

# **AMVETS DEPARTMENT OF OHIO CONSTITUTION AND BYLAWS**

## **(Revised June 2011 at the 66<sup>th</sup> Annual State Convention)**

*In accordance with Article IX, Section 10 of the National Constitution, AMVETS Department of Ohio abides by the Uniform Department Constitution and Bylaws (Appendix E of the National Constitution)*

- Section 1.** Departments shall be organized with a headquarters located as authorized by the department convention or an intervening State (Department) Executive Committee (SEC or DEC) meeting. Local posts shall be formed, and intermediate administrative groups may be created by the State Executive Committee to function within their respective jurisdiction where such action is deemed advisable. This appendix to the AMVETS National constitution shall be the constitution for all departments.
- Section 2.** Departments shall be composed of state officers—both elected and appointed—and the members of the State Executive Committee. It shall be the duty of the state officers to advance the cause of AMVETS, to carry out its aims and purposes, and to provide for realization of the plans and policies established by the mandates of the department convention and the State Executive Committee.
- Section 3.** Each department shall conduct its convention, to be held annually between May 15 and June 30, at which time it shall elect department Officers and its delegate and alternate to the national convention and its national executive committeeman and alternate. Elected department officers shall assume office not later than July 15. National executive committeemen and alternates shall assume office in accordance with Article VII, Section 4 of this Constitution.
- (a) The department convention delegation shall be comprised as prescribed by the Department Bylaws.
  - (b) Each post shall choose a delegate(s) and an alternate(s) at a post meeting.
  - (c) The department commander shall vote only in the case of a tie.
  - (d) Each delegate shall be entitled to one vote. Alternates shall have all the rights and privileges of their delegates except they shall vote only in their delegate's absence. No delegate or alternate, however, shall be seated at the department convention unless the individual's accounts with department headquarters are fully paid up.
  - (e) No delegate of an accredited post shall be seated at the department convention unless the respective post shall be fully paid up in all its accounts with department headquarters and department districts. No post delegate or alternate shall be permitted to register as such unless the delegate or alternate shall have been a member in good standing on the department rolls for at least 30 days prior to the opening of said convention and possesses a membership card or other satisfactory evidence identifying the delegate or alternate as a member of the post from which the individual is registering.
  - (f) Departments shall specify convention quorum requirements in by laws or convention rules.
  - (g) No department convention bids shall be received on the convention floor unless they are previously submitted to the Department Finance Committee and/or the State Executive Committee, in accordance with the rules of said committee, and in accordance with the rules and procedures of the State Executive Committee.
  - (h) Convention Chairmen shall be chosen in accordance with the Department Bylaws.
  - (i) The Convention Rules Committee, after reviewing and making necessary changes, shall present to the State Executive Committee at a regular SEC meeting, for its approval, the Rules of the Annual Convention following the SEC meeting at which

the rules are considered. The Department Headquarters will then circulate those rules to the posts at least 30 days prior to the Annual Convention. The Rules of the Convention may be amended by a majority vote of the delegates assembled at the Annual Department Convention.

- Section 4.** (a) The department convention shall elect a department commander, a department first vice commander, a department second vice commander, a department finance officer, a department National Executive Committeeman, a department Alternate National Executive Committeeman, a department provost marshal, a department judge advocate, and any other officers prescribed in the Department Bylaws.
- (b) No member shall be eligible for any department office unless the individual is fully paid up in all accounts with the department headquarters 30 days prior to the opening date of the department convention.
- (c) Departments shall specify candidate eligibility certification procedures in the by laws or convention rules. The department commander, with the consent and approval of the State Executive Committee, shall appoint and have the power to remove a department chaplain, a department inspector general and such other officers and committee chairmen as specified in the Department Bylaws. These appointments shall be made at the post-convention SEC meeting.
- Section 5.** All elected department officers shall be members of the State Executive Committee. The department appointed officers shall be members of the State Executive Committee but without votes.
- Section 6.** (a) An elected officer may be removed from office only by a two-thirds vote of the Department Executive Committee after written charges against such officer shall have been preferred and furnished by certified mail to the officer concerned and to the members of the Department Executive Committee. A full hearing shall be held by the Department Executive Committee on charges preferred against an elected department officer. Such hearing shall be held not less than 30 days after the charges are referred and mailed.
- (b) The procedure for removal from office of elected officers shall be prescribed by the State Executive Committee on recommendation of the department judge advocate in accordance with the UNIFORM CODE OF PROCEDURE FOR THE SUSPENSION OR EXPULSION OF A MEMBER (*AMVETS National Bylaws, Appendix B*)
- Section 7.** Department officers elected at a department convention shall be installed in office at a ceremony held at the Convention. The term of office shall be as prescribed in the Department Bylaws.
- Section 8.** In the event of a vacancy in the office of department commander, the department first vice commander shall succeed to that office, except that the Department By Laws may prescribe election of the department commander by the State Executive Committee. 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 department first vice commander. Any additional vice commanders specified in the department by laws shall similarly participate in succession.
- Section 9.** In the event of a vacancy in the office of the most junior vice commander, department finance officer, department provost marshal or department judge advocate, or other elected officer, regardless of the reason for such vacancy, the department commander shall appoint an AMVET to fill the vacant office for the unexpired term. Such appointment shall be with the approval of the State Executive Committee and the appointee shall be in compliance with all qualifications and restrictions regarding the

