to the limitation in 3) below) and Life Member shall be entitled to cast one vote, and only one vote, on any matter voted upon at a General Meeting of the IECA, or in a postal or electronic ballot.
- 3) The Joint Owners of an International Etchells are together entitled to cast only one vote on any matter. In the absence of agreement between the joint owners, the person listed first on the Certificate shall have the right to vote.
- 4) Members who are not able to attend a General Meeting may give their proxy to another Member of their choosing, provided that Member agrees to accept the absent Member's proxy.
- 5) Proxies shall be notified by email at least 24 hours prior to the General Meeting to the Class Secretary who will keep a record of them.
- 6) Non Owner Members shall have no right to vote.

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7) All Life Members are entitled to vote.

5. ANNUAL CONTRIBUTIONS AND FEES

A. Subscriptions

The IECA shall be financed by a general levy from Members. This will be administered by invoicing the National Association where a National Association exists, or the fleet or Member directly where no National Association exists. The fee for each class of membership shall be redetermined every two years by the IGC and shall apply equally to all Members worldwide.

B. Timetable

The Timetable for payment of the general levy shall be:

- 1) For Fleets and National Associations situated in the Northern Hemisphere in recognition of their membership period starting 1 January and ending 31 December in each year – no later than April 15.
- 2) For Fleets and National Associations situated in the Southern Hemisphere in recognition of their membership period starting 1 July and ending 30 June in each year – no later than October 15.

C. Financial Accounts

The IECA will recognize in its financial accounts all contributions due in the two respective hemispheres as owing on the last day of the membership period for that hemisphere. Supplementary payments are to be made within 30 days of each additional membership.

D. Boat Initiation Fee

Each International Etchells built is charged fees that include the cost of the World Sailing hull plaque, a Class fee and a Design fee. The amounts charged by the IECA will be determined from time to time by the IGC.

E. Other Sources of Income

The IECA receives income from sail royalties and boat royalties as well as the management of various administrative functions (eg. processing of updated hull certificates and placement of classified advertisements). Other sources of revenue may be developed over time.

6. MANAGEMENT

A. The International Governing Committee (the “IGC”)

The responsibilities, business and affairs of the IECA shall be managed and discharged by the IGC. The IGC shall have and exercise all the powers of the IECA under applicable law anywhere in the world. The IGC shall have responsibility and authority to consult and cooperate with World Sailing in respect of administration of, changes to, and interpretations of the Class Rules.

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The powers of the IGC shall include;

- 1) Make recommendations to Members directly or via fleets or National Associations for alterations in or additions to the Constitution or Class Rules.
- 2) Make resolutions, indicating where it stands as a body on a particular matter or actions it intends to take.
- 3) Make recommendations to other committees appointed by the IGC, National Associations, or the Members.
- 4) Arrange an annual World Championship of the Class and coordinate such National or Regional Championships as may be required. All matters pertaining to World Championships shall be settled by the IGC in consultation with the sponsoring club or clubs and/or the relevant National Association.

B. Composition of the IGC

The IGC shall consist of:

Elected Governors: not less than six and not more than ten Owner or Life Members elected once every two years. The exact number shall be determined from time to time by resolution of the IGC, but in the absence of such resolution such number to be seven.

Appointed Governors: each National Association with four or more Fleets shall be entitled to appoint one Owner or Life Member to the IGC. Each National Association with ten or more Fleets shall be entitled to appoint one additional Owner or Life Member to the IGC. If any National Association with fewer than four Fleets but at least 15 Owner or Life Members has no Elected Governor then they shall be entitled to appoint one Governor. If a National Association nominates an individual who is not an Owner or Life Member of the nominating National Association, the nominating National Association shall obtain in advance the consent to this appointment from the committee of the nominee's National Association where one exists.

Co-opted Governors: the IGC may at any time co-opt any person to assist it, whether or not that person is an Owner or Life Member, but that person shall not be entitled to vote on matters before the IGC. The IGC may choose to co-opt an Owner or Life Member of a fleet which does not have representation via an Elected or Appointed Governor.

