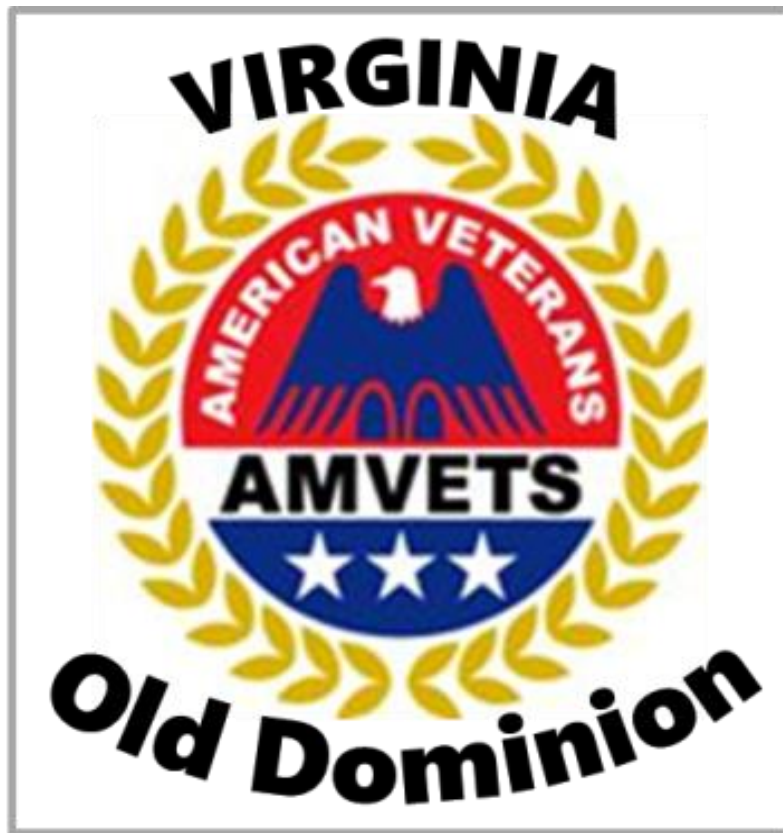


AMERICAN VETERANS
DEPARTMENT OF VIRGINIA



BYLAWS of the DEPARTMENT

TABLE OF CONTENTS

Article I.	Membership	3
Article II.	Definitions	3
Article III.	Department Executive Committee	4
Article IV.	Elected and Appointed Officers	6
Article V.	Committees	12
Article VI.	Department Executive Committee Meetings	15
Article VII.	Department Conventions	16
Article VIII.	National District Meetings	18
Article IX.	National Conventions	19
Article X.	Charters	20
Article XI.	Discipline of Posts and Post Member	20
Article XII.	Trusteeship	21
Article XIII.	Dues	22
Article XIV.	Monies and Collections	22
Article XV.	Finance	23
Article XVI.	Post Clubroom	25
Article XVII.	Subordinate Organizations	26
Article XVIII.	Post Guidelines	26
Article XIX.	Restricted Use of Organization	28
Article XX.	Amendments	28
Appendix A.	Example of Committee Report	29
Appendix B.	Example of Post Report	30
Appendix C.	Amendment Proposal Form	31
	Document Certification	32

BYLAWS of the DEPARTMENT

Article I: Membership

Section 1. Any person who served or is currently serving in the Armed Forces of the United States of America, to include United States Reservists and National Guardsmen, at any time after September 15, 1940, is eligible for regular membership provided such service when terminated by discharge or release from active duty is by honorable discharge, honorable separation, or general discharge under honorable conditions is eligible to join the American Veterans, hereinafter referred to as AMVETS.

Section 2. Membership in AMVETS constitutes membership in the Department of Virginia AMVETS through Post affiliation or membership-at-large. All AMVETS shall, prior to their acceptance as members, pledge allegiance to the United States of America and its constitution and certify that they have read, or have had read to them, the principles of AMVETS, and that they accept and subscribe to same, and that they shall not advocate or belong to any group or organization advocating the overthrow of the United States government.

Section 3. Post affiliation. AMVETS members in good standing who affiliate with a local Post may participate in all facets of AMVETS activities and programs. Those who desire to expand their involvement and express their views in State and National affairs may seek appointments or elective office to Department and National Committees

Section 4. Members-At-Large (MAL). Eligible veterans or current active duty persons may join AMVETS as an MAL. They will be an AMVETS member without affiliation to a local Post. AMVETS members classified as a MAL shall not hold an elective or appointive office at any level in the Organization.

Section 5. Annual Membership shall run from September 1 through August 31.

Section 6. Documentation for membership must indicate information on a currently serving Armed Forces member or identification of a separated member with an honorable discharge, honorable separation, or general discharge under honorable conditions.

Article II: Definitions

Section 1. National Headquarters. The National Headquarters is the senior functioning administrative agency of the organization and is composed of National officers, both elected and appointed. The National Headquarters is staffed by the National Commander, Executive Director, Legislative Director, Membership Director, Programs Director, Communications Director, Finance Director, Service Director and support staff.

Section 2. National Executive Committee (NEC). The administrative power between National Conventions is vested in the NEC. The primary duty of the NEC is to advance the cause of AMVETS as established by policies and mandates of the National Convention. The NEC is composed of the National Commander, Past National Commanders, National First Vice Commander, Second National Vice Commander, and all other elected National Officers, including National District Commanders and one NEC person or alternate from each chartered Department.

Section 3. National Districts. The United States is divided into six Districts. The Department of Virginia AMVETS is a member of District II. Posts and Department delegates meet annually at the National Convention to coordinate activities and elect a National District Commander and other National District Officers.

Section 4. Departments. Departments are organized and function similarly to the National Organization; however, their jurisdiction is limited to state boundaries. Each Department will elect and/or appoint officers who include Commander, a minimum of two Vice Commanders, Executive Director, Finance Officer, Judge Advocate, Provost Marshall, Inspector General, Public Relations Officer, Service Officer, and Chaplain. The Commonwealth of Virginia AMVETS organization is known as the Department of Virginia AMVETS.

