

# DRAFT

Veterans of Foreign Wars of the United States

Office of the Adjutant General

## [BY-LAW STUDY GROUP CONSENSUS]

Draft By-Law, Manual of Procedure and Ritual amendments by BLSG March 12-14, 2018

## By-Law

### Sec. 202 - By-Laws.

Posts may, by a two-thirds (2/3) vote of the members present and voting at a **stated regular** meeting, adopt By-Laws provided each member **had has** been notified at least twenty (20) days in advance and, upon request **has been** provided a copy of the proposed By-Laws.

By-Laws approved by a Post shall be forwarded as provided in the Manual of Procedure prior to becoming effective.

**Amendments.** Unless otherwise provided in the Post By-Laws, the Post By-Laws may be amended by a two-thirds (2/3) vote of the members present **and voting** at a **stated regular** meeting provided each member **had has** been notified at least twenty (20) days in advance and, upon request **has been** provided a copy of the proposed amendments.

### Summary

The By-Laws refer to regular meetings and special meetings - replacing "stated meeting" with "regular meeting" to preclude any misunderstanding on what type of meeting is being referred to. "Present and voting" was added to provide the ability for members present to abstain from voting.

## By-Law

### Sec. 203 - Regular, Special and Committee Meetings; Quorum; Authorized Attendees.

#### Electronic Attendance.

Provided that the Post has adopted additional **procedures rules** pertaining to **its** conduct **of its meetings**, members may be allowed to participate in meetings using technology that allows all participating members to **see and hear** **communicate with** each other simultaneously.

### Summary

The change gives Posts the autonomy to utilize developing electronic meeting technologies.

## Manual of Procedure

### Sec. 203 - Regular, Special and Committee Meetings; Quorum; Authorized Attendees.

**Special Meetings.** Special meetings must be called for a date not more than fourteen (14) days after: (a) The Post Commander receives the signed, written request; or (b) The majority vote of the members present **and voting** at a regular meeting; or (c) The date upon which the Post Commander determines that a special meeting may be necessary.

The Post Adjutant shall give notice, in writing, of the time and place of any special meeting and of the business to be transacted, such notice to be given in such manner as to reasonably reach members at least forty-eight (48) hours in advance of the time set for the meeting.

The Post Commander shall call a special meeting upon the signed written request of seven (7) members or upon the vote of a majority of the members present **and voting** at a regular meeting. The Post Commander may call a special meeting of the Post whenever in **their the** opinion **of the Commander** it may be necessary for the welfare of the Post.

No business shall be transacted at any special meeting except that for which the meeting is called.

### Summary

"Present and voting" was added to provide the ability for members present to abstain from voting.

## Manual of Procedure

### Sec. 205 - Change of Location, Meeting Place, Day or Time.

A Post may, after at least thirty (30) days written notice to the Department Commander and members of the Post, change its chartered location upon a two-thirds (2/3) vote of the members present **and voting** at a regular or special meeting. Upon recommendation of the Department Commander, an amended Charter will be issued by the Commander-in-Chief. No change may be effected until an amended Charter is issued.

At such time as the Post changes its location from one community to another, any portion of the Post name that relates to the geographical area or community from which it has relocated shall be deleted from its name.

A Post may, after at least fourteen (14) days written notice to the Department Commander and members of the Post, change its meeting place, appointed day or time upon a majority vote of the members present **and voting** at a regular or special meeting.

#### Summary

"Present and voting" was added to provide the ability for members present to abstain from voting.

## Manual of Procedure

### Sec. 208 - Change of Name.

A Post may, after at least thirty (30) days written notice to the Department Commander and members of the Post, change its name upon a two-thirds (2/3) vote of the members present **and voting** at a regular or special meeting. Upon recommendation of the Department Commander, an amended Charter will be issued by the Commander-in-Chief. No change may be effected until an amended Charter is issued.

#### Summary

"Present and voting" was added to provide the ability for members present to abstain from voting.

## Manual of Procedure

### Sec. 209 - Consolidation of Posts.

Two or more Posts may consolidate upon a vote of their respective members conducted in accordance with the procedures herein set forth as follows:

1. A motion to consider consolidation shall be made and approved at a **stated meeting regular or special meeting** of the Posts.
2. A committee shall be appointed by the Post Commander to investigate consolidation.
3. All Posts involved in the consolidation shall exchange a report of all assets and liabilities.
4. A Post may then, after at least twenty (20) days written notice to the Department Commander, District Commander and members of the respective Posts, consolidate upon a two-thirds (2/3) vote of the members present and voting at each **stated Post meeting regular or special meeting of the respective Posts.**
5. The Department Commander shall be notified, in writing, immediately after the meeting of the outcome of the action taken.
6. A Department representative shall conduct a joint meeting of all Posts within thirty (30) days for the purpose of determining the name, number (must be one of the consolidating Post numbers), location of the consolidated Post and the election and installation of officers. A written notice must be sent to the members of all Posts involved at least fourteen (14) days in advance. All actions, with the exception of the election of officers, must be approved by a two-thirds (2/3) vote

of the members present **and voting at the stated meeting.**

7. Such facts shall be certified by the Department representative, submitted to the Department Commander for forwarding to the Commander-in-Chief who shall issue a Certificate of Charter reciting the facts of such consolidation. The Certificate of Charter shall rank from the date of the senior Post's charter. The property of each of the Posts shall be conveyed to and become the property of the consolidated Post. All past officers in each Post shall be entitled to rank as of date of service in their respective Posts.

Notwithstanding the provisions above, the Department Commander may recommend consolidation to the Commander-in-Chief as circumstances dictate.

### **Summary**

The By-Laws refer to regular meetings and special meetings - replacing "stated meeting" with "regular meeting" to preclude any misunderstanding on what type of meeting is being referred to. "Present and voting" was added to provide the ability for members present to abstain from voting.

### **Manual of Procedure**

#### **Sec. 210 - Surrender of Charter.**

A Post may surrender its charter in accordance with the **following** procedures **herein set forth as follows:**

1. A motion to consider surrendering a Post charter shall be made and approved at a **stated meeting regular or special meeting** of the Post. If approved, the Post Commander shall immediately provide to the Department Commander a list describing all assets and liabilities of the Post.
2. A Post may then, after at least twenty (20) days written notice to the Department Commander, District Commander and members of the Post, vote to surrender the charter upon a two-thirds (2/3) vote of the members present and voting at a **stated meeting regular or special meeting.**
3. The Department Commander shall be notified immediately after the meeting, in writing, of the outcome of the vote to surrender the charter of a Post. If approved, the Department Commander shall within thirty (30) days, request that the Commander-in-Chief cancel the charter. Pending such cancellation the Post shall not dispose of any assets.

### **Summary**

The By-Laws refer to regular meetings and special meetings - replacing "stated meeting" with "regular meeting" to preclude any misunderstanding on what type of meeting is being referred to.

### **Manual of Procedure**

#### **Sec. 214 - Solicitation of Funds.**

Posts may solicit funds or contributions or otherwise engage in fund-raising activities or projects only after a prior vote of the Post agreeing to such solicitations, activities or projects. Posts shall assure that such solicitations, activities or projects do not violate any applicable governmental law, ordinance or regulation nor bring or tend to bring dishonor or embarrassment upon the Post, its members or the Veterans of Foreign Wars of the United States. The name, seals, badges and emblems of the Veterans of Foreign Wars of the United States shall not be used in connection with any solicitations, activities or projects not in compliance with **the foregoing applicable law and Article VIII of the National By-Laws.**

A Post shall not solicit funds or donations or otherwise engage in fund-raising activities or projects outside the immediate geographical area or community of the Post. **A Post may solicit funds or**

donations utilizing web-based communities provided that the activity is not repetitive or ongoing and otherwise in keeping with applicable state and local charitable solicitation law.

### Summary

This change ensures the solicitation of funds is done in accordance with any applicable law including the National By-Laws. The change allows Posts to utilize web-based communities and crowdfunding sites to solicit donations. This is already provided for at the District and Department level.

### **By-Law**

#### **Sec. 215 - Eligibility to Office.**

All members shall be eligible to hold any office in the Post provided that proof of eligibility has been submitted and verified by the Post Commander and Adjutant prior to the installation. No member shall hold two ~~elective~~ **elected** Post offices at the same time but may hold one ~~elective~~ **elected** and one or more ~~appointive~~ **appointed** offices. Elected Committee members are not Post Officers and accordingly may concurrently hold an elected Post office as provided for in Section 216 of these By-Laws. Post officers, elected or appointed, may be eligible to hold office in a higher body and such offices may be held concurrently.

Post trustees shall not be eligible to serve on committees or as officers having to do with the receipt and expenditure of Post funds whose records and accounts are audited by the trustees.

Any officer or committee member whose membership is not in good standing by reason of failure to pay current dues by their anniversary date shall forfeit eligibility to hold any office in that administrative year.

Any member who is suspended from membership, pursuant to Article IX, shall forfeit eligibility to hold any office **or committee membership** during the period of suspension.

### Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure. The change clarifies that members not in good standing are ineligible to serve as committee members.

### **By-Law**

#### **Sec. 216 - Elected and Appointed Officers; Chairmen and Committees.**

~~(a) The officers of each Post will consist of a Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, Adjutant, Chaplain, Judge Advocate, Surgeon and three (3) Trustees.~~

(a) The Post shall elect the Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, Chaplain and three Trustees.

(b) ~~The appointed officers of each Post shall consist of at least an~~ **The Commander shall appoint an** Adjutant, **Judge Advocate, Surgeon, Officer of the Day, and Service Officer.** ~~and Guard. to be appointed as prescribed in Section 216 in the Manual of Procedure.~~

**(c) The Commander shall appoint a Judge Advocate, Surgeon, Officer of the Day and/or Guard if required by Post By-Laws.**

**(d) The Commander may appoint such other chairmen and committees as deemed necessary to conduct the affairs of the Post or as may be required by Post By-Laws.**

### Summary

This change gives Posts the autonomy to reduce the required number of appointed officer positions.

## Manual of Procedure

### Sec. 216 - Elected and Appointed Officers; Chairmen and Committees.

~~The Commander, on the night of election or as soon thereafter as possible, shall appoint the Adjutant, Judge Advocate, Surgeon, Officer of the Day, Service Officer, Guard and such other officers, chairmen and committees as may be required by Department or Post By-Laws or by vote of the Post membership. The Commander may appoint such other officers, chairmen and committees as deemed appropriate to properly conduct the affairs of the Post. The Commander retains authority to remove these officers, committee chairmen and committee members at any time.~~

Post officers, elected and appointed, shall submit proof of eligibility to the Post Adjutant. Post officers shall not be installed or assume the duties of their office until proof of eligibility has been submitted and properly reviewed. Such proof of eligibility shall be open to and reviewed by the Commander, Adjutant and Quartermaster prior to installation to office. In the event an elected or appointed officer fails to submit proof of eligibility within thirty (30) days of election or appointment, any right of the officer to hold the office shall be forfeited, the office declared vacant and the eligibility qualifications of such officer shall be questioned in accordance with the provisions of Section 108 of the National By-Laws.

#### Summary

This change gives Posts the autonomy to reduce the required number of appointed officer positions.

## Manual of Procedure

### Sec. 218 - Officers and Chairmen, Duties and Obligations.

#### (a) Officers.

(1) **Commander.** Among the duties of a Post Commander, the Commander shall:

- ~~e. Appoint officers, committee chairmen and committees not otherwise provided for. The Commander may remove such appointed officers, committee chairmen and committees at their pleasure. The Commander shall, by virtue of their office, be a member of all committees. Upon entering into office, appoint all other officers, committee chairmen and committees not otherwise provided for. The Commander may remove such appointed officers, committee chairmen and committees at their pleasure.~~
- m. Be an ex-officio member of all committees.*

~~Failure without just cause to perform these duties may result in removal from office.~~

#### Summary

This change cleans up the language for the Post Commander to appoint and remove all other officers, committee chairmen and committees not otherwise provided for as well as separates the Commander's responsibility as ex-officio member of all committees.

## By-Law

### Sec. 220 - Vacancies and Removal of **Elective Elected** Officers or Committee Members. Vacancies.

All vacancies occurring in the **elective elected** offices of the Post shall be filled in accordance with Section 220 of the Manual of Procedure at the next **stated regular** meeting of the Post or special meeting **called for such purpose** as prescribed in Section 203 of the Manual of Procedure.