Note: The Governors have a responsibility to actively engage with the appropriate representatives of those countries who have fleets but no Governors on the IGC to ensure that account is taken of their views when making decisions which may affect Members of those fleets.

C. Term of Office of the IGC

- 1) The term of office of Governors shall be 24 months from the date of their election or appointment and may continue until their successors have been duly elected or appointed.
- 2) No person shall serve as an Elected Governor or Appointed Governor for more than three consecutive whole or partial terms. However, a person who has served

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on the IGC for three consecutive terms shall be eligible for re-election or reappointment after an interval of 24 months.

D. Vacancies on the IGC

- 1) The IGC need not fill a vacancy unless the total number of its Governors has dropped below the minimum of six. If the IGC opts to fill a vacancy, the vacancy shall be filled as follows:
 - i. An Elected Governor shall be replaced by the candidate with the most votes of those duly nominated but not elected at the last election, who is still willing to serve.
 - ii. An Appointed Governor shall be replaced by a new Appointed Governor by the National Association whose previous appointee's departure created the vacancy.
- 2) A Governor chosen to fill a vacancy shall remain in office until the expiration of the term of office of the person whose position has been filled.
- 3) A vacancy may be filled at any IGC Meeting.

E. Election of Officers

At its first meeting after its election, the IGC shall appoint Officers as follows:

- 1) Elect one of its Governors to act as Chair of the IECA during the tenure of the Elected Governors of the IGC. The Chair shall:
 - i. be the chief administrator of the IECA
 - ii. serve as the IECA's principal liaison to World Sailing
 - iii. preside at meetings and serve as Chair of the IGC; and
 - iv. appoint special committees.
- 2) Elect or appoint one of its Governors to act as Vice Chair, for the same term as the Chair, who shall perform the duties of the Chair in the Chair's absence from a meeting of the IGC or of the IECA, and shall have such powers and responsibilities as the Chair shall from time to time confer to the Vice Chair.
- 3) Elect, appoint or confirm a Class Secretary who shall keep correct minutes and records of all IGC and General Meetings, together with the Class Register and Association Register, and shall be responsible for communicating the decisions of the IGC to Members of the IECA where directed by the IGC.
- 4) Elect or appoint a Treasurer, for the same term as the Chair, who shall have charge of the funds of the IECA; make such disbursements as the IGC shall direct; keep an accurate record of the financial affairs of the IECA; and present an annual financial statement at each Annual General Meeting. The Class Secretary may fulfill the function of Treasurer.
- 5) Appoint a One Design Technical Committee (ODTC) for the same term as the Chair, comprising a total of between 4 and 6 Owner or Life Members, from a

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minimum of three different National Associations. The ODTC shall elect a chair from its members. The Chief Class Measurer (and Deputy Chief Class Measurer if the position is filled) advises the ODTC. The advisor(s) has no vote on the ODTC. The ODTC shall be responsible for advising the IGC and National Associations on the interpretation of the Class Rules, reviewing and reporting on proposed amendments or additions to the Class Rules and making recommendations to the IGC on other matters which are referred to it or come to its attention.

F. Voting, Proxies and Quorum of the IGC

- 1) At any IGC meeting a quorum will be half of the Elected and Appointed Governors, rounded up to the next whole number.
- 2) Governors who are not able to attend a meeting or have to leave a meeting early may give their proxy to another Governor of their choosing, provided that Governor agrees to accept the absent Governor's proxy.
- 3) The giving and taking of proxies shall be administered by the Class Secretary (or the IGC Chair or Vice Chair if that person is not available).