Section 5. Post. Posts are the fundamental units of AMVETS. Local Posts are formed within the Department entities and function within their respective jurisdictions. Posts are governed by their local Constitution and Bylaws as well as by their chosen or elected officers and committees. Each AMVETS Post shall be the judge of its own membership. Posts shall determine if an applicant is approved for membership subject to the provisions of local, Department and National Constitution and Bylaws.

Section 6. Whenever the word **he** or **his** or **chairman** or **committeeman** appear in either the AMVETS Department of Virginia Constitution or Bylaws, they shall be construed as referring to both sexes.

Article III: Department Executive Committee

Section 1. The administrative power between Department Conventions shall be vested in the Department Executive Committee (DEC.)

Section 2. Elected and appointed members of the DEC are eligible for reimbursement for attending DEC quarterly or special meetings and Department Conventions. Of the Past Department Commanders, only the Immediate Past Commander is eligible for reimbursement.

Section 3. Department Executive Committee will be comprised of:

- (a) Department Commander
- (b) Department First Vice Commander
- (c) Department Second Vice Commander
- (d) Department Third Vice Commander
- (e) Department Executive Director
- (f) Department Finance Officer
- (g) Department Judge Advocate
- (h) Department Chaplain
- (i) Department Provost Marshal
- (j) Department Inspector General
- (k) Department National Executive Committeeman
- (l) Department Alternate National Executive Committeeman
- (m) Department Public Relations Officer
- (n) Department Service Officer
- (o) Department Elected-at-Large Finance Committee Member
- (p) Past Department Commanders (*unit vote*)
- (q) Three Service Foundation Board Members

Section 4. Each Post in the Department of Virginia shall have one representative, normally the Post Commander, with one vote at all meetings of the DEC. If the Post Commander is unable to attend the DEC, the Post shall notify the Executive Director of the Post representative prior to the DEC.

2021

Section 5. Any DEC officer who is also representing a post at the DEC shall have only one vote.

Section 6. All questions affecting the eligibility for office and the conduct of delegates, Department officers or members of the DEC shall be referred to and determined by the DEC. Any Post delegate elected to a Department office or Service Foundation Member shall, be deemed to have resigned the position of Post delegate.

Section 7. In the event of a vacancy in the office of the Department Commander, the Department First Vice Commander shall succeed to that office. In the event of a vacancy in the office of the Department First Vice Commander, the Department Second Vice Commander shall assume the office of First Vice Commander. Any additional Vice Commanders shall similarly participate in succession.

Section 8. In the event of a vacancy of any other elected or appointed Department officer, the Department Commander shall temporarily appoint an AMVET to fill the vacant office for the unexpired term. Such appointment shall be made with the subsequent approval of the DEC.

Section 9. Candidate Office Eligibility.

(a) The candidate shall be a member of a Post within the Commonwealth of Virginia.

(b) The candidate shall be paid in full in all of his accounts with the Post, Department Headquarters, District Headquarters and National Headquarters.

(c) The candidate's respective Post shall be paid in full in all accounts with the Department Headquarters, District Headquarters and National Headquarters.

(d) Any member desiring to be considered for election as an officer may submit a biography (not to exceed one page) listing qualifications, experience, accomplishments, etc.

Article IV: Elected and Appointed Officers

Section 1. All elected and appointed officers shall be administered the Oath of Office at the end of the Department Convention and shall take office immediately after taking their oath of office.

Section 2. Any officer shall be removed for just cause by notice, hearing, and a two-thirds vote of the DEC in accordance with the Uniform Code of Procedure for the Suspension or Expulsion of a Member (*National Bylaws, Appendix B*).

Section 3. At the discretion of the DEC, the Department elected officers shall be: Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Finance Officer, Judge Advocate, Provost Marshall, National Executive Committeeman, Alternate National Executive Committeeman, Public Relations Officer, Service Officer, Elected-at-Large Finance Committee Member and Service Foundation Board Members. Individuals may hold more than one Elected or Appointed position on the DEC unless specifically prohibited by the Department CBL.

Section 4. The Department Commander shall appoint the following officers: Department Executive Director and Department Chaplain. The Department Inspector General may be appointed as needed. Individuals may hold more than one Elected or Appointed position on the DEC unless specifically prohibited by the Department CBL.

Section 5. Department Commander. The Department Commander shall be the executive head of Department of Virginia AMVETS with full power to enforce the provisions of the Department Constitution, the Department Bylaws and the will of the Department Convention and DEC. The Department Commander shall perform other duties as are usually incident to the office.

(a) The Department Commander shall be elected by the convention body at the annual Department Convention.

(b) The Department Commander shall serve as an ex officio member of all committees and shall not vote except in the case of a tie.

(c) The Department Commander shall be elected for a one year term and shall serve no more than two consecutive one year terms.

(d) No elected Department Commander shall be eligible for re-election as Department Commander after having served two full terms of consecutive one year terms until at least one intervening year has elapsed.

(e) The Department Commander shall serve as a voting delegate from the Department on the National District II Council.

Section 6. Department Vice Commanders. The Department Vice Commanders shall act as representatives of the Department Commander in all matters referred to them by the Department Commander and, on the Department Commander's request, preside over sessions of the DEC or the Department Convention.

(a) **Department First Vice Commander.** The Department First Vice Commander shall be primarily responsible for the membership of the organization and shall coordinate with all Post membership directors or Vice Commanders in charge of membership. The Department First Vice Commander shall correlate the convention mandates on membership between the DEC and Posts; shall review and reevaluate current membership programs and report his recommendations to the Department Commander, the DEC, and the Department Convention; shall endeavor to create and present new membership incentives to the Department Commander and the DEC; shall be informed as to the membership strength of the Department and all Posts within the Department of Virginia; shall be responsible for seeing this information is circulated monthly to all Posts and to all Department Officers; and shall perform such other duties in connection with membership as the Department Commander shall direct. The Department First Vice Commander shall perform such other duties as are usually incident to the office.

(1) The Department First Vice Commander shall be elected by the DEC at the annual Department Convention for a one year term.

(2) The Department First Vice Commander shall be a voting member of the DEC.