**Removal.** ~~Elective Elected~~ officers or ~~elected~~ committee members ~~can may~~ be removed ~~for just cause by the Post or the Department Commander~~ as prescribed in Section 220 of the Manual of Procedure. ~~The Department Commander may, with respect to any Post within the Department, remove any Post officer who fails to fulfill the duties of office as required by Section 218.~~

Any ~~elected~~ Post officer ~~or committee member~~ removed ~~by the Department Commander~~, by reason of failure to pay current dues or under the provisions of this section shall not be eligible to serve in any Post office ~~or committee~~ in the same administrative year in which the officer ~~or committee member~~ is removed.

## Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure. The By-Laws refer to regular meetings and special meetings - replacing "stated meeting" with "regular meeting" to preclude any misunderstanding on what type of meeting is being referred to.

Changes were made to outline the process for Posts and the Department Commander to remove an elected officer or elected committee member.

## **Manual of Procedure**

### **Sec. 220 - Vacancies and Removal of ~~Elective Elected~~ Officers or Committee Members.**

**Vacancies.** In the event of a vacancy in the office of Commander or Commander-elect, the Senior Vice Commander or Senior Vice Commander-elect ~~shall at once, and without further formality may, without undue delay~~, succeed to the title and duties of such office and the Junior Vice Commander or Junior Vice Commander-elect ~~shall at once, and without further formality may, without undue delay~~, succeed to the title and duties of the Senior Vice Commander. Likewise, in the event of a vacancy in the office of Senior Vice Commander or Senior Vice Commander-elect, the Junior Vice Commander or Junior Vice Commander-elect ~~shall at once, and without further formality may, without undue delay~~, succeed to the title and duties of said office. If the Senior Vice Commander does not move to the position of Commander then the Junior Vice Commander or Junior Vice Commander-elect ~~shall at once, and without further formality may, without undue delay~~, succeed to the title of Commander.

If neither the Senior nor Junior Vice Commander succeed as described herein then the Senior Vice Commander shall assume the duties of the Commander until the election of the new Commander ~~at the next regular or special meeting.~~

Should ~~the~~ a vacancy occur in the office of Post Quartermaster, the Post Commander may appoint a Pro Tempore Quartermaster to carry out the duties incident to that office. The appointment shall in no instance exceed more than sixty (60) days and shall be null and void upon the election of a Post Quartermaster.

Should the vacancy occur in any other elected Post office ~~or committee~~, the Post ~~shall~~ at the next ~~stated meeting, regular~~ or special meeting ~~called for such purpose, shall~~ nominate and elect a member to that position.

**Removal – Post.** A Post may, upon motion duly passed at any meeting, propose the removal of an officer or committee member at the next ~~stated meeting regular~~ or special meeting ~~called for such purpose~~. The member holding such office ~~or committee membership~~ and the Department Commander shall be notified at least seven (7) days prior to the meeting by certified or registered mail addressed to the member's last known address, stating the reasons for the proposed action. ~~A copy of the notice shall be provided to the Department Commander at least seven (7) days prior to the meeting.~~

The Post, at the next ~~stated meeting regular~~ or special meeting, may by two-thirds (2/3) vote of the members present ~~and voting~~ declare vacant the position of any an ~~elective elected~~ officer or elected

chairman or committee member who may have:

1. Absented themselves from two (2) consecutive meetings or who has
2. Failed to fulfill the duties of office specified in Section 218 of the By-Laws and Manual of Procedure.

**Removal – Department.** *The Department Commander may, with respect to any Post within their Department, remove any Post officer for cause who fails to fulfill their duties of office as required by Section 218.*

**Notification of Removal.** *Such actions and reasons therefore, shall be in the form of a Special Order, and delivered personally or by certified or registered mail at the removed officer's last known address. All removals require written notification. The notification shall be in the form of a Special Order and detail specifically in what manner the elected officer or elected committee member failed to perform their duties. The notification must advise the member of their right to appeal this action under Section 109 of the National By-Laws and Manual of Procedure. The Special Order shall be delivered personally or by certified or registered mail to the removed officer or committee member's last known address.*

### Summary

The process for vacancies and notification of removal was changed to provide for a clear process and require a special order when an elected officer or committee member is removed by the Post or Department Commander.

The By-Laws refer to regular meetings and special meetings - replacing "stated meeting" with "regular meeting" to preclude any misunderstanding on what type of meeting is being referred to. "Present and voting" was added to provide the ability for members present to abstain from voting. The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

### **Manual of Procedure**

#### **Sec. 222 - Delegates, District Convention & Meetings, Department and National Conventions.**

*The member(s) receiving the highest number of votes shall be declared delegates and alternates. Delegates and alternates for the District Convention and Meetings, Department and National Conventions shall be elected at a regular meeting in April. Delegate strength will be based on members in good standing as of March 31<sup>st</sup>.*

*a. Post delegates and alternates to the District shall be elected at a regular meeting of the Post held not less than thirty (30) days prior to the District Convention with one delegate and one alternate for each thirty members or fraction thereof in good standing in the Post at the time of the election. The District Quartermaster shall verify the delegate strength of each Post using the month-end membership report immediately prior to the convening of the convention, with such additions as may be necessary by new Posts only. Such report shall be used to determine delegate strength for meetings during the ensuing year. Delegates and alternates of each Post shall serve as delegates throughout the year provided they remain members in good standing in the respective Post within the District.*

*b. The Department Quartermaster shall verify the delegate strength of each Post using the month-end membership report immediately prior to the convening of the convention or as the Department By-Laws so provide. Delegates and alternates of each Post shall be members in good standing in the respective Post within the Department.*

*Where the Department By-Laws so provide, a delegate registration fee shall be paid by each Post for every delegate to which each Post shall be entitled, based upon and as shown by the Department Quartermaster's records as of not less than thirty (30) days prior to the convening of the convention, with such additions as may be necessary by new posts only. The delegate registration fee shall be forwarded by every Post regardless of the number of delegates present*



at the annual Department Convention, and must be in the hands of the Department Quartermaster not later than fifteen (15) days before the convening of the Department Convention. Posts failing to forward the full delegate registration fee shall be considered delinquent and in arrears.

The Department Quartermaster shall set up a Department Convention fund and all Department delegate registration fees received by the Quartermaster shall be placed therein and used and expended only as and for expenses incurred and expenditures made in the holding of an annual Department Convention.

e. Post delegates and alternates to the National Convention shall be elected the last meeting night in June of each year with one delegate and one alternate for each thirty members or fraction thereof in good standing in the Post at the time of the election. Delegate strength of each Post shall be based upon the Quartermaster General's records as of June 30, with such additions as may be necessary by new posts only. Delegates and alternates shall be members in good standing in their respective posts.

d. Delegates shall not be recognized at the National Convention unless they personally register their completed delegate card with the National Credentials Committee.

Posts instituted after delegate strength has been determined, but prior to convening date of the respective convention or district meeting, shall on the day of institution, elect one delegate and one alternate for each thirty names or fraction thereof according to the number of names listed on the charter application.

Delegates will be issued credentials at the conventions. Delegates and alternates to District, Department and National conventions shall be recognized only when posts have complied with the provisions of the By-Laws, Manual of Procedure, Ritual and convention rules.

### Summary

The change was made to provide for the delegates and alternates to be elected at the regular meeting in April when elections are held for officers as well as establish a date to determine delegate strength.

### **By-Law**

**Sec. 403 - Regular, Special and Committee Meetings; Convention; Quorum; Authorized Attendees.**

**Electronic Attendance.** Provided that the District has adopted additional **procedures rules** pertaining to **its** conduct **of its meetings**, members may be allowed to participate in meetings using technology that allows all participating members to **see and hear** **communicate with** each other simultaneously.

### Summary

The change allows Districts to develop their own policy and decide what type of technology they use to provide for members electronic attendance.

### **Manual of Procedure**

**Sec. 403 - Regular, Special and Committee Meetings; Convention; Quorum; Authorized Attendees.**

**Regular Meeting.** At least one (1) regular meeting shall be held by the District each year for the purpose of conducting schools of instruction for Post officers.

**Special Meeting.** **Special meetings must be called for a date not more than fourteen days after: (a) the District Commander receives the signed, written request; or (b) the majority vote of the members present at a regular meeting; or (c) the date upon which the District Commander determines that a special meeting may be necessary.**

*The District Commander shall call a special meeting: (a) upon the signed written request of a majority of the Posts (b) upon the vote of a majority of the members present and voting at a regular meeting (c) whenever the District Commander determines it may be necessary for the welfare of the District.*

The District Adjutant shall give notice, in writing, of the time and place of any special meeting and of the business to be transacted, such notice to be given in such manner as to reasonably reach each Post Commander, District officer and Department Commander at least forty-eight (48) hours in advance of the time set for the meeting.

~~The District Commander shall call a special meeting upon the signed written request of a majority of the Posts or upon the vote of a majority of the members present at a regular meeting. The District Commander may call a special meeting of the District whenever in their opinion it may be necessary for the welfare of the District.~~

No business shall be transacted at any special meeting except that for which the meeting is called.

### **Summary**

Changes made to this section were done so to eliminate redundant language.

### **By-Law**

#### **Sec. 404 - Governing Body; Composition.**

Each District shall be governed by a District Convention. The District Convention and District meetings shall consist of:

1. The Commander-in-Chief and Past Commanders-in-Chief who are members in good standing in a Post in the District.
2. The National Council of Administration member who is in good standing in a Post in the District.
3. The Department Commander and Past Department Commanders who are members in good standing in a Post in the District.
4. The District Commander, all Past District Commanders who are members in good standing in a Post in the District, all ~~elective~~ **elected** officers of the District and the Adjutant.

Should any District's geographical boundaries be changed, due to redistricting, any Past District Commander, who is a member in good standing, in a Post, within the geographical boundaries of the District the Commander was elected from and served to the end of the term as District Commander shall retain the title, recognition and any privilege the District Commander may otherwise be entitled to, including voting.

5. All County Council Commanders (if applicable) throughout the District.
6. All Post Commanders throughout the District. In the absence of the Post Commander, the Post Senior Vice Commander, or, in their absence the Post Junior Vice Commander may function as a member of the Convention or meetings.
7. Delegates to be elected by the Posts as prescribed in Section 222 of the Manual of Procedure.

### **Summary**

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

### **Manual of Procedure**

#### **Sec. 414 - Solicitation of Funds.**

Districts may solicit funds or contributions or otherwise engage in fund-raising activities and projects

only by prior vote of the District agreeing to such solicitations, activities or projects. Districts shall assure that such solicitations, activities or projects do not violate any applicable governmental law, ordinance or regulation or bring or tend to bring dishonor or embarrassment upon the District, its members or the Veterans of Foreign Wars of the United States. The name, seals, badges and emblems of the Veterans of Foreign Wars of the United States shall not be used in connection with any solicitations, activities or projects not in compliance with ~~the foregoing~~ *applicable law and Article VIII of the* National By-Laws.

A District shall not solicit funds or contributions or engage in fund-raising activities or projects outside the immediate geographical area of the District. A District whose territory is partly within a city may solicit funds within the entire city. A District may be allowed to solicit funds or donations utilizing web-based communities provided that the activity is not repetitive or ongoing, *and otherwise in keeping with applicable state and local charitable solicitation law.*

### Summary

This change ensures the solicitation of funds is done in accordance with any applicable law including compliance with the National By-Laws.

### **By-Law**

#### **Sec. 415 - Eligibility to Office.**

Any member in a Post in the District shall be eligible to any office in the District; provided, *that* no member shall hold two (2) *elective elected* District offices at the same time, but may hold one (1) *elective elected* and one (1) or more *appointive appointed* offices. District officers, elected or appointed, shall be eligible to hold office in a higher or lower body, and such offices may be held concurrently, except as provided for in Section 515 of these By-Laws.

District Trustees shall not be eligible to serve on committees or as officers having to do with the receipt and expenditure of District funds whose records and accounts are audited by the trustees.

Any officer or committee member whose membership is not in good standing by reason of failure to pay current dues by their anniversary date shall forfeit eligibility to hold any office during that administrative year.

Any member who is suspended from membership, pursuant to Article IX, shall forfeit eligibility to hold any office *or committee membership* during the period of suspension.

### Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

### **By-Law**

#### **Sec. 416 - Elected and Appointed Officers; Chairmen and Committees.**

- (a) The elected officers of each District shall consist of a Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, *Judge Advocate*, Chaplain, *Surgeon* and three (3) Trustees.
- (b) ~~The appointed officers of each District shall consist of at least an~~ *The Commander shall appoint an* Adjutant, *Chief of Staff*, Service Officer and Inspector. ~~as prescribed in Section 416 in the Manual of Procedure.~~
- (c) *If required by District By-Laws, the Commander shall appoint a Judge Advocate, Surgeon, Chief of Staff or Officer of the Day.*
- (d) *The Commander may appoint such other chairmen and committees as deemed necessary to*

~~conduct the affairs of the District or as may be required by District By-Laws. shall be appointed by the District Commander as may be required.~~

### Summary

This change gives Districts the autonomy to reduce the required number of appointed officer positions.