holding of said office as set forth in any other article of the constitution and bylaws of AMVETS, except the requirement of election. On approval of the State Executive Committee, the appointee shall assume all powers and responsibilities pertaining to the office as though elected.

- Section 10.** The administrative power between department conventions shall be vested in the State Executive Committee, which shall be composed of the department commander, the department first vice commander and the department second vice commander, all other elected department officers, past department commanders and others as prescribed by the Department By Laws. Each of the above members shall be entitled to one vote except the department commander, who shall vote only in case of a tie, and except that the past department commanders present may be entitled to vote as prescribed in the Department Bylaws. The appointed officers shall be members of the Department Executive Committee but without vote.
- Section 11.** Voting members of the State Executive Committee shall be delegates to the department convention, each entitled to one vote, providing their respective posts have complied with all the provisions of the department constitution and bylaws.
- Section 12.** The management of the Department budget as approved at the state convention shall be under the control of the State Executive Committee, which shall delegate sufficient general and specific authority to the Department Finance Committee, as authorized by the Department Bylaws, to carry out the usual duties of such committee. The Department Finance Committee, with the approval of the State Executive Committee, shall have the authority to retain independent investment experts as needed for consultation in supervising any and all AMVETS funds.
- (a) The Department Finance Committee shall consist of members as prescribed in the department bylaws.
  - (b) The Finance Committee shall meet prior to each SEC meeting, or at other times as set forth in the department bylaws.
  - (c) The Finance Committee shall make an annual report to the department convention. Revenue shall be derived from annual dues and such other sources as may be approved by the State Executive Committee.
  - (d) The Finance Committee shall submit a provisional annual budget as prescribed in the Department Bylaws.
- Section 13.** The following provisions shall govern the establishment and administration of the budget of the Department Headquarters:
- (a) The Finance Committee has the sole fiduciary responsibility to prepare and present a budget that is fiscally sound.
  - (b) In determining the budget, revenue shall be based on tangible assumptions and realistic and/or proven income projections to include revenue that provides funding for the operations and programs approved by the Finance Committee, State Executive Committee, and department convention.
  - (c) In the full execution of approved programs within the budget, expenses shall be budgeted as realistically as possible to ensure overall spending integrity.
  - (d) A contingency budget line shall be developed solely to address unexpected expenses during the operating fiscal year and included in the budget.
  - (e) In no case shall the Department Finance Committee or any other body of the department organization be permitted to adopt or approve a budget in which the expenses, provisions for capital expenditures and provisions for debt reduction

exceed the income established above. Under no circumstances, however, shall the aggregate budget as approved by the Department Convention be over-expended. Violation of any of the foregoing provisions by any person shall constitute cause for disciplinary action, including removal from office or dismissal from employment.

- (f) Any person who willfully violates any provision of this section shall, in addition to any other disciplinary action taken, be personally financially liable for any amount spent that exceeds the budget appropriations unless such excess had prior approval of the Department Finance Committee. Any salary or expense money due or to become due to such person may be retained by the organization to offset all or any part of the unauthorized over-expenditure.

**Section 14.** The Department Finance Committee shall have the power and authority to designate the depository banks or other financial institutions to receive deposits into various accounts belonging to the Department and to disburse such funds on checks signed by two or more persons designated by the Department Bylaws.