G. Format of IGC Meetings

- 1) Meetings of the IGC will be conducted via video conferencing at regularly scheduled intervals, but not less than every three months.
- 2) The meeting agenda and papers shall be finalized and distributed to the IGC Governors at least 48 hours prior to the start of the meeting.
- 3) Resolutions and recommendations shall be approved by a simple majority vote of the entire IGC.
- 4) IGC Governors not in attendance at a meeting may, if agreed by the attendees at the meeting, be solicited to vote by email for a resolution or a recommendation and given an agreed time to respond. A Governor who has been solicited to vote but does not vote will be assumed to approve the resolution or recommendation. A tie vote-count is not an approval.
- 5) Resolutions and recommendations shall be communicated to Members either directly or via National Associations or Fleets where they exist via email within 7 days of being approved.

H. Special Meetings of the IGC and Urgent Resolutions or Recommendations

- 1) Matters which need the urgent attention of the IGC may be dealt with in a special meeting of the IGC.
- 2) Any three Governors of the IGC may call a special meeting by contacting the Class Secretary, who will schedule the special meeting within 14 days of the request being made.
- 3) Additionally, urgent resolutions or recommendations may be circulated for approval by email to Governors outside of a regular or special meeting of the

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IGC. IGC Governors shall be given 48 hours to approve or reject such resolutions or recommendations. A non-response shall be taken as an abstention.

I. Conflict of interest

- 1) A conflict of interest exists when a member of the IGC, ODTC or sub-committee has, or reasonably appears to have, a personal or financial interest which could affect their ability to be impartial.
- 2) An Owner or Life Member who is nominated to stand for election or invited to serve on the IGC or ODTC shall disclose in advance, to the IGC, ODTC or sub-committee Chair, any potential conflict of interest.
- 3) All members of the IGC, ODTC or sub-committee shall declare any conflict of interest to the relevant committee chair and shall update their declaration when relevant. When the member has any doubt on the action to take, they shall promptly consult the relevant committee chair and be bound by their decision. If the member with the conflict of interest is the committee chair, they shall consult with other committee members and be bound by their decision.
- 4) The Class Secretary shall develop and maintain a register of conflict of interest declarations from IGC, ODTC and sub-committee members which shall be noted by the IGC and be published on the IECA website.
- 5) In a debate on any matter in which a member of the IGC, ODTC or sub-committee has a conflict which should be declared, the member shall advise the chair of that fact, and of the exact nature of the interest, if practicable in advance of the debate, or otherwise at the earliest reasonable opportunity during the debate. Notification of the reasons of the said interest shall be reported to the relevant committee unless there are compelling grounds why such reasons should remain confidential. According to the exact nature of the interest, the relevant committee chair may require the member concerned to leave the meeting for the whole or part of the debate. The chair may require the member to abstain from voting. The declaration and any decision by the chair shall be minuted.
- 6) If it is determined that a person had a conflict of interest which was not declared prior to the vote, then that vote should be discounted.

7. EXPENDITURE CONTROLS

The making of payments and receipts of monies shall be validly evidenced only by the signature of the Treasurer or the Treasurer's deputy as appointed by the IGC. Payments of monies exceeding the sum of US \$1,000 shall additionally require the separate signature or electronic approval of the Chair or the Secretary.

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8. CONDUCT OF GENERAL MEETINGS OF THE IECA

A. Annual General Meeting

The Annual General Meeting of the IECA shall be held each year by videoconference. The precise date and time shall be fixed by the IGC.

B. Special General Meeting

A Special General Meeting may be called by the Chair of the IGC or by the Class Secretary upon receipt of a written request by email or letter from not fewer than fifteen Owner or Life Members.

C. Notice of Meeting

At least eight weeks notice in writing shall be given to Members of any Annual or Special General Meeting, which will be held by video conference.

D. Voting at General Meetings

- 1) Where a vote is held at a General Meeting, decisions shall be carried by a majority vote of those Owner and Life Members attending in person or by proxy (taking note of conditions imposed by Section 13 of this Constitution).
- 2) Voting shall be by online poll and shall be subject to appropriate scrutineering.
- 3) The chair of a General Meeting is the IGC Chair or their delegate. At any meeting the chair shall have a casting vote.
- 4) The Class Secretary shall be responsible for informing all Members of the result.

E. Quorum

At any General Meeting of the IECA, the presence of 21 Owner and Life Members shall constitute a quorum.