### **Manual of Procedure**

#### **Sec. 416 - Elected and Appointed Officers; Chairmen and Committees.**

~~The Commander, on the date of election or as soon thereafter as possible, shall appoint the Adjutant, Chief of Staff, Inspector and such other officers, chairmen and committees as may be required by District or Department. The Commander may appoint such other officers, chairmen and committees as deemed appropriate to properly conduct the affairs of the District. The Commander retains authority to remove these officers, committee chairmen and committee members at any time.~~

District officers, elected and appointed, shall submit proof of eligibility to the District Adjutant. Additionally, District Commanders, District Senior Vice Commanders, and District Junior Vice Commanders shall submit proof of eligibility to the Department Adjutant. District officers shall not be installed or assume the duties of their office until proof of eligibility has been submitted and properly reviewed. Such proof of eligibility shall be open to and reviewed by the District Commander, Adjutant and Quartermaster prior to installation to office. In the event an elected or appointed officer fails to submit proof of eligibility within thirty (30) days of election or appointment, any right of the officer to hold the office shall be forfeited, the office declared vacant and the eligibility qualifications of such officer shall be questioned in accordance with the provisions of Section 108 of the National By-Laws.

### Summary

This change gives Districts the autonomy to reduce the required number of appointed officer positions.

### **By-Law**

#### **Sec. 418 - Officers: Duties and Obligations.**

District officers, ~~elective~~ **elected** and ~~appointive~~ **appointed**, shall have such duties and obligations as prescribed in these By-Laws and Manual of Procedure.

### Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

### **Manual of Procedure**

#### **Sec. 418 - Officers: Duties and Obligations.**

##### **(a) Officers.**

(1) **Commander.** Among the duties of a Post Commander, the Commander shall:

~~f. Immediately after entering upon their office, appoint an Adjutant, Chief of Staff, Inspector and Service Officer, and all other officers, committee chairmen and committees not otherwise provided for.~~

**Appoint officers, committee chairmen and committees not otherwise provided for. The Commander may remove such appointed officers, committee chairmen and committees at their pleasure.**

**n. Be an ex-officio member of all committees.**

## Summary

This change cleans up the language for the District Commander to appoint and remove all other officers, committee chairmen and committees not otherwise provided for as well as separates the Commander's responsibility as ex-officio member of all committees.

## **Manual of Procedure**

### **Sec. 418 - Officers: Duties and Obligations.**

(6) **Adjutant:** Among the duties of the District Adjutant, the Adjutant shall:

- b. Immediately after each District Convention, notify the Department Adjutant of the names and addresses of all **elective elected** and **appointive appointed** officers.

## Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

## **By-Law**

### **Sec. 420 - Vacancies and Removal of **Elective Elected** Officers or Committee Members.**

**Vacancies.** All vacancies occurring in the **elective elected** offices of the District shall be filled in accordance with Section 420 of the Manual of Procedure at the next **stated meeting of the District regular** or special meeting **called for such purposes** as prescribed in Section 403 of the Manual of Procedure.

**Removal.** **Elective Elected** officers or committee members can be removed as prescribed in Section 420 of the Manual of Procedure.

The Department Commander may, with respect to any District within the Department, remove any District officer who fails to fulfill the duties of office as required by Section 418.

Any District officer removed by the Commander-in-Chief by the reason of failure to pay current dues or under the provisions of this section, shall not be eligible to serve in any District office in the same administrative year in which the officer is removed.

## Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure. The By-Laws refer to regular meetings and special meetings - replacing "stated meeting" with "regular meeting" to preclude any misunderstanding on what type of meeting is being referred to.

## **Manual of Procedure**

### **Sec. 420 - Vacancies and Removal of **Elective Elected** Officers or Committee Members.**

Districts may fill any vacancy in their offices at any regular or special meeting.

**Vacancies.** In the event of a vacancy in the office of Commander or Commander-elect, the Senior Vice Commander or Senior Vice Commander-elect **shall at once, and without further formality may, without undue delay**, succeed to the title and duties of such office and the Junior Vice Commander or Junior Vice Commander-elect **shall at once, and without further formality may, without undue delay**, succeed to the title and duties of the Senior Vice Commander. Likewise, in the event of a vacancy in the office of Senior Vice Commander or Senior Vice Commander-elect, the Junior Vice Commander or Junior Vice Commander-elect **shall at once, and without further formality may, without undue delay**, succeed to the title and duties of said office. If the Senior Vice Commander does not move to the position of

Commander then the Junior Vice Commander or Junior Vice Commander-elect shall at once, and without further formality may, without undue delay, succeed to the title of Commander, at the next regular or special meeting.

Should the a vacancy occur in the office of District Quartermaster, the District Commander may appoint a Pro Tempore Quartermaster to carry out the duties incident to that office. The appointment shall be valid only until the next regular or special meeting and shall be null and void upon the election of a District Quartermaster.

The District, at the next stated meeting regular or special meeting called for such purpose, may by two-thirds (2/3) vote of the members present and voting declare vacant the position of any an elective elected officer or elected chairman or committee member who may have:

1. Absented themselves from two (2) consecutive meetings.
2. Failed to fulfill the duties of office specified in Section 418 of the By-Laws and Manual of Procedure.

**Removal. – District.** A District may, upon motion duly passed at any meeting, propose the removal of an elected officer or committee member at the next stated meeting regular or special meeting called for such purpose. The member holding such office or committee membership and the Department Commander shall be notified at least seven (7) days prior to the meeting by certified or registered mail addressed to the member's last known address stating the reasons for the proposed action. A copy of the notice shall be provided to the Department Commander at least seven (7) days prior to the meeting.

**Removal – Department.** The Department Commander may, with respect to any District in the Department, and with the concurrence of a majority vote of the Department Council of Administration, declare vacant the position of any elective District officer who fails to fulfill the duties of their office as required by Section 418. Any elective officer whose office is vacated under the provisions of this Section may appeal the decision under the provisions of Section 109 of these By-Laws.

The Department Commander may, with respect to any District in the Department and with concurrence of a majority vote of the Department Council of Administration, remove any elected District officer for cause who fails to fulfill their duties of office as required by Section 418.

**Notification of Removal.** Such actions and reasons therefore, shall be in the form of a Special Order, and delivered personally or by certified or registered mail at the removed officer's last known address. The special order shall advise the member of their rights to appeal under these By-Laws.

Any elective District officer whose office is vacated under the provisions of this Section shall not be eligible to serve in any District office in the administrative year in which the office is vacated.

All removals require written notification. The notification shall be in the form of a Special Order and detail specifically in what manner the elected officer or elected committee member failed to perform their duties. The notification must advise the member of their right to appeal this action under Section 109 of the National By-Laws and Manual of Procedure. The Special Order shall be delivered personally or by certified or register mail to the removed officer or committee member's last known address.

## **Summary**

The process for vacancies and notification of removal was changed to provide for a clear process and provide for a special order to be delivered when an elected officer or committee member is removed by the District or Department Commander.

The By-Laws refer to regular meetings and special meetings - replacing "stated meeting" with "regular meeting" to preclude any misunderstanding on what type of meeting is being referred to. "Present and voting" was added to provide the ability for members present to abstain from voting. The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

## **By-Law**

### **Sec. 421 - Voting.**

Each member of a District Convention or District meeting are those persons **as** defined in Section 404, except delegates elected by the Posts, present at a District Convention or meeting shall be entitled to one vote, and an individual possessing more than one qualification for membership in the District Convention or meeting shall have no more than one vote. The delegate or delegates of a Post present at a District Convention or meeting shall be entitled to vote the full delegate strength to which the Post is entitled.

Should there be a division among the delegates representing the Post, each delegate present **and voting** shall cast their pro rata share of the total voting strength of the Post. For the purpose of this section, a Post Commander shall be considered a delegate.

A roll call vote may be required and entered upon the record at the call of any three officers or delegates representing three different Posts.

### **Summary**

“Present and voting” was added to provide the ability for members present to abstain from voting.

## **By-Law**

### **Sec. 504 - Governing Body; Composition.**

Each Department shall be governed by a Department Convention. The Department Convention shall consist of:

1. The Commander-in-Chief and Past Commanders-in-Chief who are members in good standing in a Post within the Department.
2. The National Council Member, the Department Commander, all Past Department Commanders who are members in good standing in a Post within the Department; all **elective elected** officers of the Department, Chief of Staff, Inspector, and the Adjutant.
3. All District Commanders throughout the Department. In the absence of the District Commander, the District Senior Vice Commander, or, in the Senior Vice Commander’s absence, the District Junior Vice Commander may be registered and function as a member of the Convention.
4. All Post Commanders throughout the Department. In the absence of the Post Commander, the Post Senior Vice Commander, or, in the Senior Vice Commander’s absence, the Post Junior Vice Commander may be registered and function as a member of the Convention.
5. Delegates to be elected by the Posts.

### **Summary**

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

## **Manual of Procedure**

### **Sec. 509 - Consolidation of Departments.**

4. The consolidation resolution requires a two-thirds (2/3) vote of the delegates present **and voting** at each Department Convention.

### **Summary**

“Present and voting” was added to provide the ability for members present to abstain from voting.

## Manual of Procedure

### Sec. 514 - Solicitation of Funds.

Departments may solicit funds or contributions or otherwise engage in fund- raising activities or projects only after prior vote of the Department Convention or Department Council of Administration. Departments shall assure that solicitations, activities and projects do not violate any applicable governmental law, ordinance or regulation nor bring or tend to bring dishonor or embarrassment upon the Department, its members or the Veterans of Foreign Wars of the United States. The name, seals, badges and emblems of the Veterans of Foreign Wars of the United States shall not be used in connection with any solicitations, activities or projects not in compliance with **the foregoing applicable law and Article VIII of the** National By-Laws.

A Department shall not solicit funds or contributions or engage in fund-raising activities or projects outside the immediate geographical area of the Department. A Department whose territory is partly within a city may solicit funds within the entire city. A Department may be allowed to solicit funds or donations utilizing web-based communities provided that the activity is not repetitive or ongoing, **and otherwise in keeping with applicable state and local charitable solicitation law.**

#### Summary

This change ensures the solicitation of funds is done in accordance with any applicable law including compliance with the National By-Laws.

#### **By-Law**

### Sec. 515 - Eligibility to Office.

Any member in good standing in a chartered Post in the Department shall be eligible to any office in the Department, provided, no member shall hold two **elective elected** Department offices at the same time, but may hold one **elective elected** and one or more **appointive appointed** offices. Elected committee members are not Department officers and accordingly may concurrently hold an elected Department Office as provided for in section 516 of these By-Laws. Department officers, elected or appointed, may be eligible to hold office in a higher or lower body, and such offices may be held concurrently. District Commanders shall be ineligible to simultaneously hold an elected Department office.

Any officer or committee member whose membership is not in good standing by reason of failure to pay current dues by their anniversary date shall forfeit eligibility to hold any office **or committee membership** during that administrative year.

Any member who is suspended from membership, pursuant to Article IX, shall forfeit eligibility to hold any office **or committee membership** during the period of suspension.

#### Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

#### **By-Law**

### Sec. 516 - Elected and Appointed Officers; Chairmen and Committees.

- (a) The **elective elected** officers of each Department shall be a Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster **Judge Advocate, Surgeon** and Chaplain.
- (b) The Department Commander shall appoint an Adjutant, **Chief of Staff**, Inspector **and**



Service Officer. ~~and such other officers.~~

- ~~(c) The Department Commander shall appoint a Judge Advocate, Surgeon, Chief of Staff or Officer of the Day if so required by Department By-Laws.~~
- ~~(d) If so required by Department By-Laws, the Department Commander may appoint such chairmen and committees as deemed necessary to conduct the affairs of the Department.~~
- ~~(e) With respect to salaried officers, the appointment shall be made subject to the confirmation of a majority vote of the Department Council of Administration.~~
- ~~(f) Committee chairmen and committees shall be appointed by the Department Commander as may be required.~~

## Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

This change gives Departments the autonomy to reduce the required number of appointed officer positions, and adds additional provisions for appointing salaried officers.

## **Manual of Procedure**

### **Sec. 516 - Elected and Appointed Officers; Chairmen and Committees.**

~~The Commander, on the date of election or as soon thereafter as possible, shall appoint the Adjutant, Chief of Staff, Inspector, Service Officer and such other officers, chairmen and committees as may be required by Department or National. The Commander may appoint such other officers, chairmen and committees as deemed appropriate to properly conduct the affairs of the Department. With respect to salaried officers, the appointment shall be made subject to the approval of the majority of the Department Council of Administration.~~ The Department Commander retains authority to remove ~~these~~ *appointed* officers, committee chairmen and committees at any time; provided, however, that salaried officers appointed by the Commander may only be removed by the Commander as prescribed in Section 520.