**Section 15.** The fiscal year shall be designated in the department bylaws.

**Section 16.** Any resolution emanating from a department convention involving the expenditure of funds or any financial commitment shall be referred to the Department Finance Committee for approval. In reviewing resolutions adopted at a department convention, the Department Finance Committee shall have three options: (1) provide funding from the newly adopted department budget, (2) defer funding pending appropriate planning by the department staff as part of the next fiscal year or (3) deny funding based on current and projected funding levels. If a resolution is denied or deferred because of a want of available funds within the meaning of Section 13 hereof, the Department Finance Committee shall report such decision to the Department Executive Committee at its next meeting.

**Section 17. (a)** The State Executive Committee, after notice and hearing, may cancel, suspend or revoke the charter of any post for good and sufficient cause. Procedure for any such action shall be as prescribed by AMVETS National Bylaws, Appendix A.

- (b) In the event of the cancellation, suspension or revocation of any charter of any Post, the suspended body shall have the right of appeal to the next department convention.

**Section 18.** As prescribed in the Department Bylaws, the department commander, after notice, may invoke and formulate a trusteeship to take over the operation of a post for good and sufficient reasons and for the well being of the AMVET organization.

**Section 19.** From among the voting membership of the State Executive Committee, the state commander shall appoint a State Grievance Committee, consisting of three members, to hear grievances and appeals as are provided for in this constitution and bylaws and to report its findings and recommendations to the State Executive Committee. The state commander shall designate the chairman. This committee shall function during the state convention, meetings of the State Executive Committee, and upon the call of the state commander or State Executive Committee. Such appointees shall serve at the pleasure of the state commander with the advice and consent of the State Executive Committee. The state commander and state judge advocate shall serve as ex-officio members of this committee without vote.

# BY-LAWS OF THE OHIO DEPARTMENT OF AMVETS

## **PREAMBLE**

We, the American Veterans who have served or are serving in the Armed Forces of the United States during and since World War II, fully realizing our responsibility to our community, to our State, and to our Nation, associate ourselves for the following purposes: To uphold and defend the Constitution of the United States; to safeguard the principles of freedom, liberty, and justice for all; to promote the cause of peace and goodwill among nations; to maintain inviolate the freedom of our Country; to preserve the fundamentals of democracy; to perpetuate the friendship and associations of these veterans; and to dedicate ourselves to the cause of mutual assistance, this by the Grace of God.

## **ARTICLE I. NAME**

The name of this organization shall be AMVETS, Department of Ohio (American Veterans), and it shall be hereinafter referred to as AMVETS, Department of Ohio.

## **ARTICLE II. AIMS**

- 1) To serve our Country in peace as in war; to build and maintain the welfare of the United States of America toward lasting prosperity and peace for all its inhabitants.
- 2) To encourage, in keeping with the policies of our Government, the establishment of a concrete plan to secure permanent international peace and to assist in the maintenance of international peace.
- 3) To inspire in our membership a sense of responsibility, and to develop leadership for the preservation of our American democratic way of life.
- 4) To help unify divergent groups in the over-all interest of American democracy.
- 5) To train our youth to become purposeful citizens in a democracy with full knowledge of the responsibilities as well as the privileges of citizenship.
- 6) To cooperate with all duly recognized existing veterans organizations in the furtherance of the aims of the veterans who have served or are serving in the Armed Forces of the United States during and since World War II.
- 7) To insure the orderly return of the veteran to civilian life by protecting the veteran's rights as an individual while still in uniform.
- 8) To expedite and assist in the rehabilitation of the veteran by maintenance of employment services, sponsoring educational opportunities, and providing counsel insurance, housing, recreation, personal problems, hospitalization, and veterans benefits.
- 9) To act as a liaison agent between the veteran and the Government.
- 10) To provide an organization to encourage fellowship among all American veterans who have served or are serving in the Armed Forces of the United States during and since World War II.
- 11) To keep the public forever reminded that the veterans of World War II, Korea, Vietnam and those serving in the Armed Forces of the United States thereafter fought or served to preserve peace, liberty, and democracy for their nation.

## **ARTICLE III. ORGANIZATION**

- Section 1. The American Veterans, Department of Ohio, shall be organized with a State Headquarters, districts, local posts, or lesser administrative councils, as necessary.
- Section 2. The State Department shall be comprised of officers and representatives selected by post delegates at a department convention. It shall be the duty of the department to aid

in the organization and maintenance of local posts and to carry out the policies and plans to adhere to the provisions of the National and State constitutions.

