

**THE CONSTITUTION OF**  
**MARYLAND KENYANS ORGANIZATION INC**

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**MDKO**

ARTICLE 1: MISSION

The mission of MDKO as a Non-Profit Organization is to bring together people of Kenyan origin living in Maryland and to mobilize funding for charitable work within the Kenyan community. MDKO is organized exclusively for charitable purposes under section 501(c)(3) of the Internal Revenue Code, or corresponding sections of any future federal tax code. Such charitable work may include assistance to distressed members of the Kenyan community who may experience unexpected disasters from time to time.

ARTICLE 2: DEFINITIONS

In this Constitution and the Organization by-laws, unless the context otherwise requires, the following words shall have the following meaning:

- i) Organization: It shall refer to Maryland Kenyan Organization Inc as duly registered, and doing business as MDKO.
- ii) Committee: It shall refer to the elected officials of MDKO.
- ii) Leadership: It shall refer to the elected officials of MDKO
- iv) Community: Refers to the Kenyan community living within the State of Maryland and other members of the Kenyan community in the United States.
- v) Member: Any person who has applied for membership and has been accepted as a member of the MDKO.
- vi) Gender: Reference to any gender in this Constitution and the by-laws shall be interpreted to refer to either gender.

ARTICLE 3: OBJECTIVES

Bringing people of Kenyan origin together for the purposes of:

- i) Supporting vulnerable or distressed members of the Kenyan community during untimely occurrences like death of a family member, and other unexpected disasters within the meaning of section 501(c)(3).

- ii) Organizing and supporting people of the Kenyan community in case of a tragedy affecting a large population in general.
- iii) Maintaining contacts of people of the Kenyan community in Maryland.
- iv) Enlightening members on various topics relevant to their welfare e.g. life insurance.
- v) Fostering peace and unity amongst people of Kenyan community from different walks of life and faith.
- vi) Mentoring and counseling new Kenyan arrivals in the United States for easier settlement within the society.
- vii) Disseminating any important information affecting Kenyan community in the United States.
- viii) Supporting Charitable organizations that aim to assist vulnerable or distressed communities both in the United States and in Kenya.
- ix) Any other purpose that is lawful and charitable in nature.

#### ARTICLE 4: MEMBERSHIP

- i) Any individual of Kenyan origin in the State of Maryland is entitled to apply for membership to the organization through a designated application form in accordance with procedures set out in the by-laws.
- i) The organization through its leadership has the sole discretion to accept or decline membership with or without reason.
- ii) Membership is voluntary and a membership may only cease as per laid down procedures in the by-laws. Cessation of membership does not impugn on any contractual agreement the ceasing member may have with the organization.
- iii) Annual membership shall run from July 1st to July 31<sup>st</sup> of the following year.
- iv) Membership is renewable every year.

#### ARTICLE 5: RIGHTS OF MEMBERS

- i) Right to avail candidature for election to any position in accordance with this Constitution.
- ii) Right to vote during any of the organization's members meetings.
- iii) Each member has one equal vote.
- iv) Right to demand inspection of the books of accounts in a reasonable manner and in accordance to the by-laws.
- v) Right to receive communication from the Organization on important issues which the Organization is communicating to members.
- vi) The rights of members cannot be limited in any discriminatory manner.

## ARTICLE 6: VOTING

- i) Every member has the right to vote.
- ii) The right to vote may be suspended where a member is not in good standing.
- iii) Voting will be done by show of hand with a simple majority deciding the winner.

## ARTICLE 7: MEMBER RESPONSIBILITIES

- i) Every member shall always advocate for the best interests of the organization.
- ii) Every member shall comply with all required obligations.
- iii) Every member shall be required to attend at least one general meeting during the year.
- iv) Every member shall always keep the organization updated on his/her contact information.
- v) Every member shall comply and accomplish any assignment or obligation given.
- vi) Members shall be expected to do outreach and attract new applicants for membership, at no cost to the organization.