Department officers, elected and appointed, shall submit proof of eligibility to the Department Adjutant. Additionally, Department Commanders, Department Senior Vice Commanders, Department Junior Vice Commanders, Department Adjutants and Department Quartermasters shall submit proof of eligibility to the Adjutant General. Department officers shall not be installed or assume the duties of their office until proof of eligibility has been submitted and properly reviewed. Such proof of eligibility shall be open to and reviewed by the Department Commander, Adjutant and Quartermaster prior to installation to office. In the event an elected or appointed officer fails to submit proof of eligibility within thirty (30) days of election or appointment, any right of the officer to hold the office shall be forfeited, the office declared vacant and the eligibility qualifications of such officer shall be questioned in accordance with the provisions of Section 108 of the National By-Laws.

## Summary

This change gives Departments the autonomy to reduce the required number of appointed officer positions.

## **Manual of Procedure**

### **Sec. 517 - Nomination, Election, Installation and Term of Office.**

**Order of nominations and elections.** The order of nominations and elections shall be Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, Chaplain, ~~and, if election is required by Department By-Laws the~~ Judge Advocate and Surgeon. The ~~elective~~ *elected* Department officers shall be nominated and elected by voice vote or roll call at the annual Department Convention.

## Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure. This change gives Departments the autonomy to reduce the required number of appointed officer positions as reflected in the changes of Section 516.

## **By-Law**

### **Sec. 518 - Officers: Duties and Obligations.**

The Department officers, ~~elective~~ **elected** and ~~appointive~~ **appointed**, shall have such duties and obligations as prescribed in these By-Laws and Manual of Procedure.

## Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

## **Manual of Procedure**

### **Sec. 518 - Officers: Duties and Obligations.**

#### **(a) Officers.**

**(1) Commander.** Among the duties of a Department Commander, the Commander shall:

~~e. Immediately after entering upon their office, appoint an Adjutant, Chief of Staff, Inspector and Service Officer, and all other officers, committee chairmen and committees not otherwise provided for.~~

*Appoint officers, committee chairmen and committees not otherwise provided for. The Commander may remove such appointed officers, committee chairmen and committees at their pleasure.*

*l. Be an ex-officio member of all committees.*

**(5) Quartermaster.** Among the duties of the Department Quartermaster, the Quartermaster shall:

~~f. Maintain a dues reserve fund as prescribed in Section 717 of the By-Laws and Manual of Procedure.~~

## Summary

This change cleans up the language for the Department Commander to appoint and remove all other officers, committee chairmen and committees not otherwise provided for as well as separates the Commander's responsibility as ex-officio member of all committees.

A Department Quartermaster would no longer be mandated to maintain a dues reserve fund. This has already been implemented at the Post level with amendment M-12 at the 118<sup>th</sup> National Convention in New Orleans, Louisiana.

## **By-Law**

### **Sec. 520 - Vacancies and Removal of ~~Elective~~ **Elected** Officers or Committee Members and Salaried Officers.**

**Vacancies.** All vacancies occurring in the ~~elective~~ **elected** offices of the Department shall be filled by *the Department Council of Administration* by nominating and electing at the next ~~stated meeting of the Department~~ **regular** or special meeting ~~called for such purposes~~ as prescribed in Section 520 of the Manual of Procedure.

**Removal.** The Department Commander or Department Council of Administration may remove an

elected officer, elected committee member or appointed salaried officer as prescribed in Section 520 of the Manual of Procedure.

Any Department officer removed by the Commander-in-Chief by the reason of failure to pay current dues or under the provisions of this section, shall not be eligible to serve in any Department office in the same administrative year in which the officer is removed.

## **Summary**

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure. The By-Laws refer to regular meetings and special meetings - replacing "stated meeting" with "regular meeting" to preclude any misunderstanding on what type of meeting is being referred to. The change modifies the Department Council of Administration's role in Department Officer vacancies.

## **Manual of Procedure**

### **Sec. 520 - Vacancies and Removal of ~~Elective~~ **Elected** Officers or Committee Members and Salaried Officers.**

Departments may fill any vacancy in their offices at any regular or special meeting.

**Vacancies.** In the event of a vacancy in the office of Commander or Commander-elect, the Senior Vice Commander or Senior Vice Commander-elect ~~shall at once, and without further formality may, without undue delay,~~ succeed to the title and duties of such office and the Junior Vice Commander or Junior Vice Commander-elect ~~shall at once, and without further formality may, without undue delay,~~ succeed to the title and duties of the Senior Vice Commander. Likewise, in the event of a vacancy in the office of Senior Vice Commander or Senior Vice Commander-elect, the Junior Vice Commander or Junior Vice Commander-elect ~~shall at once, and without further formality may, without undue delay,~~ succeed to the title and duties of said office. If the Senior Vice Commander does not move to the position of Commander then the Junior Vice Commander or Junior Vice Commander-elect ~~shall at once, and without further formality may, without undue delay,~~ succeed to the title of Commander **at the next regular or special meeting.**

Should ~~the a~~ vacancy occur in the office of Department Quartermaster, the Department Commander may appoint a Pro Tempore Quartermaster to carry out the duties incident to that office. The appointment will be null and void upon the election of a Department Quartermaster as described below.

All other vacancies occurring in the ~~elective~~ **elected** offices **of the Department**, including the office of Junior Vice Commander, ~~of the Department~~ will be filled by the Department Council of Administration in the following manner:

1. In the event that a ~~stated~~ **regular** meeting is scheduled within thirty (30) days of the date the office is vacated, an election will be held to fill such office at that ~~stated~~ **regular** meeting. In the event that no ~~stated~~ **regular** meeting is scheduled within thirty (30) days of the date the office is vacated, the Department Commander may call a special meeting of the Department Council of Administration pursuant to Section 522 By-Laws. Election to office at either a ~~stated~~ **regular** or special meeting shall be by majority vote of all votes cast. If there be no election on the first ballot, the name of the candidate receiving the lowest number of votes shall be dropped and so on in successive ballots until an election is made.
2. In lieu of calling a special meeting, the Department Commander may notify all members of the Council that the vacancy exists and names of nominees are being accepted. Fifteen (15) days thereafter, the Department Commander shall advise the Council of the names of comrades presented for the same. Members of the Council may vote to fill such vacancy by written ballot, submitting as directed by the Department Commander by mail and forward to the Department

Adjutant. These ballots shall be tallied at a time specified by the Commander by tellers appointed by the Commander in the presence of such Department officers as the Department Commander may designate. The comrade receiving the highest number of votes cast shall be declared duly elected to the office designated, with results of election being posted in the minutes of the next Council meeting.

**Removal.** The Department Commander may propose the removal of an elected officer, elected committee member or appointed salaried officer.

The Department Council of Administration may propose the removal of an elected officer, elected committee member or appointed salaried officer upon written request signed by a majority of its members. The member holding such office **or committee membership and the Commander-in-Chief** shall be notified at least seven (7) days prior to the meeting to remove said officer by certified or registered mail addressed to the member's last known address stating the reasons for the proposed action. **A copy of the notice shall be provided to the Commander-in-Chief at least seven (7) days prior to the meeting.**

The Department Council of Administration, at **the stated meeting a regular or special meeting**, may by two-thirds (2/3) vote of the members present **and voting** declare vacant the position of any an **elective elected** officer or elected chairman or committee member who may have:

1. Absented themselves from two (2) consecutive meetings.
2. Failed to fulfill the duties of office specified in Section 518 of the By-Laws and Manual of Procedure.

**Notification of Removal.** ~~Such actions and reasons therefore, shall be in the form of a Special Order, and delivered personally or by certified or registered mail at the removed officer's last known address. The special order shall advise the member of their rights to appeal under these By-Laws.~~

**All removals require written notification. The notification shall be in the form of a Special Order and detail specifically in what manner the elected officer or elected committee member failed to perform their duties. The notification must advise the member of their right to appeal this action under Section 109 of the National By-Laws and Manual of Procedure. The Special Order shall be delivered personally or by certified or register mail to the removed officer or committee member's last known address.**

## Summary

The process for vacancies and notification of removal was changed to provide for a clear process and requires a special order to be delivered when an elected officer or committee member is removed by the Department Commander.

The By-Laws refer to regular meetings and special meetings - replacing "stated meeting" with "regular meeting" to preclude any misunderstanding on what type of meeting is being referred to. "Present and voting" was added to provide the ability for members present to abstain from voting. The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

## **By-Law**

### **Sec. 521 - Voting.**

Each member of the Department Convention as those persons are defined in Section 504, except delegates elected by the Posts, present at a meeting of the Convention shall be entitled to one vote, and an individual possessing more than one qualification for membership in the Department Convention shall have no more than one vote. The delegate or delegates of a Post present at a meeting of the Department Convention shall be entitled to vote the full delegate strength to which the Post is entitled. The Post Commander, or the Senior or Junior Vice Commander functioning in their place as a member of the Convention, may, at their option, choose to vote as a delegate rather than as a Post Commander. Should there be a division among delegates representing the Post, each delegate present **and voting**

shall cast their pro rata share of the total delegate voting strength of the Post. A roll call may be required and entered upon the record of the Department Convention at the call of at least three officers or delegates representing at least three different Posts.

## Summary

“Present and voting” was added to provide the ability for members present to abstain from voting.

## **By-Law**

### **Sec. 522 - Council of Administration—Composition, Powers and Duties.**

- (a) **Composition.** The Council of Administration of a Department shall consist of the Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Quartermaster, ~~Judge Advocate, Chief of Staff, Inspector, Surgeon~~, Chaplain and District Commanders. In the absence of a District Commander the District Senior Vice Commander and in the absence of the District Senior Vice Commander, the District Junior Vice Commander may function as a member of the Council of Administration. The immediate Past Department Commander shall also be a member of the Department Council of Administration. *If provided in Department By-Laws, the Judge Advocate, Chief of Staff, Inspector or Surgeon may be members of the Department Council of Administration.* In the Departments of Alaska, Hawaii and Europe, the Commanders of all Posts in good standing shall be voting members of the Department Council of Administration. Other Departments having a membership of 9,500 or less may adopt By-Laws to include all Post Commanders as voting members of the Department Council of Administration. Also the four (4) immediate Past Department Commanders may be voting members of the Council of Administration, on the condition that the By-Laws adopted by the Department Convention so provide.
- (b) **Administration of Affairs Between Conventions.** The Department Council of Administration shall be responsible for administering the affairs and transacting the business of the Department between Department Conventions. The Council shall be governed in its duties by the mandates of the National Convention, the Congressional Charter, By-Laws, Manual of Procedure, Ritual and laws and usages of the Veterans of Foreign Wars of the United States as well as by the mandates of the Department Convention, Charter and By-Laws.
- (c) **Budget.** The Council of Administration shall approve an annual budget by October 31 covering the financial operations of the Department for the ensuing year. The Council of Administration shall have the power to establish the compensation of all Department officers and employees.
- (d) **Audits-Accounts.** The Council of Administration may authorize an audit of the accounts of all Department officers.
- (e) **Disposition of Property.** In the case of surrender or forfeiture of a Post or District charter, the Department Council of Administration shall have the authority to make disposition of all proper ties in accordance with Sections 210 and 410 and its action therein shall be final.
- (f) **Regular Meetings.** The Council of Administration shall meet in regular session not less than twice each year and shall hold such other meetings as the Department By-Laws may provide.
- (g) **Special Meetings.** The Department Commander may call a special meeting of the Council of Administration whenever the same may be necessary for the welfare of the Department. The Department Commander shall call a special meeting upon written request signed by a majority of the members of the Department Council of Administration. In case the Department Commander refuses to call such meetings, the Department Council of Administration may proceed to hold such meetings, due notice of which shall be sent to all

members of the Council of Administration by the Department Adjutant not later than ten (10) days prior to the date of said meeting.

No business shall be transacted at any special meeting except that business for which the meeting is called, as set forth in the notice.

- (h) **Time and Place.** Meetings of the Department Council of Administration shall be held at such times and places as the Department By-Laws may provide, or as may be provided by majority vote of the Council. Special meetings shall be called at such times and places as may be decided by the Department Commander, except in case of a special meeting ordered by a majority request of the Council of Administration, which shall be held at such time and place as may be determined by those requesting the meeting.
- (i) **Quorum.** A majority of the members of the Council of Administration shall constitute a quorum for the transaction of business.
- (j) **Voting.** Each member of the Council of Administration present **and voting** at a meeting shall be entitled to one vote. On matters requiring action by the Department Council of Administration between **stated regular** meetings, the Department Commander may direct the Department Adjutant to conduct mail ballots, the results of such mail ballots shall be reported for the record at the next **stated regular** meeting.
- (k) Any valid action taken by the Council of Administration in the performance of its duties shall be effective upon passage and shall remain in effect until such time as it may be terminated or superseded by the Council of Administration or by a Department Convention acting within the limits of its own authority.