- Section 3. The State shall be divided into Districts in accordance with By-Laws Article XII, Section 1 and 2, and shall comply with the minimum requirements of By-Laws Article XII, Section 3, annually no later than May 15.
- Section 4. Each District will submit annually a copy of their Constitution and By-Laws to the State Department or certification that the copy previously submitted has not been amended.
- Section 5. Each District is authorized to enact whatever administrative and fiscal policies and procedures as may be necessary to operate efficiently as a district, including the authority to establish dues and assessments from their member Posts, provided such policies are not in conflict with the State or National Constitution and By-laws.
- Section 6. All district officers will be elected at least 30 days prior to the State Convention and take office in their respective districts each year by July 1.

#### **ARTICLE IV. MEMBERSHIP**

- Section 1. Any person who served or is currently serving in the Armed Forces of the United States of America at any time after September 15, 1940 is eligible for regular membership in AMVETS provided such service, when terminated by discharge or release from active duty, be by honorable discharge or honorable separation or general discharge under honorable conditions. Any American citizen, as an American citizen, who served in the Armed Forces of an allied nation of the United States at any time after September 15, 1940 and before May 8, 1975, is eligible for regular membership in AMVETS provided such service when terminated by discharge or release from active duty be by honorable discharge or separation. No person who is a member of, or working for the overthrow of the United States Government by force, and no American citizen or permanent resident alien in the United States, one of its territories, possessions or the District of Columbia who refuses to uphold and defend the Constitution of the United States shall be privileged to become, or continue to be a member of this organization. All United States Reservist and National Guardsmen who are now serving, or have been honorably discharged since September 15, 1940 are eligible for regular membership in AMVETS provided such service when terminated by discharge or release from active duty be by honorable discharge or honorable separation.
- Section 2. Honorary membership shall not be granted after the adoption of this amendment. In lieu thereof, certificates of merit may be awarded by a suitably inscribed award given to those rendering distinct service to the community and to veterans. Such awards may be made by Posts, internal administrative groups, State departments, the national executive committee, or national convention. Awards by Posts and internal administrative groups must be approved by department executive committees.
- Section 3. There shall be but one form of membership and that shall be active regular membership.
- Section 4. (A) No person shall be a member of more than one Post at any one time. No person expelled by one Post shall be eligible for membership in any other Post without the consent of the expelling Post or the consent of the Department Executive Committee after hearing an appeal.
- (B) No member may be expelled from membership in AMVETS without due process as provided for in the National Constitution and By-laws Uniform Code for Suspension or Expulsion of a Member.
- Section 5. Any member of AMVETS classified as a member-at-large may not hold an elected or appointed office at any level in the AMVETS organization.

Section 6. Membership shall run from January 1 through December 31. All AMVETS subordinate organizations shall maintain the same calendar year for their membership. Eligibility for Membership and the rights and privileges of members shall be as provided in the Constitution and By-Laws and the terms of membership and requirements for holding office within AMVETS shall not be discriminatory on the basis of race, color, religion, sex or national origin.

#### **ARTICLE V. CONVENTIONS**

Section 1. A State Convention shall be held annually during the month of June, at places fixed by previous Conventions, as follows: the 1953 State Convention shall select Convention sites for the years 1954 and 1955. Each subsequent State Convention shall select a site for the State Convention two (2) years hence.

Section 2. The members of the Convention shall consist of Post Delegates. The Post shall elect their delegates and alternates at their meetings held at least three (3) weeks prior to the State Convention. Each Post Commander, who is serving in the term of office for the current fiscal year, shall be a delegate to the State Convention and each Post shall also be entitled to two (2) delegates and two (2) alternates for each fifty (50) members or fraction thereof, and one vote for each Past Department Commander. Delegates will be based upon each Post's membership as recorded at State Headquarters as of May 15.

- (A) No alternates may substitute for the Post Commander.
- (B) All Elected Department Officers shall be delegates to the Convention, however, no alternate may be substituted for them nor cast their vote. The Department Commander shall vote only in the event of a tie.
- (C) A delegate can cast but one (1) vote, if representing State Department or his home Post.