(b) Department Second Vice Commander. The Department Second Vice Commander shall be primarily responsible for the programs of the Department of Virginia and shall coordinate with Post program chairman or Vice Commanders. The Department Second Vice Commander shall also review and reevaluate the existing programs and convey recommendations to the Department Commander, the Department Convention and the DEC; shall coordinate all programs between the Department and Posts; shall be responsible for studying and recommending new programs to the Department Commander and the DEC for consideration; shall be knowledgeable on all programs instituted by the Department of Virginia, especially with those having contact with the general public. The Second Vice Commander shall perform such other duties in connection with AMVETS programs as the Department Commander shall direct. The Department Second Vice Commander shall perform such other duties as are usually incident to the office.

(1) The Department Second Vice Commander shall be elected by the DEC at the annual Department Convention for a one year term.

(2) The Department Second Vice Commander shall be a voting member of the DEC.

(c) Department Third Vice Commander. The Department Third Vice Commander shall be primarily responsible for legislative activities and coordinate legislative activities between the Department and National Headquarters. Remain informed and communicate legislative activities at the State and National level to the various Posts within the Department. The Department Third Vice Commander shall provide support to the Post Third Vice Commanders on veteran legislative activities within the state. The Department Third Vice Commander shall perform such other duties in connection with AMVETS legislative activities as the Department Commander shall direct.

(1) The Department Third Vice Commander shall be elected by the DEC at the annual Department Convention for a one year term.

(2) The Department Third Vice Commander shall be a voting member of the DEC.

Section 8. Department Executive Director. The Executive Director shall be charged with the administration of the policies and mandates of the Department Convention, the DEC, and the Department Commander. The Executive Director shall also issue such directives as may be necessary to Posts, shall stay in contact with the Department Commander during the Department Commander's absence from Department Headquarters, and shall serve as the secretary of the Department. The Executive Director shall perform such other duties as are usually incident to the office.

(a) The Department Executive Director shall be appointed by the Department Commander, with the approval of the DEC, and shall serve at the pleasure of the Department Commander and DEC.

(b) The Department Executive Director shall be a voting member of the DEC.

(c) The Department Executive Director shall serve as a voting member from the Department on the National District II Council.

(d) The Department Executive Director shall receive a monthly stipend of an amount recommended by the Finance Committee and approved by the DEC.

Section 9. Department Finance Officer. The Department Finance Officer shall be custodian of the funds of the Department and Service Foundation. The Finance Officer shall make reports on the condition of the Department treasury when called for by the Department Commander or DEC. The Finance Officer shall perform such other duties as are usually incident to the office.

(a) The Department Finance Officer shall be elected by the DEC at the annual Department Convention for a period of one year.

(b) The Department Finance Officer shall be a voting member of the DEC.

Section 10. Department Judge Advocate. The Department Judge Advocate shall advise the Department officers and the DEC on all legal matters, including the construction and interpretation of the National and Department Constitution and Bylaws, and review all contracts prior to execution by the organization. The Judge Advocate shall perform such other duties as are usually incident to the office.

(a) The Department Judge Advocate shall be elected by the DEC at the annual Department Convention for a period of one year.

(b) The Department Judge Advocate shall be a voting member of the DEC.

Section 11. Department Chaplain. The Department Chaplain shall perform such religious and nonsectarian services as may be necessary, adhering to the appropriate ceremonial rituals. The Department Chaplain shall perform such duties as are usually incident to the office.

(a) The Department Chaplain shall be appointed by the Department Commander with the approval of the DEC and shall serve at the pleasure of the Department Commander and DEC.

(b) The Department Chaplain shall be an ex officio member and non-voting member of the DEC.

Section 12. Department Provost Marshal. The Department Provost Marshal shall maintain order at the Department Convention, DEC meetings, and such other ceremonies or functions as directed by the Department Commander. The Department Provost Marshal is responsible for the care of the colors and shall perform such duties as are usually incident to the office.

(a) The Department Provost Marshal shall be elected by the DEC at the annual Department Convention for a period of one year.

(b) The Department Provost Marshal shall be a voting member of the DEC.

Section 13. Department Inspector General. The Department Inspector General shall be the investigating officer of the Department. At the direction of the Department Commander or the DEC, the Department Inspector General shall make any necessary investigations pertaining to grievances, disciplinary cases, fraud, or dishonesty within the Department and/or charges of conduct unbecoming an AMVET. The Department Inspector General shall be empowered to have access to all records, financial and otherwise, of all Posts, Post Officers or members when necessary, for the discharge of the Department Inspector General duties. In making such investigations, the Department Inspector General shall report to the Department Commander who shall, in turn, review the findings with the Department Judge Advocate and if warranted, report to the DEC. The Department Inspector General shall perform such duties as are usually incident to the office.

(a) The Department Inspector General may be appointed by the Department Commander and shall serve at the pleasure of the Department Commander and DEC.

(b) The Department Inspector General, once appointed, shall be an ex officio member and non-voting member of the DEC.

Section 14. Department National Executive Committeeman. The Department National Executive Committeeman shall represent the Department of Virginia at National Executive Committee meetings. A written report will be provided to the Department within 45 days of return from said meeting. If no report is made to the Department, all payment for expenses is forfeited. The Department National Executive Committeeman shall perform such duties as are usually incident to the office.

(a) The Department National Executive Committeeman shall be elected by the DEC at the annual Department Convention for a period of two years, elected in the odd-numbered years.

(b) The Department National Executive Committeeman shall be a voting member of the DEC.

(c) The Department National Executive Committeeman shall serve as a voting member from the Department on the District National II Council.

Section 15. Department Alternate National Executive Committeeman. The Department Alternate National Executive Committeeman shall be seated in the National Executive Committeeman stead at any duly scheduled meetings of the National Executive Committee meetings which the National Executive Committeeman is unable to attend. The Department Alternate National Executive Committeeman shall perform such duties as are usually incident to the office.

(a) The Department Alternate National Executive Committeeman shall be elected by the DEC at the annual Department Convention for a period of two years, elected in the odd-numbered years.

(b) The Department Alternate National Executive Committeeman shall be a voting member of the DEC.

Section 16. Department Public Relations Officer. The Department Publics Relations Officer shall be responsible for compiling from year to year all records of historical value and interest for the Department and ensure that items of public interest are published in the local media, shall be kept informed by other Department officers in all matters affecting the Department, and shall keep the public constantly advised of declared and established AMVETS policies and activities. The Department Public Relations Officer shall perform such duties as are usually incident to the office.

(a) The Department Public Relations Officer shall be elected by the DEC at the annual Department Convention for a period of one year.