9. ACCOUNTS

A. Keeping of Accounts

The IGC shall cause true Accounts to be kept giving full particulars of:

- 1) All monies, assets and liabilities of the IECA.
- 2) All monies received and expended by the IECA and of the matters in respect of which such receipts and expenditures arise.
- 3) All sales and purchases of goods by the IECA.

B. Annual Financial Statements

The IGC shall prepare an annual financial statement and provide this to Members at every Annual General Meeting.

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C. Timing for Issuing

A copy of the annual financial statement, which is to be provided to Members for the Annual General Meeting, shall have been sent not less than 21 days prior to such Annual General Meeting to every Owner, Non Owner and Life Member.

10. PROTECTION OF THE ONE-DESIGN CHARACTER OF THE INTERNATIONAL ETCHELLS

A. Compliance with the Class Rules

- 1) The Class Rules contain measurement and other specifications which are essential for maintaining the one-design nature of the International Etchells. All Members shall have a responsibility to actively protect the integrity of the one-design nature of the International Etchells through compliance with the Class Rules.
- 2) Members and approved builders on the Register of Builders shall also seek the approval of the IGC for developments or changes to features of the hull, rig or sails which are not permitted by the Class Rules, or which have not previously been approved.

B. Seeking a Class Interpretation

Members who are unsure about whether a feature, fitting or construction change complies with the Class Rules shall follow the Class Interpretations Protocol, which is available on the IECA website. Previous interpretations are published on the website.

C. Event Rules

The IGC shall issue and distribute to each National Association and post on the official class website, the “Rules Governing the World Championship and Other Sanctioned Events as Applicable.” Such rules shall bind all organizing authorities. The IGC may revise them from time to time.

D. National Association Governance

The IGC may recommend changes to the constitutions and governance of National Associations where they exist in the interest of protecting the one-design integrity of the Class or where they are considered more generally to be in the best interests of the IECA as a whole.

11. CONDUCT OF ELECTIONS TO THE IGC

A. Nominations

Each National Association shall be sent one official nominating form for Elected Governors of the IGC before 1st September in each year in which an election is held. Nominations may be made only on the official nominating form, and it is to be returned to the Class Secretary before 1st October of that year.

If a country does not have a National Association a representative of that country may request a nomination form.

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B. Eligibility

Each National Association or country representative shall prescribe its own procedures for selecting its nominees in a timely manner. A nominee must be an Owner or Life Member of the Association at the time of nomination and at the time of voting. Before the name of a nominee can be placed on the ballot, the nominee must certify in writing that the nominee is willing and able to serve if elected.

C. Voting

Not later than on November 10th in each year in which an election is held each Owner and Life Member shall be sent by electronic communication or by post, where necessary, an official ballot, listing all qualified nominees, at their addresses as they appear in the official records of the IECA. To be counted, properly completed ballots must be returned to the office of the Class Secretary, or to such other person as the IGC may designate in a communication accompanying the ballot, on or before December 10, by electronic communication or post.

D. Election

The ballots shall be counted by the IGC on December 10th (or the Monday following, if this date falls on a Saturday or Sunday) at such hour and place as the IGC may designate in the manner required for calling its regular meeting of the IGC. The votes shall be recorded by three or more inspectors of election appointed by the IGC for the purpose, who are not candidates for office and who are, if possible, Members of different National Associations. The qualified nominees for the available positions as elected Governors receiving the greatest number of votes shall be elected. In the event of a tie, the existing IGC Chair will have the casting vote.

E. Notices and Ballots

The IECA shall give priority to the use of electronic communication for its notices and ballots.

12. SANCTIONS

A. Suspension

A Member may be suspended by the IGC for violation of the Class Rules or the Constitution. The duration of a suspension shall be fixed by the IGC at its sole discretion. It may not exceed the IGC's own term of office although it may be extended by the succeeding IGC. Notwithstanding the foregoing, a suspension may be terminated by a majority vote of the Members attending a General Meeting.