## ARTICLE 8: ORGANIZATION STRUCTURE

- i) The organization is owned by members who elect a management committee for day to day running of the organization.
- ii) The Management Committee shall consist of the minimum of five members
  - a) Chairman
  - b) Vice-chairman
  - c) Secretary
  - d) Vice-Secretary
  - e) Treasurer
  - f) Vice-Treasurer
  - g) Official One
  - h) Official Two
  - i) Official Three
  - j) Official Four (Clergy)
  - k) Ombudsman.
- iii) The term of the committee members shall be three years, (or **the time set by voting members**) with a two-consecutive term limit subject to the limitations provided in Article 8 Section (v) of this constitution.
- iv) An official can run for office again after being out of office for **one** three-year term period.

- v) For purposes of smooth running of the management committee and continuity, the initial term of different management committee members after the adoption of this Constitution shall be varied.
- vi) The organization may from time to time appoint an ad-hoc committee with a specific mandate and duration.

#### ARTICLE 9: ASSISTANCE OFFERED

- i) The organization shall from time to time determine the level of assistance offered to a needy case arising within the Kenyan community.
- ii) Donations to the needy individual(s) will assist to cover the cost of hospital bills, funeral services either in the USA or Kenya, and related expenses. Where the casket has to be transported to Kenya, such expenses will also be included.
- iii) The management Committee will be responsible for determining the limit of the assistance to be provided to a needy case.
- iv) The beneficiary of the charitable donation will provide an itemised account of all the expected expenses. These will be tabled to the Management Committee for discussion and approval.

#### ARTICLE 10: VOLUNTARY SERVICE

Members will be encouraged to volunteer their time and donate funds to support charitable work that may be organized in the State of Maryland by MDKO and other exempt organizations.

#### ARTICLE 11: NON-INVOLVEMENT IN POLITICAL ACTIVITIES

The organization will not directly or indirectly participate in, or intervene in, any political campaign on behalf of (or in opposition to) any candidate for elective public office. It will not engage into any political campaign funds drives or in the issuance of public statements of position (verbal or written) made on behalf of the organization in favor of or in opposition to any candidate for public office.

#### ARTICLE 12: ANTI-TERRORISM FINANCING

MDKO will ensure that charitable assistance provided to individuals or charities will not be diverted to fund terrorist activities. The following procedure will be used to ensure that such funds are only to be used towards charitable goals as stipulated under section 501(c)(3):

i) Where donations are to be provided to foreign individuals or Charitable organizations, MDKO will carry out comprehensive research to determine that the operations of such individuals or organizations are not used to fund terrorist activities. This will include and not be limited to obtaining full names and addresses of the individual or organization, identifying details of individuals working for the organization, reviewing publicly available information relating to such organizations, and evaluating previous charitable work accomplished by the organization.

ii) MDKO will ascertain that grantees do not appear on OFAC's master list of Specially Designated Nationals (the "SDN List"), maintained on OFAC's website at [www.treas.gov/offices/enforcement/ofac/sdn/](http://www.treas.gov/offices/enforcement/ofac/sdn/), and are not otherwise subject to OFAC sanctions.

iii) As a pre-condition to the issuance of a charitable grant to a foreign charity, MDKO will certify that the grantee and its senior employees, are in compliance with all laws, statutes, and regulations restricting U.S. persons from dealing with any individuals, entities, or groups subject to OFAC sanctions, or any other persons known to the foreign grantee to support terrorism or to have violated OFAC sanctions.

#### ARTICLE 13: FUNDRAISING CAMPAIGNS

MDKO will raise its funds through membership contributions from its members and wellwishers. Occasional fundraising functions/campaigns such as annual dinners may also be organized throughout the year.

#### ARTICLE 14: BOOKS OF ACCOUNTS

MDKO will maintain proper books of account in line with the best practice. Details of the annual accounts will be presented every year at the Annual General Meeting of the Members, and will include the Income and Expenditure Statement as well as the Balance Sheet. Annual Financial Statement will also be available for scrutiny by the general public.

#### ARTICLE 15: WEBSITE

- i) The organization shall maintain a website that members can access for updated information on organization matters.
- ii) It shall be the responsibility of the member to regularly check the website for updates.
- iii) Any information or notice posted in the website shall be deemed duly communicated within 30 days of the posting of the information.

- iv) The website shall have a member portal with the capacity to log on to create and view member information.

#### ARTICLE 16. DISSOLUTION

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 corporation 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.