(b) The Department Public Relations Officer shall be a voting member of the DEC.

Section 17. Department Service Officer. The Department Service Officer shall be the service and welfare officer of the Department, assist with employment issues, inform veterans of rights under the "Serviceman's Readjustment Act and Selective Training and Service," respond to Civil Service questions, deal with legislation concerning veteran's affairs, answer individual requests for information for Posts or members, formulate a rehabilitation program, and direct the activities of Department members charged with implementing that program. The Department Service Officer shall perform such duties as are usually incident to the office.

(a) The Department Service Officer shall be elected by the DEC at the annual Department Convention for a period of one year.

(b) The Department Service Officer shall be a voting member of the DEC.

Section 20. Department Elected-at-Large Finance Committee Member. The Department Elected-at-Large Finance Committee Member shall serve as an advisor to the Finance Committee and be a voting member of the Finance Committee. The Department Elected-at-Large Finance Committee Member shall perform such duties as are usually incident to the office.

(a) The Department Elected-at-Large Finance Committee Member shall be elected by the DEC at the annual Department Convention for a period of one year.

(b) The Department Elected-at-Large Finance Committee Member shall be a voting member of the DEC.

(c) The Department Elected-at-Large Finance Committee Member may serve concurrently in another DEC elected position or Post delegate.

(d) The Department Elected-at-Large Finance Committee Member shall have only one vote on the DEC if serving concurrently in another DEC elected position or as Post delegate.

Section 21. Service Foundation Board Members. The Service Foundation Board Members shall consist of three members in good standing of AMVETS.

(a) Each year at the annual Department Convention one member shall be elected for a three year term, meaning that during any given time, there shall be a Board Member serving a three year term; a Board Member serving a two year term; and a Board Member serving a one year term.

(b) The three Service Foundation Board Members shall be voting members of the DEC.

(c) The Service Foundation President is elected in accordance with the Service Foundation Bylaws.

(d) The Service Foundation Vice President is elected in accordance with the Service Foundation Bylaws.

Section 22. Any additional appointments required/requested by the Department shall be approved by the DEC.

2021

Article V: Committees

Section 1. Department Committees

(a) By virtue of his position, the Commander is an ex officio member of all committees and shall not vote on any Committee, except in the case of a tie.

(b) The Department Commander shall appoint (except where otherwise indicated) a chairman, vice chairman, and such members of AMVETS to each committee as are necessary to accomplish its objectives.

(c) The Department Commander shall prescribe the duties and responsibilities of said committees unless otherwise indicated.

(d) All committees shall receive, develop and consider resolutions. Appointments are effective July 1 and are for a period of one year (except where otherwise indicated).

Section 2. The following committees are hereby identified as Standing Department committees.

(a) Department Finance Committee

(b) Department Grievance Committee

(c) Department Constitution and Bylaws Committee

- (d) Department Membership Committee
- (e) Department Convention Credentials Committee
- (f) Department Convention Rules Committee
- (g) Department Time and Place Committee

Section 3. Department Finance Committee

(a) Department Finance Committee shall be comprised of:

- (1) Department Finance Officer - Chairman
 - (2) Department First Vice Commander
 - (3) Department Second Vice Commander
 - (4) Department Third Vice Commander
 - (5) Department Executive Director
 - (6) Department Immediate Past Department Commander
 - (7) Department Elected-at-Large Finance Committee Member
 - (8) Service Foundation President
 - (9) Department Judge Advocate - ex officio member; non-voting member
 - (10) The Finance Officer serves as the Chairman. A Vice Chair shall be appointed from the committee membership
- (b) The duties of the Finance Committee include preparing the annual budget, handling all funds entrusted to the Department and the Service Foundation, receiving financial reports on a regular basis, determining banking institutions and types of accounts, and recommending finance related issues to the DEC for approval.
- (c) The Finance Committee shall meet prior to each DEC meeting or at other times as deemed necessary.

Section 4. Department Grievance Committee

- (a) Department Grievance Committee shall be comprised of three DEC members selected by the Commander and approved by the DEC.
- (b) The Department Judge Advocate shall serve as ex officio member without vote.

(c) The Duties of the Grievance Committee include hearing grievances and appeals as are provided for in this constitution and bylaws and in accordance with the Uniform Code of Procedure for the Revocation, Cancellation or Suspension of Post Charters (*National Bylaws, Appendix A*) and the Uniform Code of Procedures for the Suspension or Expulsion of a Member (*National Bylaws, Appendix B*) and to report findings and recommendation to the proper authorities. The committee shall function during the Department Convention and meetings of the DEC.

Section 5. Department Constitution and Bylaws Committee

(a) Department Constitution and Bylaws Committee shall be comprised of three members appointed by the Department Commander.

(b) The Department Judge Advocate shall serve as ex officio member without vote.

(c) The duties of the Constitution and Bylaws Committee include reviewing any proposed changes to the Department Constitution or Bylaws to ensure compliance with the National Constitution or National Bylaws, to analyze the impact of proposed changes, and to present to the DEC a recommendation of approval or disapproval. In addition, the Committee will review the Constitution and Bylaws of the Department subordinate organizations to ensure they are in compliance and good standing with the National and Department Constitution and Bylaws.

Section 6. Department Membership Committee

(a) Department Membership Committee shall be comprised of three members with two members appointed by the Department Commander.

(b) The Department First Vice Commander is a member and serves as the Chairman.

(c) The duties of the Membership Committee are to consider all matters relating to the development of AMVETS through membership activities.

Section 7. Department Convention Credentials Committee

(a) Department Credentials Committee shall be comprised of three members appointed by the Department Commander.

(b) The duties of the Credentials Committee are to supervise the registration of delegates, alternates, members and guests at the Department Convention and to set forth the voting strength in accordance with Article VII of these Bylaws.

Section 8. Department Convention Rules Committee

(a) Department Convention Rules Committee shall be comprised of three members, one being the Chairman of the Constitution and Bylaws Committee and two members appointed by the Department Commander.

(b) The duties of the Convention Rules Committee are to review the rules of the Department Convention with any recommended changes to be presented to the DEC spring meeting for approval.

Section 9. Department Time and Place Committee

(a) Department Time and Place Committee shall be comprised of three members appointed by the Department Commander.