### **Summary**

This change gives Departments the autonomy to reduce the required number of appointed officer positions. "Present and voting" was added to provide the ability for members present to abstain from voting.

### **By-Law**

#### **Sec. 603 - Convention; Quorum; Authorized Attendees.**

The **stated regular** meeting of the National Convention shall be held annually between July 1 and September 1, at such time and place as shall have been determined previously by the National Council of Administration, which shall have full power to act in selecting a Convention city. Annual National Convention sites may be designated by the Council of Administration five years in advance of the next annual Convention date.

The minimum number of delegates required to constitute a quorum for the transaction of business shall be accredited delegates from a majority of all Departments.

Unless attendance of other persons is authorized by the Commander-in-Chief or by a vote of the Convention, only members of the National Organization may attend the National Convention.

### **Summary**

The By-Laws refer to regular meetings and special meetings - replacing "stated meeting" with "regular meeting" to preclude any misunderstanding on what type of meeting is being referred to.

### **By-Law**

#### **Sec. 604 - Governing Body; Composition.**

The supreme power of this Organization shall be lodged in the National Convention. The National Convention shall consist of:

1. The Commander-in-Chief and Past Commanders-in-Chief and all other **elective elected** National

officers, the Adjutant General, Inspector General and Chief of Staff who are members in good standing in their respective Posts.

2. All Council of Administration members.
3. Department Commanders. In the absence of the Department Commander, the Department Senior Vice Commander, or, in the Department Senior Vice Commander's absence, the Department Junior Vice Commander may be registered and function as a member of the National Convention.
4. Elected Post delegates.

### Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

### **By-Law**

#### **Sec. 615 - Eligibility to Office.**

Any member in good standing in a Post shall be eligible for any National Organization office, provided that no member shall hold two (2) ~~elective~~ **elected** National Organization offices at the same time but may hold one (1) ~~elective~~ **elected** and one (1) or more ~~appointive~~ **appointed** National Organization offices. National officers elected or appointed shall be eligible to hold office in a lower body, and such offices may be held concurrently. National Council members shall be ineligible to simultaneously hold an elected National office.

### Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

### **By-Law**

#### **Sec. 616 - Elected and Appointed Officers; Chairmen and Committees.**

- (a) The ~~elective~~ **elected** officers of the Veterans of Foreign Wars of the United States shall be the Commander-in-Chief, Senior Vice Commander-in-Chief, Junior Vice Commander-in-Chief, Quartermaster General, Chaplain, Judge Advocate General and Surgeon General.
- (b) The Commander-in-Chief shall appoint an Adjutant General, ~~a who shall be a full-time salaried officer of the organization, subject to the approval of the majority of the members of the National Council of Administration~~ Chief of Staff, Inspector General, and Sergeant-at-Arms and other such officers and committee chairmen as may be necessary.
- (c) ~~The Commander-in-Chief shall also appoint a Chief of Staff, Inspector General, and Sergeant-at-Arms and other such officers and committee chairmen as may be necessary.~~

### Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

This change will make the Adjutant General a salaried officer position confirmed by the National Council of Administration.

### **By-Law**

#### **Sec. 617 - Nomination, Election, Installation and Term of Office.**

The ~~elective~~ **elected** National officers shall be nominated, elected and installed as prescribed in the

Manual of Procedure.

An officer, elected and installed, shall continue to hold office for the period for which elected and until a successor is installed unless the position is declared vacant pursuant to the terms of Section 620 of these By-Laws or Manual of Procedure. An appointed officer shall hold office during the pleasure of the ~~appointive~~ **appointing** power. In either case the elected or appointed officer must remain a member in good standing in a chartered Post.

Officers shall be elected for a term of one (1) year. National Officers shall assume their duties at the close of the National Convention.

### Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

### **Manual of Procedure**

#### **Sec. 617 - Nomination, Election, Installation and Term of Office.**

**Order of nominations and elections.** The order of nominations and elections shall be Commander-in-Chief, Senior Vice Commander-in-Chief, Junior Vice Commander-in-Chief, Quartermaster General, Chaplain, Judge Advocate General and Surgeon General. The ~~elective~~ **elected** National officers shall be nominated and elected by voice vote or roll call at the annual National Convention.

### Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

### **By-Law**

#### **Sec. 618 - Officers: Duties and Obligations.**

**(a) Commander-in-Chief:** Among the duties of the Commander-in-Chief, the Commander-in-Chief shall:

- (1) Preside at all meetings of the National Convention and Council of Administration, conducting such conventions and meetings in accordance with Article X of the By-Laws and Manual of Procedure and other applicable parliamentary procedures,
- (2) Enforce strict observance of the laws and usages of this organization, including the Congressional Charter, National By-Laws, Ritual and Manual of Procedure and all lawful orders and mandates of the National Convention and National Council of Administration.
- (3) Decide all questions of law and usage, subject to such appeal as may be made pursuant to these By-Laws.
- (4) Issue such orders as are necessary and appropriate to carry out their duties.
- (5) Insist that the business and activities of the organization are conducted in such a manner that they do not violate any applicable governmental law, ordinance or regulation or bring or tend to bring dishonor or embarrassment on this organization.
- (6) ~~Upon entering into office, immediately after entering office, appoint~~ **Adjutant General, Chief of Staff, Inspector General, and Sergeant-at-Arms and** all other officers, Aides-de-Camp, committee chairmen and committees not otherwise provided for.  
***The Commander may remove such appointed officers, committee chairmen and committees at the Commander's pleasure.***
- (7) Approve and sign, or authorize the Adjutant General to approve and sign, vouchers for expenditure of funds before the same shall be paid.
- (8) Assure that good and sufficient security in the sum approved by the National Council of Administration is given by the Quartermaster General.



- (9) Assure that all reports are correctly prepared and that all business of the Veterans of Foreign Wars of the United States is handled with dispatch.
- (10) Assure that the Adjutant General and all other officers, committee chairmen, committee members and employees appointed by the Commander-in-Chief perform their respective duties in accordance with these By-Laws.
- (11) Call a meeting of the National Council of Administration not more than ninety (90) days after the adjournment of the National Convention for the purpose of adopting the annual budget and the transaction of any business which may properly come before the National Council of Administration. Other meetings of the National Council of Administration may be called as the Commander-in-Chief deems advisable.
- (12) Cause the Adjutant General to issue proper credentials to all **elective elected** and **appointive appointed** National officers, aides and other subordinate officers.
- (13) Assure that eligible members are encouraged to join and maintain membership. The Commander-in-Chief may order a review of applications for membership to assure that eligibility has been properly determined.
- (14) Perform such other duties as are incident to such office or may from time to time be required by the laws and usages of the organization or by the National Convention, National Council of Administration or these By-Laws and the Manual of Procedure. **Failure without just cause to perform these duties may result in removal from office.**
- (15) **Be and ex-officio member of all committees.**

**(b) Senior Vice Commander-in-Chief:** The Senior Vice Commander-in-Chief shall discharge the duties of the Commander-in-Chief in the event of the Commander-in-Chief's disability or inability to perform them, preside in the absence of the Commander-in-Chief, assist the Commander-in-Chief in preserving order, provide such advice and assistance as may be required, and perform such other duties as are usually incident to such office or may from time to time be required by the laws and usages of the organization or lawful orders from proper authority. **Failure without just cause to perform these duties may result in removal from office.**

**(c) Junior Vice Commander-in-Chief:** The Junior Vice Commander-in-Chief shall preside in the absence of the Commander-in-Chief and the Senior Vice Commander-in-Chief, assist the Commander-in-Chief in preserving order, provide such advice and assistance as may be required, and perform such other duties as are usually incident to such office or may from time to time be required by the laws and usages of the organization or lawful orders from proper authority. **Failure without just cause to perform these duties may result in removal from office.**

**(d) Quartermaster General:** Among the duties of the Quartermaster General, the Quartermaster General shall:

- (15) Prepare a tentative budget for the financial operations of the ensuing year. Said budget shall set forth all anticipated income and estimated expense. Restricted funds shall be budgeted separately in every instance, and the budget shall be in balance. Final action must be taken on the adoption of the budget at the first **stated regular** meeting of the National Council of Administration and, when adopted, the budget shall be the expenditure guide for the ensuing year. Not later than thirty (30) days after the first meeting of the National Council of Administration, the Quartermaster General shall forward to all Department Commanders a detailed copy of the National budget adopted by the National Council of Administration for their information.
- (16) Perform other duties as are incident to the office or may from time to time be required by the laws and usages of the organization or by the National Convention, National Council of Administration or these By-Laws and the Manual of Procedure. **Failure without just cause to**

~~perform these duties may result in removal from office.~~

**(f) Adjutant General:** Among the duties of the Adjutant General, the Adjutant General shall:

- (11) Perform other duties as are incident to the office or may from time to time be required by the laws and usages of the organization or by the National Convention, National Council of Administration or these By-Laws and the Manual of Procedure. ~~Failure without just cause to perform these duties may result in removal from office.~~

### Summary

To provide for the removal process of appointed officers. The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure. The By-Laws refer to regular meetings and special meetings - replacing "stated meeting" with "regular meeting" to preclude any misunderstanding on what type of meeting is being referred to.

Changes made in this section are made to comply with changes made in Sections 616 and 620 pertaining to make the Adjutant General position an appointed salaried officer.

### **By-Law**

#### **Sec. 620 - Vacancies and Removal of ~~Elective~~ **Elected** Officers or Committee Members ~~and Salaried Officers.~~**

**Vacancies.** All vacancies occurring in the ~~elective~~ **elected** offices of the National organization will be filled as prescribed in Section 620 of the Manual of Procedure.

**Removal.** Elected officers or committee members can be removed as prescribed in Section 620 of the Manual of Procedure.

The Commander-in-Chief may, with ~~the concurrence of a two-thirds~~ **vote** of the National Council of Administration, remove any elected National officer ~~or appointed salaried officer~~ who fails, ~~without just cause,~~ to fulfill the duties of office as required by Section 618, ~~provided that such officer has been given seven (7) days written notice that removal will be sought, including the reasons for removal, and the officer is provided an opportunity to be heard by the National Council at a regular meeting or special meeting called for that purpose, prior to such removal.~~

Any National officer removed by the Commander-in-Chief for reason of failure to pay current dues or under the provisions of this section, shall not be eligible to serve in any National office in the same administrative year in which the officer is removed.

### Summary

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure. The change requires removals to be for cause.

### **Manual of Procedure**

#### **Sec. 620 - Vacancies and Removal of ~~Elective~~ **Elected** Officers or Committee Members ~~and Salaried Officers.~~**

**Vacancies:** In the event of a vacancy in the office of Commander-in-Chief, the Senior Vice Commander-in-Chief shall at once succeed to the title and duties of the office, and the Junior Vice Commander-in-Chief shall become the Senior Vice Commander-in-Chief. In the event of a vacancy in the office of Senior Vice Commander-in-Chief, the Junior Vice Commander-in-Chief shall at once succeed to the title and duties of that office. ~~In the event of a vacancy in the office of a Regional Council member, the respective Department Council of Administration shall fill the vacancy for the unexpired term.~~

*Should the vacancy occur in the office of the Quartermaster General, the Assistant Quartermaster General will carry out the duties of the Quartermaster General until such time as an election is held. In the event no Assistant Quartermaster General has been appointed the Commander-in-Chief may appoint a Pro Tempore Quartermaster General to carry out the duties until such time an election is held.*

All other vacancies occurring in the ~~elective~~ *elected* offices of the National Convention shall be filled by the National Council of Administration. The Commander-in-Chief shall duly notify all members of the Council that the vacancy exists and fifteen (15) days thereafter shall advise them of the names of comrades presented for the same. Members of the council may vote to fill such vacancy by using sealed envelopes marked "ballot," enclosed in an envelope, and forwarded directly to the Adjutant General. These ballots shall be opened at a time specified by the Commander-in-Chief by tellers appointed by the Commander-in-Chief in the presence of such officers of the National Convention as the Commander-in-Chief may designate. The comrade receiving the highest number of votes shall be declared duly elected to the office designated.

