



# STATE OF MONTANA

Prepare, sign, and submit with an original signature and filing fee.

**This is the minimum information required.**

(This space for Secretary of State use only)

ARTICLES of INCORPORATION for DOMESTIC NONPROFIT CORPORATION [35-2-213, MCA](#)

**MAIL:** Secretary of State  
P.O. Box 202801  
Helena, MT 59620-2801

**PHONE:** (406) 444-3665

**FAX:** (406) 444-3976

**WEB SITE:** [sos.mt.gov](http://sos.mt.gov)

**Required Filing Fees:**

Standard \$ 20.00

24 Hour Priority \$ 40.00

1 Hour Expedite \$120.00

**Make checks payable to Secretary of State.**

**If the document is hand written, please print legibly or the application may be denied.**

1. The name of the Corporation: \_\_\_\_\_

2. The name of the entity's Commercial Registered Agent for service of process in Montana:  
(A list of Commercial Registered Agents is available at: <http://sos.mt.gov/Business/Agents/index.asp>.)

Name: \_\_\_\_\_

**Or,** the name and address of the entity's Noncommercial Registered Agent for service of process in Montana:

Name: \_\_\_\_\_

Actual Street Address or Rural Route Box Number in Montana: **(Must be an actual geographic location.)**

\_\_\_\_\_

City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**And,** a mailing address in Montana, if different:

\_\_\_\_\_

City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**Appointment of a Registered Agent is affirmation of the Registered Agent's consent to serve as Registered Agent.**

3. The name and business mailing address of each incorporator is as follows (add additional sheets as necessary):

Name: \_\_\_\_\_

Business Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

4. This Corporation is a **(you must check one)**:

Public Benefit Corporation **with** members

Mutual Benefit Corporation **with** members

Religious Corporation **with** members

Public Benefit Corporation **without** members

Mutual Benefit Corporation **without** members

Religious Corporation **without** members

5. This Corporation (**check one and complete**):

(a) **Is not applying** through the IRS for 501(c)(3) status and upon dissolution the assets shall be distributed in the following manner: \_\_\_\_\_

(b) **Is applying** with the IRS for 501(c)(3) status and therefore has attached the [IRS required language](#).

6. **I, HEREBY SWEAR AND/OR AFFIRM**, under penalty of law, including criminal prosecution, that the facts contained in this document are true.

\_\_\_\_\_  
Signature of each Incorporator and Director, if elected

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

7. Daytime Contact: Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## **HELP SHEET: Articles of Incorporation for Domestic Nonprofit Corporation**

**1.** This form provides the minimal information necessary to file a nonprofit corporation. It is advised that you contact an attorney for assistance and guidance in consideration of additional provisions that may be necessary for your organization.

### **2. ITEM 4**

**(a)** Members are those individuals who can vote to elect the board of directors or elect delegates who in turn elect the board of directors.

**(b)** Public Benefit Corporations are those corporations operating for public or charitable purposes. As such, members may not sell their interest or receive distributions from the organizations. Written notice of intent to dissolve must be given to the Attorney General.

**(c)** Mutual Benefit Corporations are organizations such as trade associations, social clubs, and fraternal organizations designed to benefit their members. Members, as such, are given broader voting rights. Members, while not entitled to receive distributions while the organization is operating, will be entitled to sell their memberships and receive distributions when the organization dissolves.

**(d)** Religious Corporations are treated in a way similar to public benefit corporations. Written notice of intent to dissolve must be given to the Attorney General.

### **3. ITEM 5**

The Internal Revenue Service (IRS) requires specific language to be included in Articles of Incorporation in order to qualify for nonprofit tax status. It is advised that you contact the IRS for their language requirements.

**4.** Annual reports must be filed with the Secretary of State prior to April 15 each year beginning the year following the incorporation and each year thereafter. Each year the Secretary of State will mail a notice that the Annual Report is due to the corporation's registered agent. ([35-2-904, MCA](#))