(b) The duties of the Time and Place Committee are to prepare a recommendation for the location of the annual Department Convention one year in advance, and in coordination with local Posts, to prepare a recommendation for the location of the next quarterly DEC.

Section 10. Special Committees

(a) The Department Commander may appoint such special committees as deemed necessary for the proper conduct of organizational affairs subject to the approval of the DEC.

(b) Appointed members shall serve during the term of the administration appointing them and terminate on expiration of the term of the appointing administration.

Section 11. Each committee chair authorized by these Bylaws must report the committee's recommendations, via written report, at each DEC meeting and at the annual Department Convention. Failure of Committee Chairpersons to comply with this requirement shall result in forfeiture of their payment of expenses for that meeting.

Article VI: Department Executive Committee Meetings**Section 1. DEC Stated Quarterly Meetings.**

(a) In addition to the Annual Convention, DEC quarterly meetings shall be held in the months of September, January, March or April.

(b) The March or April meeting shall not interfere with the NEC meeting or District II meeting.

(c) The Department Commander has the authority to change weekend meeting dates in special circumstances, when there are conflicts with securing hotel reservations by the sponsoring Post.

(d) At DEC stated quarterly meetings, one fourth of the elected DEC officers and Post delegates present shall constitute a quorum.

(e) The Department has **seventeen (15)** elected officers (including NEC). Vacancies are not included in the count to determine the one-fourth quorum requirement. There are currently thirteen (13) Posts, each permitted to send one delegate. The number of Posts may vary between quarterly meetings.

Section 2. Special Meetings.

(a) Special meetings may be held at the call of the Department Commander or on the written request of at least five DEC elected officers.

(b) At special meetings, one third of the elected DEC officers present shall constitute a quorum.

(c) No business shall be transacted at any special meeting except that for which the meeting was called.

Section 3. All DEC and Special meetings shall be held within the Commonwealth of Virginia.

Section 4. Two consecutive unexcused absences of any officer, elected or appointed, from DEC Quarterly or Special meetings shall be grounds for removal from office by action of the DEC.

Section 5. Regular quarterly meetings of the DEC shall be sponsored by local Posts. The sponsoring Post shall be chosen by majority vote at the preceding DEC meeting following submission of bids by interested Posts. The location of the meeting shall be at the discretion of the sponsoring Post.

Section 6. All meetings shall be conducted pursuant to rules of parliamentary law with the current edition of *Roberts Rules of Order Newly Revised*.

Article VII: Department Conventions

Section 1. The Department Convention shall constitute the legislative body of the Department.

Section 2. A Department Convention shall be held annually between May 1 and June 30, selected in advance by the delegates present and voting at a Department Convention, to be approved by the Time and Place Committee and DEC. A convention body may approve a convention site up to two years in advance.

Section 3. The Department Commander shall preside over the Department Convention until the election and installation of a successor.

Section 4. Membership

- (a) All members of the Convention shall be members of Department of Virginia AMVETS.
- (b) All DEC and Service Foundation officers entitled to vote at the quarterly DEC meetings shall be voting delegates of the Department Convention.
- (c) All DEC and Service Foundation officers without a vote at the quarterly DEC meetings shall be non-voting delegates of the Department Convention.
- (d) All Post primary delegates representing their Post shall be voting delegates of the Department Convention.
- (e) All Post alternate delegates representing their Post shall be non-voting delegates of the Department Convention.
- (f) Past Department Commanders shall be members of the DEC and entitled to cast one vote collectively amongst them.

Section 5. The number of delegates and alternate delegates from each Post shall be determined as follows:

- (a) **Post charter.** Each Post charter shall receive three voting delegates.
- (b) **Post membership.** Each Post shall receive one voting delegate for each ten members in good standing up to a maximum of 100 members for a maximum of ten delegates.
- (c) Each Post shall receive one voting delegate for each member serving as a Department or Service Foundation Officer entitled to vote at the quarterly DEC meetings.
- (d) No delegation of an accredited Post shall be seated at the Department Convention unless the respective Post shall be paid in full in all its accounts with Department Headquarters, District Headquarters, and National Headquarters.
- (e) No primary delegate or alternate delegate shall be seated at the Department Convention unless the respective member shall be paid in full in all of his accounts with the Post, Department Headquarters, District Headquarters, and National Headquarters.

Section 6. Notification

- (a) Each Post shall choose its delegates at least thirty days prior to the start of the Department Convention
- (b) Each Post shall present the written list of delegates and alternate delegates, signed by the Post Commander or Adjutant, to the Chairman of the Credentials Committee seven days prior to registering at the Convention.

Section 7. Members who transfer from one Post to another must be a member of the Post to which transferred prior to May 1 in order to be eligible to represent the new Post at the Department Convention.

Section 8. All primary delegates shall be entitled to one vote per delegate. A delegate must be present on the convention floor to cast a vote. Alternate delegates shall have the rights and privileges of the primary delegates, but they may vote only in the event that the primary delegate is absent.

Section 9. Quorum

(a) Twenty voting delegates registered at the Department Convention shall constitute a quorum in order to convene.

(b) Fifty percent of the registered delegates must be present on the floor to constitute a quorum in order to conduct business.

Section 10. The Department Convention shall be held for a minimum of two days, having the last meeting of the retiring DEC for at least one business session and the first meeting of the new DEC for at least one business session.

Section 11. No Department Convention bids shall be received on the convention floor unless they are previously submitted to the Department Finance Committee and/or DEC for consideration and recommendation.

Section 12. All meetings shall be conducted pursuant to the rules of parliamentary law with the current edition of *Roberts Rules of Order Newly Revised* serving as the guide.

Article VIII: National District II Meetings

Section 1. National Districts.

(a) The United States is divided into six National Districts.

(b) National District II is comprised of: Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia.

Section 2. Meetings.

(a) Any member in good standing of an AMVETS post in the Department of Virginia shall be a member of the District and entitled to attend District II meetings.

(b) **District II meetings** are held a minimum of two times each year, at a time and place as chosen by the District Council, in addition to the annual District II meeting held during the annual National Convention.

Section 3. Voting Delegates.

(a) In accordance with the National District II Constitution and Bylaws, the Department of Virginia is authorized five voting delegates.