**Removal:** ~~The Commander-in-Chief or the National Council of Administration may declare vacant the position of any National officer or Regional Council member who, without valid excuse, misses two (2) consecutive meetings of the constituent body of which they are an officer or Regional Council member. When such removal is by the Commander-in-Chief, the officer or Regional Council member may appeal to the National Council of Administration. Such appeal shall be in the manner prescribed in Section 109 for appeals to the National Council of Administration.~~

~~The Commander-in-Chief retains authority to remove officers, committee chairmen and committees appointed by the Commander-in-Chief at any time provided, however, that salaried officers appointed by the Commander-in-Chief may only be removed by the Commander-in-Chief with the concurrence of the National Council of Administration.~~

~~The Commander-in-Chief retains authority to remove officers, committee chairmen and committees appointed by the Commander-in-Chief at any time.~~

~~The Commander-in-Chief may propose the removal of any elected National officer, elected National committee member, or appointed salaried officer.~~

~~The National Council of Administration may propose the removal any elected National officer, elected National committee member, or appointed salaried officer upon written request signed by a majority of its members.~~

~~The National Council of Administration, at the next regular or special meeting, may by two-thirds (2/3) vote of the members present and voting declare vacant the position of any elected officer, elected National committee member, or appointed salaried officer who may have:~~

- ~~1. Absented themselves from two (2) consecutive meetings.~~
- ~~2. Failed to fulfill the duties of office as specified in Section 618 of the By-laws and Manual of Procedure.~~

~~The elected National officer, elected National committee member, or appointed salaried officer holding such office and the National Council of Administration shall be notified at least seven (7) days prior to the meeting to remove said officer by certified or registered mail addressed to the member's last known address stating the reason for the proposed action.~~

**Notification of Removal.** ~~The notification shall be in the form of a Special Order, detailing specifically in what manner the elected officer, elected committee member or appointed salaried officer failed to perform their duties. The Special Order shall be delivered personally or by certified or registered mail at the removed member's last known address.~~

## Summary

Changes within this section give the Commander-in-Chief the ability to appoint a pro-tempore Quartermaster General in the event of a vacancy until an election is held when no Assistant Quartermaster General was appointed.

The process for vacancies and notification of removal was changed to provide for a clear process and provide for a special order to be delivered when an elected officer or committee member is removed by the Commander-in-Chief.

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

## **By-Law**

### **Sec. 621 - Voting.**

Each member of the National Convention as those persons are defined in Section 604, except delegates elected by the Posts, present at a meeting of the National Convention will be entitled to one (1) vote, and an individual possessing more than one (1) qualification for membership in the National Convention shall have no more than one vote. The delegate or delegates of a Post present at a meeting of the National Convention shall be entitled to vote the full delegate strength to which the Post is entitled. The Department Commander shall be vested and directed to cast the entire voting strength of their Department, subject to the will of the delegation present. A roll call vote may be required and entered upon the record at the call of any ten (10) delegates from Posts in separate Departments. Procedure not outlined herein shall be according to rules of procedure adopted by the National Convention or according to Robert's Rules of Order, Newly Revised, 11th Edition.

### **Summary**

The removal of "11<sup>th</sup> Edition" ensures only the most recent edition is used.

## **By-Law**

### **Sec. 622 - National Council of Administration-Composition, Powers and Duties.**

**(a) Composition:** There will be a National Council of Administration which shall consist of all ~~elective~~ **elected** National Officers, the Adjutant General, Chief of Staff, Inspector General, the immediate past Commander-in-Chief and members elected by departments as prescribed in Section 623 of the By-Laws.

**(2) Budget:** The National Council of Administration shall, at a stated regular meeting not less than thirty (30) days nor more than ninety (90) days following the National Convention, approve and adopt an annual budget. The National Council of Administration shall have full power to fix salaries of all officers and employees of the Veterans of Foreign Wars of the United States.

**(12) Voting:** Each member of the National Council of Administration present **and voting** at a meeting shall be entitled to one vote. If requested by at least 15 members of the council, a roll call vote shall be taken. Each council member shall receive a pro-rata share of votes based on one per 25,000 members or fraction thereof, based on the Quartermaster General's records as of June 30. On matters requiring action by the National Council of Administration between **stated regular** meetings, the Commander-in-Chief may direct the Adjutant General to conduct mail ballots, the results of such mail ballots shall be reported for the record at the next **stated regular** meeting.

### **Summary**

The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure. The By-Laws refer to regular meetings and special meetings - replacing "stated meeting" with "regular meeting" to preclude any misunderstanding on what type of meeting is being referred to. "Present and voting" was added to provide the ability

for members present to abstain from voting.

## **By-Law**

### **Sec. 623 - National Council of Administration, Department Members - Election, Vacancies and Removal.**

Each Department of the Veterans of Foreign Wars of the United States shall be entitled to a member on the National Council of Administration.

**Election:** Members will be elected to a four year term *or until their successor is elected*. Said member shall be elected at the Department Convention preceding the National Convention at which the term is to commence, in the same manner and at the same time as Department officers are elected and shall be installed into office at the National Convention.

**Removal:** The Department Commander *may will*, with the concurrence of two-thirds of the Department Council of Administration, *request that the Commander-in-Chief* remove *their the Department's* elected National Council of Administration member who fails to fulfill the duties of office as required by Section 622, provided that such member has been given seven (7) days written notice that removal will be *requested, sought*, including the reasons for removal, and the member is provided an opportunity to be heard by the Department Council at a regular meeting or special meeting called for that purpose, prior to such *removal request being made by the Commander-in-Chief*.

*The Commander-in-Chief will, with a two-thirds vote of the National Council of Administration, remove an elected National Council of Administration Department Member for failure to perform the duties as outlined in Section 622 of the National By-Laws.*

Any National Council of Administration *Department* member removed *by the Department Commander* for reason of failure to pay current dues or under the provisions of this section shall not be eligible to serve in any National office in the same administrative year in which the member is removed.

**Notification of Removal:** Such actions and reasons therefore, shall be in the form of a Special Order, and delivered personally or by certified or registered mail at the removed member's last known address. The special order shall advise the member of their right to appeal under these By-Laws.

**Vacancies:** All other vacancies occurring in the office of National Council of Administration, shall be filled by the Department Council of Administration in accordance with section 520 of the Manual of Procedure.

## **Summary**

To provide for a process for the Commander-in-Chief to remove an elected National Council of Administration member, with the concurrence of the Council of Administration.

## **By-Law**

### **Sec. 709 - Control of Units.**

Veterans of Foreign Wars of the United States shall not be responsible for the negligent or wrongful acts or omissions nor the contractual obligations or debts of any Post, County Council, District or Department nor for the negligent or wrongful acts or omissions or contractual obligations or debts of any activity, clubroom, holding company or unit sponsored, conducted or operated by, for or on behalf of any Post, County Council, District or Department. Any activity, clubroom, holding company or unit sponsored, conducted or operated by, for or in behalf of a Post, County Council, District or Department shall be at all times under the direct control of such Post, County Council, District or Department and all funds derived there from shall be at all times under the direct control of such Post, County Council, District or Department.

Any Post, County Council, District or Department owning and/or operating, directly or by reason of

a holding company or other entity substantially controlled by the Post, County Council, District or Department or its members, a canteen, clubroom or other facility available to members or guests must maintain general liability insurance, including, if necessary or appropriate, liquor liability insurance. Such insurance must be of a type and amount sufficient to protect the Post, County Council, District or Department and must name, as additional insureds, the Veterans of Foreign Wars of the United States and the Department in which such Post, County Council, District or Department is located.

All money, property or assets of any kind or nature, as well as all books and records, owned, held or used by any activity, clubroom, holding company or unit sponsored, conducted or operated by, for or in behalf of a Post, County Council, District or Department shall be the property of such Post, County Council, District or Department and must be placed in the care and custody of the respective Quartermaster. Such money, property, assets, books and records shall be subject to the same rules and under the same procedure as any other Post, County Council, District or Department money, property, assets, books and records.

No Post, County Council, District or Department and no activity, clubroom or holding company or unit sponsored, conducted or operated by, for or on behalf of any Post, County Council, District or Department may own any property jointly or in common with any individual, firm, partnership, association, corporation or other business or charitable entity, ~~including veterans organizations,~~ *except that property may be held jointly or in common a post or unit of a congressionally chartered veterans organization, provided the arrangement allows for the prominent display of the names, trademarks, or service marks of the Veterans of Foreign Wars of the United States and is not contrary to any provision of law or these By-Laws.*

*No Post, County Council, District or Department or activity, clubroom, holding company or unit sponsored, conducted or operated by, for or in its behalf, may participate in any arrangement whereby its funds are expended on property held by another entity for the joint use of such Post, County Council, District or Department and other individuals, firms, partnerships, associations, corporations or other business or charitable entities, including veterans organizations, except that such arrangement may be made with a post or unit of a congressional chartered veterans organization, provided the arrangement allows for the prominent display of the names, trademarks, or service marks of the Veterans of Foreign Wars of the United States nor is contrary to any provision of law or these By-Laws.*

~~Nor may they participate in any arrangement whereby the funds of such Post, County Council, District or Department or activity, clubroom, holding company or unit sponsored, conducted or operated by, for or in its behalf are expended on property held by another entity for the joint use of such Post, County Council, District or Department and other individuals, firms, partnerships, associations, corporations or other business or charitable entities, including veterans organizations.~~

Title to all real property of unincorporated Posts, County Councils and Districts shall be taken in the name of the regularly elected Trustees of said units, and their successors in office, to be held, used and enjoyed in trust for its members. When the laws of the respective states shall require the delivery of a bill of sale to establish ownership of property, such bills of sale shall also be made to the trustees of said units, and their successors in office, in trust for the members thereof.

In addition to other legal requirements under existing local laws or Department By-Laws, no Post, County Council, District, or any holding company or corporation subordinate thereto, shall purchase, sell or otherwise transfer title or any interest in any real estate unless written notice of such proposal has first been given to each member of said unit ten (10) days prior to such regular or special meeting at which the proposal is to be considered, and then only by two-thirds (2/3) vote of approval of those members present and voting at such regular or special meeting. In addition, at least thirty (30) days prior to such meeting, notice shall be provided to the Department Commander who shall review any sale, purchase, transfer or encumbrance to determine whether such transaction serves the purposes

of the Veterans of Foreign Wars of the United States as prescribed in the Congressional Charter. Failure to comply with these provisions shall nullify said transaction.

When properly approved by the members of the Post, the Commander and Quartermaster shall be authorized to sign such legal documents required to sell or purchase real property.

### **Summary**

This provides Posts with an opportunity to jointly own property with another veteran's organization provided that organization is a national congressionally chartered organization.

### **By-Law**

#### **Sec. 717 - Dues Reserve.**

~~A dues reserve fund shall be established and maintained by Departments as prescribed in Section 717 of the Manual of Procedure.~~

### **Manual of Procedure**

#### **Sec. 717 - Dues Reserve.**

~~A dues reserve fund shall be credited within each Department with not less than fifty percent of its part of the current year's dues paid by each member prior to July 1, including Life Membership dues payouts received from the National Organization. The Quartermaster shall not disburse nor shall an obligation be incurred against this fund until after July 1, at which time it shall be transferred to general fund and be available for expenditures.~~

### **Summary**

Removes the requirement for a Department to maintain a dues reserve fund.

### **By-Law**

#### **Sec. 720 - Definitions.**

"Unit" as used in Section 709 of these By-Laws refers to an entity or group other than the sponsoring Post, District or Department. In all other instances, the term "unit" or "subordinate unit" refers only to a duly chartered Post, District or Department and does not, under any circumstances, refer to any activity, clubroom or holding company sponsored by any Post, District or Department.

"This organization" or "National organization," as used in these By-Laws, refers to the Veterans of Foreign Wars of the United States, the body corporate created by Act of Congress, 36 U.S.C. 111 et seq.

"He, His, Him" as used in these By-Laws, Manual of Procedure, and Ritual shall include both male and female persons.

"Resign, Resignation" means deliberately giving up an office or membership, e.g., quitting. Resignation from an office in this organization or any unit shall become effective immediately upon the communication to resign in writing or orally to the respective Commander, or at a regular or special meeting of the chartered unit. Any elected officer who resigns their position will not be allowed to hold that same office in the same administrative year in which the officer resigned.

*"Alternative Titles" When necessary or appropriate in the conduct of business with persons or entities not familiar with the Veterans of Foreign Wars or when necessary to comply with legal requirements, the following examples of alternative titles may be used (in conjunction with official titles).*

*Commander – President, Chief Executive, Executive Director*

*Adjutant – Secretary, Chief Administrative Officer*

*Quartermaster – Treasurer, Chief Financial Officer*

*Council Member – Board Member, Director*

## Summary

Changes within this section are to better serve officers at all levels of the organization when dealing with businesses, corporations, and outside entities by allowing for the use of alternative corporate titles.