Section 3. A State Mid-Winter Conference shall be held annually, in the month of February, at a place fixed by a prior Mid-Winter Conference.

Section 4. Each Post Commander and Post Adjutant shall be a delegate to the Mid-Winter Conference, and each Post shall also be entitled to one (1) delegate and one (1) alternate for each fifty (50) members or fraction thereof, and one vote for each Past Department Commander. Delegates will be based upon each Post's membership for the previous year, except for new Posts whose delegates will be based upon their membership as of December 15. Each State Elected Officer shall also be an automatic delegate. The post shall elect their delegates and alternates at their meetings held at least three (3) weeks prior to the State Mid-Winter Conference.

Section 5. Each delegate shall be entitled to one vote. Alternates shall have all the rights and privileges of the delegates in the absence of the delegate.

- Section 6.
- (A) Sixty percent of the voting delegates registered shall constitute a quorum.
  - (B) Pre-registered delegates will not be considered registered until they pick up their credentials and log in at the registration desk.

Section 7. A State Fall Conference shall be held annually, in the month of October, at a place fixed by a prior Fall Conference.

Section 8. Each Post Commander and Post Adjutant shall be a delegate to the Fall Conference, and each Post shall also be entitled to one (1) delegate and one (1) alternate for each fifty (50) members or fraction thereof, and one vote for each Past Department Commander. Delegates will be based upon each Post's membership for the previous year, except for new Posts whose delegates will be based upon their membership as of September 15. Each State Elected Officer shall also be an automatic delegate. The

post shall elect their delegates and alternates at their meetings held at least three (3) weeks prior to the State Fall Conference.

- Section 9. Each delegate shall be entitled to one vote. Alternates shall have all the rights and privileges of the delegates in the absence of the delegate.
- Section 10. There shall be absolutely no consumption of alcoholic beverages in any meeting room during any formally convened convention, conference, or meeting of the AMVETS Department of Ohio.

#### **ARTICLE VI. STATE EXECUTIVE COMMITTEE**

- Section 1. The administrative power between State Convention and Conferences shall be vested in the State Executive Committee, which shall be composed of the State Commander, Vice Commanders, State District Commanders, State Finance Officer, State Judge Advocate, State Provost Marshal, National Executive Committeeman, Past State Commanders except those who are full time employees of AMVETS Department of Ohio.
- Section 2. The State elected officers shall constitute a Steering Committee which shall be responsible for matters of administration only, between meetings of the State Executive Committee.
- Section 3. There shall be a committee of Past Department Commanders that shall meet at each Convention, Fall Conference, and Mid Winter Conference, or as required by other sections of the Constitution and By-laws.
- Section 4. The State Executive Committee shall meet at all State Conventions and Conferences. Specific dates shall be set by the State Convention Corporation or a majority of the State Executive Committee members. Special meetings may be held, upon reasonable notice, at the call of the State Commander. The State Commander shall call a meeting of the State Executive Committee upon written request of a majority of the members of the State Executive Committee.
- Section 5. One third (1/3) of the State Executive Committee members shall constitute a quorum of the State Executive Committee.
- Section 6. There shall be absolutely no consumption of alcoholic beverages in any meeting room during any formally convened convention, conference, or meeting of the AMVETS Department of Ohio.
- Section 7. (A) The finance committee as established in the Uniform Department Constitution shall consist of eleven voting members as follows:
- (1) The state finance officer who shall be the chairman.
  - (2) The state commander.
  - (3) The state judge advocate.
  - (4) The president of the State Service Foundation.
  - (5) The president of the Ohio AMVETS Career Center.
  - (6) The most immediate past finance officer willing and able to serve.
  - (7) Two members to be elected by the State Executive Committee, at the post convention SEC, from among the membership of the SEC as of July 1 following the election.
  - (8) The State First Vice Commander.
  - (9) The State Second Vice Commander.
  - (10) The State Third Vice Commander.

- (B) In the event the president of the State Service Foundation or the Ohio AMVETS Career Center is unable to attend the meeting of the State Finance Committee, for any cause whatsoever, the vice president of the State Service Foundation shall be seated in the president's stead with full voting rights. Should the chair be temporarily vacant, for any cause whatsoever, the State Commander shall conduct an election from among the members of the committee to serve in place and stead.

Section 8. The State Commander shall name committees as deemed advisable, subject to ratification by the State Executive Committee, at its next meeting succeeding the appointment.