(b) The five voting delegates shall be: Department Commander, Department Executive Director, National Executive Committeeman, and two delegates appointed by the Department Commander with the approval of the DEC.

Article IX: National Conventions

Section 1. Officers authorized reimbursable expenses to the AMVETS National Convention shall be the Department Commander and Executive Director.

Section 2. In the event the Department Commander is unable to attend AMVETS Annual Convention the representation of the Department shall be offered, in order, to the First Vice Commander; Second Vice Commander; Third Vice Commander; Immediate Past Department Commander. No other representation shall be made.

Section 3. Reimbursable expenses for attending a National Convention shall be the cost of the Hotel, registration fee, mileage, and meals.

(a) The hotel reimbursement shall be the AMVETS Convention room rate and all applicable taxes for the timeframe beginning with the Committee Meetings, attendance of the Joint Opening Ceremony and thru the Final Business Session. This is generally scheduled for Monday thru Saturday (5 nights - 6 days).

(b) The registration fee shall be any mandatory fee required to be paid in order to receive voting authority as a delegate - not to exceed the amount of the early registration fee. Exception provided for late cancellation/substitution.

(c) The mileage reimbursement shall be based on round trip mileage from the zip code of the member's permanent residence and the zip code of the hotel where the National Convention is being held. Tolls are reimbursable.

(d) If the member opts to utilize commercial airfare in lieu of driving, the maximum reimbursable reimbursement will include "portal to portal" transportation expenses, mileage to airports, parking, baggage & coach-class airfare shall be the cost of coach-class tickets, or the lesser of the two.

(e) The meal reimbursement shall be **\$50** per day each day the National Convention is in session.

Section 4. The Finance Officer shall be authorized to disburse an advance payment of up to ninety percent of the total projected travel cost to the traveler.

Article X: Charters

Section 1. Suspension

(a) The DEC may suspend, cancel or revoke a Post charter in accordance with the Uniform Code of Procedure for the Revocation, Cancellation or Suspension of Post Charters (*National Bylaws, Appendix A*).

(b) A Post charter that has been suspended may be reinstated by action of the DEC if that Post purged itself of the offense within sixty days of its suspension. If the delinquency is not cleared to the satisfaction of the DEC within sixty days, appropriate action shall be taken by the DEC to affect revocation or cancellation of the charter.

Section 2. Any Post failing to meet the obligations imposed on it by the Constitution and Bylaws or ceasing to function for six months as a Post of AMVETS or voluntarily ceasing to function as a Post or merging with one or more other Posts or failing to pay the Department, District, or National per capita dues within sixty days after collection by the Posts shall on order of the DEC surrender its charter.

Section 3. Consequences

(a) On revocation or suspension of the charter of a Post, said Post shall immediately cease operation and, on revocation or suspension, turn over its charter and assets to the Department Commander or DEC. The DEC is authorized, empowered and directed by and through its duly authorized agent to take possession, custody and control of all records, property and assets of said Post. So much of the said assets as are required for the purpose shall be applied to any indebtedness of said Post, provided, however, that nothing contained herein shall be construed as requiring the DEC to take over or to assume any financial responsibility of such Post. Assets are to be held in trust for a period of twelve months, and in the event the Post charter is not reissued within the twelve month period, said property, money and effects shall become the absolute property of the DEC.

(b) When the charter of a Post is revoked or suspended for any reason, said charter shall be returned to the Department within thirty days.

Section 4. On appeal of disciplinary actions, all pertinent documents, including transcripts and other supporting documentation of said hearings, shall be directed to National Headquarters for review by the National Judge Advocate.

Article XI: Discipline of Posts and Post Members

Section 1. Each Post of AMVETS shall be the judge of its own membership, subject to the provisions of the Constitution and Bylaws of the National and Department organizations. When the conduct of any member of AMVETS is such that it in any way will reflect discredit on or

invite criticism of the organization or when any member belongs to or joins any group, organization or party that is not compatible with the aims and principles of AMVETS, the Department Commander shall immediately bring the matter to the attention of the Post of which the individual is a member. If the Post fails to act and protect the name of AMVETS, the DEC may suspend the charter of the Post involved, pending a hearing and final action by the DEC.

Section 2. Suspension

(a) Members may be suspended or expelled by a Post or the DEC on a proper showing of cause. Written charges, which shall be furnished to the member involved at least thirty days prior to the date set for the hearing, shall be vested based on disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of AMVETS.

(b) The DEC or Post may suspend or expel a member in accordance with the Uniform Code Of Procedure For The Suspension Or Expulsion Of A Member (*National Bylaws, Appendix B*).

Section 3. Any member who has been suspended or expelled in accordance with Section 2, above, has the right of appeal. In the event the suspension or expulsion is imposed by the Post, the appeal shall be to the DEC. In the event the suspension or expulsion is by the DEC, the appeal shall be to the National Executive Committee. In the event the suspension or expulsion is by the National Executive Committee, the appeal shall be to the National Convention. The decision of the appellate body shall be final.

Article XII: Trusteeship

Section 1. Oversight

(a) The DEC may, upon recommendation of the Department Commander, Executive Director and Inspector General, declare and place a Post into Trusteeship.

(b) The Department Commander shall appoint a Trustee Oversight Committee consisting of the Inspector General, Executive Director and three trustees, with one of the appointed trustees as the chairman.

(c) The three trustees should be experienced in the many aspects of Post management and devoid of conflict of interest.

(d) The appointed trustees are to submit a written report on a weekly basis to the Trustee Oversight Committee outlining progress in restoring the Post to sound management.

Section 2. Post officers will hold office until the next succeeding Post meeting at which time new Post officers must be elected in accordance with the Post constitution and bylaws. Notice of said selection of Post officers shall be given in writing to all Post members in good standing by the appointed trustees within seven days after the declaration or Trusteeship or as soon thereafter

as the situation requires. The Post Commander, Adjutant, and Finance Officer who were in office at the time the Trusteeship was declared shall not be eligible to hold any office of the Post for a period of three years, starting at the time the Post is placed under Trusteeship.

Section 3. The duties and responsibility of a Department Trustee shall be subject to Article IV: Charters (*National Bylaws, Appendix 4, and Section 1 through 4*) to report findings and recommendation and will include:

- (a) Review and audit all financial records.
- (b) Inventory all property and equipment, Post building, Post club and supplies.
- (c) Supervise all Post and Club funds.
- (d) One trustee signatory, in addition to one Post officer signatory, shall be required on all Post and Club disbursements.