## **Manual of Procedure**

### **Sec. 1001 - Rules of Order Governing All Meetings.**

The following Rules of Order shall govern all meetings. Any procedural matter not provided for by these Rules *or Convention Rules* shall be governed by *the current* Robert's Rules of Order, Newly Revised *11th Edition*. These rules may be altered or amended at any regular session of the body, upon proposition in writing, and by a majority vote of those present and voting. Any alteration or amendment of the rules provided herein shall be in accordance with procedures provided or permitted by Robert's.

2. A motion may be withdrawn only under the following circumstances: (a) by the mover alone before the question has been completely stated by the presiding officer; (b) by the mover *and seconder* after the presiding officer has stated the question, provided no member of the body objects; and (c) by majority vote of the body after the presiding officer has stated it, regardless of objection. After a motion has been carried, it can be withdrawn only by unanimous consent. A withdrawn motion is not recorded in the minutes.

3. Not more than *one primary and one secondary amendment* ~~two amendments~~ can be before the body at one time, but any number of amendments can be successively proposed when there has been a disposition of either or both pending amendments. If two amendments are pending, the secondary amendment is first put, then the primary amendment (as amended, if the secondary amendment prevails), then the main motion (as amended, if the said primary amendment prevails). The amendment is always put first. The main motion must be put regardless of the action taken on the amendments. ~~Except as might otherwise be provided in the body's By-Laws, amendments shall always require a majority vote.~~

9. Questions not debatable—

- a. To fix a time to reconvene
- b. To adjourn
- c. To recess
- d. To raise a question of privilege
- e. To call for the orders of the day
- f. To lay on the table
- g. To ~~call the previous questions~~ *close debate and vote*
- h. To limit (or extend) debate
- i. To take up any particular item of business
- j. To grant leave to speak
- k. To grant leave to withdraw a report or resolution
- ~~l. To excuse from voting~~



- m. Questions of order when no appeal has been taken, or where the presiding officer has not invited discussion
10. Except by unanimous consent, no question on which debate has been closed shall be debatable further. A two-thirds (2/3) vote is required to closed debate.
12. When the decision of any voice vote is doubted, the presiding officer shall direct ~~the Adjutant to count the vote, which shall~~ *the vote be* taken by show of hands or by rising vote, ~~and report the result to the presiding officer.~~ When the decision of any written secret ballot is doubted, the presiding officer shall appoint a committee of two members, one of whom shall be the Adjutant, to recount the ballots and report to the presiding officer.
14. When a question is before the body, the following motions shall be in order:  
Privileged Motions
1. To fix a time to ~~reconvene~~ *adjourn*
  2. To adjourn
  3. To recess
  4. To raise a question of privilege
  5. To call *for* the orders of the day
- Subsidiary Motions
1. To lay on the table
  2. To ~~call the previous question~~ *close debate and vote*
  3. To limit (or extend) debate
  4. To postpone definitely
  5. To commit, or refer
  6. To amend
  7. To postpone indefinitely
17. A main motion can be reconsidered whether it was adopted or defeated. Reconsideration of a motion shall not be in order unless it has been moved by one who voted with the prevailing side. The prevailing side shall be the winning side, whether it be the affirmative or negative. On ~~equal division or~~ tie votes, the negative side is the prevailing side. In the case of a two-thirds (2/3) vote, the negative side is the prevailing side if the two-thirds (2/3) vote loses, and the affirmative is the prevailing side if it wins. A motion to reconsider once made and negated shall not again be in order upon the same question any time. Reconsideration shall always require a majority vote regardless what motion is reconsidered. If reconsideration is defeated, the motion to rescind that question shall be in order any time, provided the question has not been carried out or executed. To rescind requires a two-thirds (2/3) vote, unless previous notice is given in which case a majority vote shall be required at the next session.
20. The presiding officer may speak to points of order in preference to other members rising for that purpose. The presiding officer shall announce all votes and decisions and shall decide all questions of order, subject to an appeal by any two members (mover and seconder of the appeal). ~~The appeal shall be made in writing, if demanded by any two members.~~
21. The reading of any report relating to the subject under consideration shall always be in order. All reports and resolutions shall be in writing. When reports and resolutions are from a committee they must be signed by a majority thereof. When a report has been read it is properly before the body without motion to accept.  
Motions and resolutions of committees shall not require a second when moved for adoption by the committee directly, but when moved for adoption by a non-committee member a second is necessary.  
On matters or questions previously referred to a committee by the body, all motions or

resolutions of such committee based on such matters may be properly acted upon during "Reports of Committees" in the order of business. However, if a committee originates motions or resolutions on matters not previously referred to such committee by the body, such motions or resolutions are properly actionable **at that time only under "New Business,"** unless the body otherwise agrees to entertain such motions or resolutions at some other time in the order of business. Recommendations in reports must be accompanied by appropriate written motion or resolution in order to be acted upon.

24. ~~A member~~ **Members** may change ~~his~~ **their** vote from one side of the question to the other, provided ~~he does~~ **they do** so before announcement of the final result.
25. The ~~presence,~~ dispensation and/or consumption of alcoholic beverages or **use of smoking/vaping products** in VFW meeting rooms during VFW meetings **is unacceptable and is are** prohibited.

### Summary

Changes made to this section establishes that only the most current edition of Robert's Rule of Order may be used as well as more clearly prescribe the rules of order for motions, amendments and voting during a meeting. Changes to this section also prohibit smoking/vaping inside VFW meeting halls during VFW meetings.

### **Manual of Procedure**

#### **Sec. 1101 - Organization, Disbandment, and Transition of Auxiliaries.**

**(a) Formation.** Auxiliaries shall be hereafter formed and approved in accordance with the following provisions. Auxiliaries approved and chartered prior to the adoption of these provisions need not be reapproved.

**(4) By Posts.** No auxiliary to a Post of the Veterans of Foreign Wars of the United States shall be formed unless approved by a two-thirds vote of the Post membership present **and voting** at a regular or special meeting, due notice of the proposed formation of an auxiliary having been given the entire membership in writing at least twenty (20) days prior to a regular meeting, or special meeting called for the aforementioned purpose. Each Auxiliary shall be assigned the name and number of the Post with which it is affiliated.

**(d) Cancellation.**

**(3) By Posts.** A Post may, by vote of eighty percent of its members present **and voting** at a meeting following written notice mailed to each member of the Post in good standing at least twenty (20) days before said meeting, vote to request cancellation of the charter of its Auxiliary. The notice must state the contemplated action and the reason therefor. If the Post votes to request cancellation of the charter of its Auxiliary, it shall certify the action in writing and forward same to the Department Commander who shall forward it to the Commander-in-Chief with a recommendation. After review and if the Commander-in-Chief determines it to be in the best interest of the Veterans of Foreign Wars of the United States to do so, the Commander-in-Chief shall direct the National President to cancel the charter of the Post Auxiliary.

### Summary

"Present and voting" was added to provide the ability for members present to abstain from voting.

### **Manual of Procedure**

#### **Sec. 1201 - Formation.**

**(a) Formation.**

**(1) Pup Tents.** Pup tents may be formed and chartered in accordance with the National

Constitution and By-Laws of the Military Order of the Cootie provided that no Pup Tent shall be formed by less than fifteen (15) members in good standing of the Veterans of Foreign Wars of the United States, and, provided further that no Pup Tent shall be chartered unless the Post with which such Pup Tent is to be affiliated has consented to the chartering thereof. Consent shall require two-thirds vote of the members present **and voting** at a regular or special meeting, provided that Post members are given written notice that a vote will take place, such notice to be given the entire membership in writing at least ten (10) days prior to the regular or special meeting called for the aforementioned purpose.

**(b) Suspension and Discontinuance.**

**(3) Disbanding of Pup Tent by a Post.** A Post may, by vote of eighty percent of its members present **and voting** at a meeting following a written notice mailed or delivered to each member of the Post in good standing at least ten (10) days before said meeting, vote to request cancellation of the charter of its Pup Tent. The notice must state the contemplated action and the reason therefor. If the Post votes to request cancellation of the charter of its Pup Tent, it shall certify the action in writing and forward same to the Department Commander who shall forward it to the Commander-in-Chief with their recommendations. If the Commander-in-Chief believes that it is in the best interest of the Veterans of Foreign Wars of the United States to do so, the Commander-in-Chief shall direct the Supreme Commander of the Military Order of the Cootie to cancel the charter of the Pup Tent.

**(4) Change of Post Affiliation.** For a Pup Tent to change affiliation, it must first receive consent from two-thirds vote of the members of the Post to which it is now affiliated present **and voting** at a regular or special meeting providing the Post members are given written notice that a vote will take place, such notice to be given the entire membership in writing at least ten (10) days prior to the regular or special meeting called for the aforementioned purpose.

The change of affiliation then must be approved by the Grand Commander, as well as the Supreme Commander of the Military Order of the Cootie.

Once approval has been given, all records and properties of the Pup Tent will then be transferred with the Pup Tent to the new Post of affiliation.

**(c) Suspension of Officers.** The officers (**elective elected** and **appointive appointed**) of the Military Order of the Cootie or of subordinate units thereof may be suspended by action of the Commander-in-Chief of the Veterans of Foreign Wars of the United States, subject to review by the National Council of Administration. While so suspended, the offending officer or officers of the Military Order of the Cootie shall be without authority, and if it is found that the conduct of an officer or officers thereof is detrimental to the best interest of the Veterans of Foreign Wars of the United States, the National Council of Administration of the Veterans of Foreign Wars of the United States may order the removal of such officer or officers.

**Summary**

“Present and voting” was added to provide the ability for members present to abstain from voting. The change to replace elective with elected and appointive with appointed was implemented to create consistency when referring to elected and/or appointed officers throughout the By-Laws and Manual of Procedure.

**By-Law**

**Sec. 1202 - Eligibility.**

Eligibility for membership in the Military Order of the Cootie of the United States shall be limited to those members of the Veterans of Foreign Wars of the United States (1) who, at the time of application, have been a member in good standing of their Post for the preceding six (6) months and (2) who have (a) completed satisfactory service on a major Post committee; or (b) satisfactorily performed Post duties or participated actively as a leader of Post functions, and (3) who have been approved for membership by a majority vote of the members present **and voting** at a meeting of the Post. Application for

membership and certification thereof will be in the manner prescribed in the Manual of Procedure.

## **Summary**

“Present and voting” was added to provide the ability for members present to abstain from voting.

## **By-Law**

### **ARTICLE XIII - MEN'S AUXILIARY**

#### **Sec. 1301 - Organization and Disbandment of Men's Auxiliaries.**

A Post, if the By-Laws of the Department having jurisdiction so provide, may form an association separately constituted as a subordinate unit. The Department in which the Post is located shall charter such unit. Such association shall be subject to the rules established by the respective Department Convention, Department Commander and Post.

Departments are not authorized to issue charters to units other than those sponsored by a Post. Formation, control and disbandment of these associations, as well as suspension or cancellation of charters, shall be in the manner prescribed in the Manual of Procedure and as may be provided in Department By-Laws not inconsistent with the Manual.

Notwithstanding the provisions above, no Post may form an association separately constituted as a subordinate unit, and effective December 31, 2016, all charters shall be cancelled, and such subordinate units shall be disbanded in the manner prescribed in the Manual of Procedure.

#### **Sec. 1302—Eligibility.**

Membership in the Men's Auxiliary to the Veterans of Foreign Wars shall be limited to husbands, widowers, fathers, grandfathers, sons, grandsons, brothers and half-brothers who attained that status prior to age sixteen (16) of persons who were or are eligible for membership in the Veterans of Foreign Wars of the United States. Members must not be less than sixteen (16) years old.

Persons eligible for membership in the Veterans of Foreign Wars of the United States shall not be eligible for membership in the Men's Auxiliary.

#### **Sec. 1303—By-Laws, Rules of Order and Order of Business.**

The By-Laws adopted by any such Auxiliary shall not conflict with the Congressional Charter, By-Laws, Manual of Procedure, Ritual, or laws and usage of the Veterans of Foreign Wars of the United States or Department. Such By-Laws shall conform to rules prescribed by the respective Department and Post.

## **Manual of Procedure**

### **ARTICLE XIII - MEN'S AUXILIARY**

#### **Sec. 1301 - Organization and Disbandment of Men's Auxiliaries.**

**(a) Formation.** Men's Auxiliaries shall be formed in accordance with the following provisions and such other provisions as may be required by the Standard Operating Procedure and Department By-Laws.