B. Expulsion

A Member may be expelled by resolution passed by 75% of the Members attending an Annual General Meeting for violation of the Class Rules or Constitution or for other conduct detrimental to the IECA, the Class or its Members.

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C. Removal from Office

Any holder of a position on the IGC or its sub-committees may be removed from that position by the IGC for conduct which a majority of the IGC considers to be detrimental to the IECA, the Class or any Members.

D. Right of Appeal

A Member who has been suspended or expelled, or a holder of a position on the IGC or its sub-committees who has been suspended or removed from office, may give notice to the effect that they wish to appeal against the suspension or expulsion, as follows:

- 1) The notice must be provided to the Class Secretary within seven days of being provided with the decision of the suspension or expulsion.
- 2) The IGC must appoint an appeals sub-committee as soon as practicable, but in any event not later than 21 days after the notice is received.
- 3) The appeals sub-committee must consist of at least two members of the IGC and one suitably qualified person external to the IECA (eg. a World Sailing official or a person holding a position within a sailing organization). If the IGC believes that it is inappropriate to appoint any of the current IGC members to the appeals sub-committee to hear and decide the matter, then they must be Members of long standing.
- 4) Before the appeals sub-committee meets, the Secretary must give written notice to the Member specifying the date, place and time of the appeals sub-committee meeting and the names of the members of the appeals sub-committee.
- 5) The Member may appear before the appeals sub-committee or make written submissions or both.
- 6) The appeals sub-committee makes a fresh decision and must state the grounds for suspending or expelling the Member or overruling the original decision, and the reasons for taking that action.

13. AMENDMENTS OF CLASS RULES AND CONSTITUTION

A. Eligibility to Seek an Amendment

Proposals for the amendment of the Class Rules or Constitution may be made only by:

- 1) World Sailing;
- 2) the IGC, following approval by two-thirds of the IGC; or
- 3) a National Association or group of Members in a country following the affirmative vote of at least two-thirds of all that country's eligible voting Members.

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B. Procedure for Approval of Amendments

- 1) Notification of the proposed amendment shall be published on the Class website and notified by email to all the Owner and Life Members giving them at least eight weeks prior notice of a vote to be held by electronic ballot.
- 2) Owner and Life Members may submit by email to the Class Secretary no less than 14 days before the date for submission of ballots a succinct statement of their reasons for supporting or opposing a proposed amendment. The Class Secretary shall circulate this explanation to other Owner and Life Members or provide a location on the Class website for the statements to be accessed.
- 3) To be approved by the Owner and Life Members, the proposed amendment must receive the affirmative vote of two-thirds of the written or electronic ballots properly completed and filed with the Class Secretary within 20 days following the date on which the emailing of ballots to the Owner and Life Members was completed. Only the written or electronic ballots of Owner and Life Members entitled to vote shall be considered.
- 4) The approved amendment shall take effect at a date to be fixed by the IGC which shall be no later than 28 days after approval by World Sailing.
- 5) Notification of the approved amendment shall be posted as soon as possible on the Class website and communicated by the Class Secretary to each Member which may be via the National Association or Fleets where they agree to notify their respective Members.

C. Exceptional Amendments

No amendment shall take effect without also securing the unanimous prior written approval of the Elected Governors and Appointed Governors of the IGC if it would;

- 1) Change the Objects of the Constitution; or
- 2) Render ineligible for racing an International Etchells or a Member whose eligibility had been clearly established under this Constitution and whose status could not reasonably be changed to conform with the proposed amendment; or
- 3) Retroactively affect adversely the rights of any Member or group of members; or
- 4) Diminish the jurisdiction of the IECA as set forth in the Constitution.

14. CONDITIONS OF DISSOLUTION

Upon the dissolution of the IECA, the IGC shall, after paying or making provision for the payment of the liabilities of the IECA, dispose of all assets of the IECA in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, scientific or amateur sports purposes as shall at the time qualify as an exempt organization or organizations under section 501(c)(3) of the U.S. Internal Revenue Code.

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