Article XIII: Dues

Section 1. The minimum annual membership dues shall be \$21.00 payable to the Post, of which the sum of \$15.00 shall be forwarded to National Headquarters and \$6.00 shall be forwarded to the Department of Virginia. Dues above the minimum shall be fixed and retained by the Post.

Section 2. Life membership dues shall be \$250.00, nonrefundable and payable to the Post. Of the \$250.00, fifty percent or \$125.00 will be forwarded to National Headquarters and twenty-five percent or \$62.50 shall be forwarded to the Department of Virginia. The remaining twenty-five percent or \$62.50 shall be retained by the Post.

Section 3. Annual members who pay their annual dues between September 1 and August 31 may convert to Life membership and shall receive credit for their prepaid annual dues at any time during that period.

Section 4. Member-At-Large shall remit to Department Headquarters, the minimum dues, from which the sum of the National and Department dues shall be paid.

Article XIV: Monies and Collections

Section 1. Contracts

(a) No contracts involving expenditures in excess of \$5,000 of Department of Virginia AMVETS funds shall be negotiated without inviting a reasonable number of competitive written bids. Where the required products are of equal quality, the contract shall be awarded to the lowest bidder.

(b) All contracts to be executed by the Department of Virginia expending AMVETS funds shall be approved by the DEC, signed by the Department Commander, attested to by the Department Executive Director and said contract has been reviewed by the Department Judge Advocate.

Section 2. Fund Raising

(a) No public fund raising project or program of any kind or character shall be undertaken by or on behalf of any Post or combination of Posts or subordinate thereof unless the contract, agreement or other arrangement under which such a project or program is to operate has first been submitted for the prior approval of the Department Judge Advocate and then to a standing committee of the National organization composed of the President of the National Service Foundation, the National Judge Advocate and the National Commander. A public fund-raising project is defined as any project or program involving a solicitation or request to nonmembers of AMVETS for a donation or pertaining to the sale of merchandise, goods, tickets, or advertising matter of any kind or character. In the event of an adverse decision by the Department Judge Advocate, an appeal may be made at the next DEC. Its actions shall be final.

(b) Any fund-raising project or program conducted by a Post or any combination of Posts or subordinates thereof in which there is no other person, firm or corporation involved, and in which such fund-raising project or program is conducted solely by the Post, shall not be deemed to be within the purview of this section, provided that the anticipated gross receipts from such fund-raising project or program do not exceed the sum of \$5000 in any fiscal year. In the event it is anticipated that the gross receipts will exceed \$5000 in any fiscal year, then said project or program shall be submitted as described above. Failure of a Post or combination of Posts or subordinate thereof to adhere to the provisions of this section shall be considered grounds for disciplinary action.

Article XV: Finance

Section 1. Funds

(a) All Department and Post officials handling AMVETS funds shall be properly bonded with a good and solvent bonding and surety company, acceptable to the U.S. Treasury, as surety to cover the average amount of AMVETS funds handled by such individuals in a single year.

(b) All monies received by the DEC shall be strictly and accurately accounted for, and a report shall be made to all members at each meeting of the DEC showing the sources of all such income and expenditures.

(c) All Department and Post accounts shall be kept in accordance with generally accepted accounting procedures.

(d) A double entry bookkeeping system shall be maintained for each account.

(e) The various accounts belonging to the Department and to the Posts shall require two signatures on checks to disburse such funds.

(f) The fiscal year for the Department shall be July 1 through June 30.

(g) The current year's budget of revenue and expenses and the long range goals of the Department are the foundations for preparing the next year's budget.

(h) There shall be a balanced budget prepared and presented to the DEC for consideration each fiscal year.

(i) There shall be a contingency budget line item developed to address unexpected expenses and included in the budget.

Section 2. The host Post of any annual Department Convention, quarterly DEC meeting, or special DEC meeting shall receive \$400 to help defray the cost of hosting the event.

Section 3. Reimbursable expenses for attending a Department Convention or quarterly DEC meeting shall be paid only to DEC members, primary delegates, or to alternate delegates seated in their stead and only when each of the foregoing is present and answers the roll call conducted during the course of said meetings.

Section 4. Reimbursable expenses for attending a Department Convention, DEC quarterly meeting or a specially called DEC meeting shall be the cost of the Hotel and mileage.

Section 5. Mileage:

(a) Mileage reimbursement will be based on round trip mileage between the member's permanent residence zip code and the zip code of the hotel where the meeting is being held.

(b) The Finance Committee will review the mileage rate to be paid at DEC meetings and other authorized trips. Recommendations for any changes will be provided to the DEC for approval.

Section 6. The Department Commander may authorize any Department Officer, any Committee Chairman, any member of a Committee, or other authorized representative to receive reimbursement for authorized activity on behalf of the Department. At each meeting of the DEC, the Finance Officer shall report all such disbursements since the last meeting of said committee for its approval.

Section 7. Self-Audit

(a) The Department Commander shall order a self-audit to be performed every two years, with years ending in even years.

(b) The Department Commander shall appoint two DEC members who are independent of any financial/treasury function, to perform the audit.

(c) Minimal assessments to include, but not limited to:

(1) Confirm all bank balances.

(2) Review and confirms correctness of any large expenses.

(3) Review expenses associated with all grant monies received.

(4) Review revenue and expenses associated with Charitable Games/Bingo.

Article XVI: Post Clubroom

Section 1. Whenever a Post clubroom is maintained and operated for the convenience and pleasure of its members and the name AMVETS or its insignia is displayed or used, a board of trustees shall be elected by and from among the members of the Post to supervise its activities, operation and finances.

Section 2. Any Post operating a clubroom shall be required to carry workers' compensation insurance in accordance with the laws of the state of Virginia, public liability insurance including product liability, and personal injury coverage with a minimum single limit of \$300,000. Posts that maintain a building primarily for meeting purposes shall be required to carry public liability insurance including product liability and personal injury coverage with a minimum single limit coverage of \$100,000 or the minimum local amount as prescribed by the laws of the Commonwealth of Virginia.