No Men's Auxiliaries shall be formed, unless approved by two-thirds (2/3) vote of the Post

membership present at a regular or special meeting, due notice of the proposed formation having been given the entire membership in writing at least one week prior to a regular meeting, or special meeting called for the aforementioned purpose. Each Men's Auxiliary shall be subject to the jurisdiction of the Post under which it is affiliated. It shall also be subject to the jurisdiction of the Department Convention, Council of Administration and Commander of its respective Department of the Veterans of Foreign Wars of the United States with respect to matters of authority.

Each Men's Auxiliary shall function in accordance with the By-Laws of the Department issuing the charter and the Post with which it is affiliated or lawful orders issued by the Department Council of Administration or Department Commander.

**(b) Suspension and Discontinuance.** The Department Commander may suspend, for a period not to exceed sixty (60) days, or cancel the charter of any Men's Auxiliary, upon the recommendation of the Post to which such Auxiliary is affiliated, or under such other conditions as may be provided in Department By-Laws.

A Post may, by two-thirds (2/3) vote of its members present at a meeting following a written notice mailed or delivered to each member of the Post in good standing at least ten (10) days before said meeting, vote to request cancellation of the charter of its Men's Auxiliary. The notice must state the contemplated action and reason therefore. If the Post votes to request suspension or cancellation of the charter of its Men's Auxiliary, it shall certify the action in writing and forward same to the Department Commander.

While the Charter of a Men's Auxiliary is suspended, said unit shall not be permitted to function and officers thereof shall be without authority.

**(c) Disposition of Property.** In the event of a surrender, cancellation or forfeiture of a Charter of a Men's Auxiliary, all official records, money and other property shall immediately become property of the Post.

**(d) Reports.** The President of the Men's Auxiliary shall, within thirty (30) days after induction into office, submit to the Post Commander an itemized report of the financial status of the association over which he is presiding officer. Such reports shall be acknowledged by the Post Commander during the next regular meeting and may be read to the members assembled. The Auxiliary shall also provide the Post with the names and addresses of its members. At least annually, the Post shall provide the names and addresses of Auxiliary members, and such other information as may be required by Department By-Laws, to the Department issuing the Charter, which information shall also be provided to National Headquarters.

**(e) Removal of Officers.** The Post Commander may, with respect to the Post sponsored unit and with the concurrence of the membership of the Post and the Department Commander, declare vacant the position of any officer of the Men's Auxiliary who fails to fulfill the duties of his office as required by the By-Laws of the Post, Department or lawful orders from proper authority. Such action, and reason thereof, shall be reduced to writing in the form of a Special Order and delivered personally or by certified mail at the removed officer's last known address.

**(f) Discipline of Members.** Except as otherwise provided in these By-Laws, no member shall have his membership in the Men's Auxiliary terminated or suspended, nor may any member be relieved of office, unless such member shall have been advised in writing of the charges against him and afforded the opportunity to request that such charges be heard and determined at a disciplinary hearing as hereinafter provided.

1. **Offenses.** Members who have committed offenses recognized by the Veterans of Foreign Wars of the United States may be subject to disciplinary action and may be assessed the penalties provided in this Article. Offenses recognized by the Veterans of Foreign Wars of the United States are:

- a. Disloyalty to the United States of America.
  - b. Failure to fulfill the obligations taken at time of application and admission or the obligations taken upon installation of any office.
  - c. False representation or deliberate concealment concerning eligibility to membership, office, or acquiescing in or permitting ineligible persons to become members or officers.
  - d. Disobedience or disregard of the provisions of the Congressional Charter, By-Laws (at all levels), Manual of Procedure, Ritual, General Orders or any other laws and usages of the Veterans of Foreign Wars of the United States or any order of the Commander-in-Chief.
  - e. Conviction of, or entering a guilty or no contest plea to a felony, or to a misdemeanor or ordinance violation involving moral turpitude, in any court in the United States.
  - f. Conduct prejudicial to good order and discipline or conduct unbecoming a member in his relations to the Veterans of Foreign Wars of the United States or other members.
  - g. Divulging any of the private business of the Veterans of Foreign Wars of the United States with the intent or effect of embarrassing the Veterans of Foreign Wars or members thereof.
  - h. Preparing or signing any false record, return, regulation, order or other official document of or concerning the Veterans of Foreign Wars of the United States, knowing it to be false, or making any other false official statement with the intent to deceive.
  - i. Selling or otherwise disposing of money or property without proper authority or, willfully or negligently damaging, destroying or losing any such money or property belonging to the Veterans of Foreign Wars of the United States, or any Post, County Council, District, or Department.
  - j. Aiding, abetting, counseling, concealing, commanding, conspiring, soliciting, procuring or causing to be done any act which, if done, would be punishable under this Article.
  - k. Knowingly making or causing to be made a false entry in or false alteration of a government record. Knowingly conveying or causing to be conveyed in any form false information concerning one's military record.
  - l. Knowingly providing false information or statements in connection with the initiation of charges against another member.
2. Procedures for Disciplinary Actions and Appeals. The procedure for disciplinary action shall be the same as those prescribed in Article IX, Sections 903 and 904 of the By-Laws, the Manual of Procedure of the Veterans of Foreign Wars of the United States, except for interpretation, Men's Auxiliary shall be substituted for Post, VFW Post for Department and State Commander for Commander in Chief. Additionally, there are no procedures for approval to the Commander in Chief nor the National Council of Administration; the decision by the Department Commander is final.
3. Suspension from Office. When charges and specifications have been preferred against a member holding office, the Post Commander may suspend the accused member from office pending a final decision on a disciplinary action. Such a suspension is affected by notifying the member in writing at his last known address and notifying the Men's Auxiliary of such action. The Post Commander is not required to suspend the accused member in every instance but may use their discretion in determining whether or not such suspension is necessary and appropriate.
4. Prima Facie Case. The term prima facie is a legal term to describe some thing that is legally sufficient to establish a fact or a case unless disproved. In such a situation, if an accused member has been convicted by a court of law of a felony, misdemeanor or even an ordinance violation, that member often will not be available for or amenable to disciplinary action. Nonetheless, a disciplinary action would be appropriate. Under this section, it would not be

necessary for the prosecutor to prove again what the civil authorities have already proven and established in the criminal trial. To establish guilt at the disciplinary hearing, all the prosecutor needs to do is present a certified copy of the court record of conviction. The burden then shifts to the accused to show that the record is not a true and correct record.

5. **Penalties.** Penalties for offenses recognized by the Veterans of Foreign Wars of the United States shall be:

- a. Termination of membership.
- b. Suspension from membership for a specified period of time.
- c. Suspension of certain rights of membership for a specified period of time.
- d. Suspension or removal from office.
- e. Reprimand.
- f. By other administrative action deemed appropriate.

### **Sec. 1302 - Eligibility.**

Eligibility in the Men's Auxiliary will conform to that in Section 101 of the By-Laws concerning the applicant's discharge status and conduct of service, if applicable.

### **Sec. 1303 - By-Laws, Rules of Order and Order of Business.**

(See Sec. 1303 By-Laws)

### **Summary**

Amendment B-11 was passed at the 117<sup>th</sup> National Convention in Charlotte, North Carolina, to remove Men's Auxiliary units, effective December 31, 2016.

### **By-Law**

#### **Sec. 1401—Amendments.**

**By-Laws:** Any member in good standing, a Post, a District, or a Department, may propose an amendment to the National By-Laws; provided, however, before consideration at the National Convention, the proposed amendment must be approved by a Department Convention. Immediately following a Department Convention, the proposed amendments must be forwarded to National Headquarters.

A national officer may propose an amendment to the National By-Laws and forward the proposed amendment to the Adjutant General.

All proposed amendments will be available to each Post by the Adjutant General at least fifteen (15) days before the assembling of the National Convention.

Amendments require a two-thirds vote of the delegates present **and voting** at the National Convention.

All amendments adopted at any National Convention according to the provisions of this section shall take effect thirty (30) days after the final adjournment of the National Convention at which they were adopted, unless specifically stated otherwise in the amendment.

*The Adjutant General shall be authorized to correct article and section designations, punctuation and cross references and to make such other technical and conforming changes as may be necessary to reflect the intent of the National Convention in connection with these By-Laws.*

**Manual of Procedure and Ritual:** Amendments to the Manual of Procedure and Ritual will be in accordance with Section 1401 of the Manual of Procedure.

### **Summary**

“Present and voting” was added to provide the ability for members present to abstain from voting. Further changes to this section authorize the Adjutant General to make technical and conforming changes as may be necessary to reflect the intent of the National Convention in connection with these By-Laws and Manual of Procedure.

## **Manual of Procedure**

### **Sec. 1401 - Amendments.**

**Manual of Procedure and Ritual:** The Manual of Procedure and Ritual may be amended by the Council of Administration by a majority vote of the members present **and voting** at a **stated regular** meeting as prescribed in Section 622 of the By-Laws.

The Manual of Procedure and Ritual may be amended by the National Convention by a majority vote of the delegates present **and voting** provided that such amendments have been forwarded, through channels; have been properly approved; and, have been proposed by a Post, a District, a Department, or recommended by a National officer. All proposed amendments will be available to Posts by the Adjutant General at least fifteen (15) days before the assembling of the National Convention for those amendments being proposed for consideration at the convention.

***The Adjutant General shall be authorized to correct article and section designations, punctuation and cross references and to make such other technical and conforming changes as may be necessary to reflect the intent of the National Convention in connection with the Manual of Procedure and Ritual.***

### **Summary**

The By-Laws refer to regular meetings and special meetings - replacing “stated meeting” with “regular meeting” to preclude any misunderstanding on what type of meeting is being referred to. “Present and voting” was added to provide the ability for members present to abstain from voting. Further changes to this section authorize the Adjutant General to make technical and conforming changes as may be necessary to reflect the intent of the National Convention in connection with these By-Laws and Manual of Procedure.

## **Ritual**

### **Member’s Obligation**

In the presence of ~~Almighty God and~~ the members of this order here assembled -- I, \_\_\_\_\_ (name) \_\_\_\_\_, do of my own free will and accord, solemnly promise and declare that:

I will bear true allegiance - to the Constitution of the United States of America - and I will always be loyal thereto.

I do further solemnly promise and declare - that I will comply with the Congressional Charter -- By-Laws and Ritual of this order -- and I will always be loyal thereto -- that I will never wrong or defraud this organization -- nor a member thereof --nor permit any wrong to be done to either -- if in my power to prevent it.

***I pledge to treat everyone, be they a member of the Veterans of Foreign Wars, Auxiliary member or guest with respect and dignity and in a nondiscriminatory manner.***

I will never propose for membership -- any person not eligible -- nor one whom I know to be unworthy. I will never make known to anyone -- not authorized to receive it --- any of the work of this order.

Should my affiliation -- with the Veterans of Foreign Wars of the United States -- cease in any way -- I will consider this pledge -- as binding outside of the order -- as though I had remained a member of same.

All this I promise and pledge -- upon the honor of a true comrade -- and a citizen or national of our great republic.

### **Summary**

The change to remove Almighty God from the member’s obligation provides an obligation for all members who may



have different religious preferences. Additional language added to the member's obligation to ensure members uphold themselves in a professional manner and treat all members and guests with respect.

## **Ritual Funeral Services**

A Post may function as a unit at the funeral of a deceased comrade, soldier, sailor or marine having an honorable record. VFW participation in the services will be on request of the family of the deceased and upon order of the Post Commander or vote of the Post. Otherwise Post members will attend services as individuals, taking no active part in the ceremonies.

The Post Commander and staff must use own best judgment to make VFW services conform to local circumstances. Changes may have to be made in the following instructions. Most important is to have everything run smoothly. Each comrade participating in the funeral ritual should understand clearly what they are to do at a particular moment. Everyone should be rehearsed so as to avoid delay, confusion or reference to the printed Ritual during ceremonies.

The Post Commander should make complete preliminary arrangements with the family or its representatives regarding the part the VFW is to take in the ceremonies.

When the VFW is asked to use its Ritual at funerals the action is expected to follow closely the military ceremony prescribed by military regulations. That means we use a uniformed color detail with guards and color bearers, the flag- covered casket, uniformed pallbearers or escort, chaplain, bugler sounding Taps and a firing squad.

~~The burial flag (5 x 9 1/2 feet, wool bunting, with hemmed heading) will be provided by the government for burial ceremonies for all veterans who served honorably.~~ The flag will be provided by the government agency returning remains to home town, or by local postmaster.

There are three types of military funeral services: (1) with chapel service followed by escort to grave or place of local disposition of remains; (2) without chapel service, but with the funeral procession forming at or near the cemetery entrance; (3) graveside service only "Chapel" means the home, church, funeral parlor and places other than the grave. Honorary pallbearers may be VFW members or others selected by the family.

### **Summary**

To provide for the burial flag issued by the U.S. Department of Affairs.