Section 9. The State Commander shall appoint, at the first State Executive Committee meeting, subject to approval by the State Executive Committee, the following standing State Committees: Membership Committee, Veterans Welfare Committee, Program Committee, Legislative Committee, Family Welfare Committee, Constitution and Resolutions Committee, ROTC Committee, and a Grievance or Hearing Committee. The number of members to serve on any State Committee shall be determined as outlined in Sections 6, 7 and 8.

Section 10. (A) The State Executive Committee (SEC) shall consist of all Past State Commanders, all current duly elected State Officers, each having a vote. The State Executive Director shall act as the Recording Secretary of said committee. Their duties will be:

- 1) To analyze department finances and assist the State Commander in establishing the budget and to give final ratification to same.
- 2) To serve as a personnel board and be responsible for employment of all Department personnel.
- 3) The State Executive Committee (SEC) shall assist, in an advisory capacity, with the preparation of the yearly budget and the handling of funds under that budget. They shall make a yearly audit of the books of the State Department and make a detailed physical appraisal inventory of all the intangible and tangible assets and property of the State Department and prepare a balance sheet with supporting schedules, and shall submit copies of same to each Post Delegation at each Annual State Convention.

- (B) The State Membership Committee, Veterans Welfare Committee, Program Committee, Legislative Committee, Family Welfare Committee, Constitution and Resolutions Committee, and Convention Committees shall consist of such number of members as shall be designated by the State Commander with the approval of the State Executive Committee and their duties shall consist of the usual prescribed duties of the Committee person as well as any further directives given by the State Commander and/or the State Executive Committee.

Section 11. The State Executive Committee (SEC) shall provide for the appointment and employment of such employees as may be needed for the administration of the affairs of the American Veterans, AMVETS, Department of Ohio, and prescribe their duties and compensations.

Section 12. Any State Officer may receive expenses for his activities on behalf of the organization. The amount of such compensation shall be fixed by the State Executive Committee (SEC).

Section 13. All questions affecting eligibility for State Office shall be determined by the State Executive Committee (SEC). The State Commander of AMVETS, Department of Ohio,

shall not hold any paid public office and shall resign as State Commander should the Commander become a candidate for a paid public office. The candidate for State Commander shall have served at least one year as an officer on Post or State level in AMVETS Department of Ohio.

## **ARTICLE VII. OFFICERS**

- Section 1. Delegates to the State Convention shall elect a State Commander, a State 1<sup>st</sup> Vice Commander, to be in charge of Membership, a State 2<sup>nd</sup> Vice Commander, to be in charge of Veterans Welfare, a State 3<sup>rd</sup> Vice Commander, to be in charge of Programs, State District Commanders, however, shall be elected in their District within 30 days prior to the State Convention, and they will be sworn in at the State Convention, Finance Officer, Judge Advocate, and Provost Marshal, one National Executive Committeeman and one Alternate National Executive Committeeman. Elected Officers shall be duly installed in office at the same session at which they are elected, and shall assume their office July 1. No Post shall have more than two elected officers in the State Department with the exception of the State Commander. The above elected officers, and all Past Department Commanders shall constitute the State Executive Committee. No one person shall hold concurrent elected office in the Department, Service Foundation, Convention Corporation, or AMVETS Career Center.
- Section 2. A State Executive Committee shall appoint the State Executive Director, subject to the approval of the delegates to the Convention or one of the regularly scheduled state conferences, and said State Executive Director's term of office shall be indefinite.
- Section 3. Upon the death, disability, or resignation of the State Commander, the State Executive Director shall immediately call into session the State Executive Committee (S.E.C.), who shall within the maximum of two (2) weeks after such death, disability, or resignation, elect one of the State Vice Commanders as State Commander to fill the unexpired term.
- Section 4. All elected officers shall be members of the State Executive Committee, with vote, but the Commander shall vote only in the event of a tie.
- Section 5. The newly elected State Executive Committee (SEC) shall convene immediately following the close of the State Convention and transact all necessary business, including the adoption of the budget and approval of appointments for the new fiscal year.
- Section 6. The State Commander, with the consent and approval of the State Executive Committee, shall appoint at the post convention SEC, a Chaplain, Historian, Public Relations Officer, Inspector General, and such committees as deemed necessary.
- (A) There shall be one Deputy Inspector General from within each district. Starting in July of 1998, the State Commander shall appoint three (3) Deputy Inspector Generals for a term of three (3) years, three (3) Deputy Inspector Generals for a term of two (2) years, and three (3) Deputy Inspector Generals for a term of one (1) year. Each subsequent Commander shall appoint three (3) Deputy Inspector Generals each year to fill a three (3) year term.
- (B) In the case of a vacancy in the position of Deputy Inspector General for any reason, including the formation of a new district, the Commander shall appoint a Deputy Inspector General to fill the unexpired term, or in the case of a new district, a Deputy Inspector General for a three (3) year term.
- (C) The State Commander, with the consent of the SEC, may remove the Inspector General or any one of the Inspector General Deputies.