Section 3. The Department of Virginia and the National Department shall be included as additional insureds in all policies, and a certificate of said insurance shall be furnished to the DEC and National Headquarters.

Section 4. Upon renewal of insurance policies which either incorporate liquor liability coverage within the general liability coverage or have stand-alone liquor liability coverage, a copy of the new policy will be forwarded to the Department of Virginia AMVETS within thirty days of the renewal date. If a renewal confirmation is not received within forty-five days of the renewal date, the Post becomes suspended until such time as the confirmation is received.

Section 5. Any Post operating a club room shall be mandated to incorporate under a business not-for-profit corporation law as prescribed by the laws of the Commonwealth of Virginia.

Section 6. All Post clubrooms desiring to be included in the AMVETS group tax exempt status under Internal Revenue Service Code as a 501(c)(19) organization shall provide, upon

incorporation, a point of contact, employer identification number, mailing address and letter of authorization to the Department of Virginia AMVETS and AMVETS National Headquarters.

Article XVII: Subordinate Organizations

Section 1. Ladies Auxiliary - A subordinate organization limited to mothers, wives, grandmothers, and widows (regardless of age) and to daughters, stepdaughters, sisters and granddaughters (ages eighteen years of age or older) of regular members of AMVETS or deceased veterans who would have been eligible for membership in AMVETS, and female veterans who served honorably in the Armed Forces of the United States.

Section 2. Sons of AMVETS - A subordinate organization limited to fathers, husbands, grandfathers, widowers (regardless of age) and to sons, stepsons, brothers, and grandsons (ages 18 years of age or older) of regular members of AMVETS or deceased veterans who would have been eligible for membership in AMVETS.

Section 3. Junior AMVETS - A subordinate organization limited to sons, daughters, stepchildren, grandchildren, brothers and sisters, (ages five to seventeen years of age) of a service member who died, regular members of AMVETS, or deceased veterans who would have been eligible for membership in AMVETS, members of the Ladies Auxiliary or members of the Sons of AMVETS.

Section 4. Sad Sacks - A subordinate organization composed of AMVETS who have served or are serving in Armed Forces of the United States during and since World War II, and AMVET members in good standing.

Section 5. AMVETS Riders - A subordinate organization limited to members in good standing of AMVETS, the Ladies Auxiliary and the Sons of AMVETS.

Section 6. Service Foundation - A subordinate organization created by the AMVETS Department of Virginia. The Service Foundation will adopt a Constitution and Bylaws and will have three (3) voting members on the DEC.

Article XVIII: Post Guidelines

Section 1. Post Membership year shall run from September 1 through August 31.

Section 2. Post Officers.

(a) Annually, each Post shall elect a Commander, not more than three Vice Commanders, Adjutant, Finance Officer, Provost Marshal, and Judge Advocate.

(b) The newly elected Commander, with the approval of the Post Executive Committee, shall appoint officers as deemed necessary such as Chaplain, Historian, Service Officer, Public Relations Officer, and others.

(c) Election of officers shall be held at the annual meeting of the Post between May 1 and June 30 and assume office no later than July 15 thereafter.

(d) Post officers shall be installed by an AMVET member in good standing who has attained at least the rank of Post Commander, or a Department Officer or National Officer.

Section 3. Post Committees.

(a) The Commander, with the approval of the Post Executive Committee, shall appoint Standing Committees, as deemed necessary.

(b) The Commander shall appoint Temporary Committees to expedite projects for the good and welfare of the Post as deemed necessary.

Section 4. Post Meetings.

(a) Each Post shall have three types of meetings: General, Special, and Annual.

(b) Each Post member shall be notified in advance of all meetings.

Section 5. Post DEC delegates shall be as prescribed in the Department Bylaws, Article III, Sections 3 and 4.

Section 6. Post Department Convention delegates shall be as prescribed in the Department Bylaws, Article VII, Sections 4 and 5.

Section 7. Post Dues shall be as prescribed in the Department Bylaws, Article XI, Sections 1 and 2.

Section 8. Post Fund Raising shall be as prescribed in the Department Bylaws, Article XII, and Section 2.

Section 9. Post Finances shall be as prescribed in the Department Bylaws, Article XIII, and Section 1.

Section 10. Post Clubrooms shall be as prescribed in the Department Bylaws, Article XIV.

Article XIX: Restricted Use of Organization

The Department of Virginia AMVETS, or any component part thereof, shall not be used to promote the interest of any individual who is a candidate for public office or to promote

otherwise any individual, political party, or faction. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member or Post.

Article XX: Amendments

Section 1. These ByLaws may be amended by a majority vote of the delegates present at any Department of Virginia AMVETS Convention.

Section 2. Proposed amendments for action of the Department Convention must be submitted in writing by an individual, Post, the DEC or a standing Department Committee to any Constitution and ByLaws Committee Member at least fifteen days prior to the opening date of the Department Convention. See Appendix A for Amendment Proposal Form.

Section 3. These ByLaws however, may be amended by the Department Convention without notice, by a two-thirds vote.

Section 4. No amendment, however, may be adopted unless the same is referred to the Constitution and Bylaws Committee, which will consider it and report on it at the Department Convention.

Section 5. Amendments to this Constitution shall take effect immediately upon adoption, unless otherwise specified by the adoption resolution.

APPENDIX A: Committee Report



DEPARTMENT OF VIRGINIA

Committee: _____

Date of Report: _____

Identify members and issue(s) or item(s) discussed and any recommendation(s).

Respectfully Submitted,

Chairperson

APPENDIX B: Post Report



DEPARTMENT OF VIRGINIA

Post: _____

Date of Report: _____

Identify or discuss Post activities since last report. Attach copies of Post Newsletters, local newspaper articles or other forms of publicity or awards received.

Multiple horizontal lines for writing the report content.

Respectfully Submitted,

Post Delegate

APPENDIX C: Amendment Proposal

DEPARTMENT OF VIRGINIA

Date _____

Request amendment to Article _____, Section _____, as follows:

Reason for Change:

Respectfully Submitted,



CERTIFICATION

This document is a true copy which was adopted by the Officers and voting Delegates during the Department of Virginia Convention on May 22, 2021.

May 2021

Original Signed

Date

Signature of Department Judge Advocate

Leon Fields

24 May 2021

Original Signed

Date

Signature of Department Executive Director

Jay L. Marts