- Section 7. No elected officer of the Department shall serve more than one month of his term of office concurrently as an elected State Department Officer of any other veteran's organization.
- Section 8. Each District shall elect a State District Commander by the vote of not more than five delegates of each Post at a District meeting within 30 days prior to the State Convention. This person may come from the same Post as the State Commander or any of the State Vice Commanders.
- Section 9. An elected officer may be removed from office only by a two-thirds vote of the SEC, excluding ex-officio Past Department Commanders, after written charges against such officer have been preferred and furnished by registered mail to the officer concerned, and to the Executive Director at Department Headquarters. A hearing shall be held by the SEC, excluding ex-officio Past Department Commanders, within thirty days of such notice with the results of said hearing to be presented to the officer in question within 10 days.
- (A) Charges may be preferred by a State Elected Officer or by three members of the State Executive Committee based upon disloyalty, neglect of duty, violation of law that reflects unfavorably upon AMVETS, dishonesty, or conduct unbecoming a member of AMVETS.
  - (B) Procedure for the hearing shall be prescribed by the State Judge Advocate with the approval of the State Executive Committee.
  - (C) An officer who has been removed from office may appeal the ruling of the SEC to the Past Commanders Committee, provided the appeal is made within 30 days of notification of removal. The ruling of the Past Department Commanders Committee shall be final.

#### **ARTICLE VIII. DUTIES OF OFFICERS**

- Section 1. **STATE COMMANDER:** The State Commander shall be the executive head of the American Veterans, AMVETS, Department of Ohio, with full power to enforce the provisions of the State Constitution, State By-Laws, and the directives of the State Convention. The Commander shall appoint all necessary committees, where not otherwise provided, subject to the ratification of the State Executive Committee, and shall perform such other duties as are usually incident of the office. The Commander shall be chairperson of the State Executive Committee, Mid-Winter and Fall Conferences, and the State Convention.
- Section 2. **STATE VICE COMMANDERS:**
- (A) The State 1<sup>st</sup> Vice Commander shall coordinate all district and post membership directors or vice commanders in charge of membership. The 1<sup>st</sup> Vice Commander shall also:
    - 1) Coordinate the convention mandates on membership.
    - 2) Review and re-evaluate the present membership programs and report the recommendations to the Department Commander and subsequently to the State Executive Committee.
    - 3) Endeavor to create and present new membership incentives.
    - 4) Be informed as to membership of department and posts.
    - 5) Serve as chairman of the department membership committee.
  - (B) The State 2<sup>nd</sup> Vice Commander shall coordinate all veteran welfare programs including but not limited to VAVS, White Clover, Civil Disaster, Carillon

Committee, Family Welfare, POW/MIA, and Veterans Employment. The Vice Commander shall also:

- 1) Review and re-evaluate the existing veterans programs and report the recommendations to the Department Commander and to the State Executive Committee.
  - 2) Coordinate all state veterans programs between national, department, district, and post levels.
  - 3) Be charged with the responsibility of studying and recommending new veterans programs to the Department Commander and State Executive Committee for consideration.
  - 4) Be indoctrinated on all VAVS programs at the VA Hospitals, Clinics, and State Veterans Homes.
  - 5) Serve as chairman of the department Veterans Welfare Committee.
- (C) The State 3<sup>rd</sup> Vice Commander shall coordinate all post and district program chairmen. The 3<sup>rd</sup> Vice Commander shall also:
- 1) Review and re-evaluate the existing programs and report the recommendations to the Department Commander and to the State Executive Committee.
  - 2) Coordinate all state programs between National, Department, District and post levels.
  - 3) Be charged with the responsibility of studying and recommending new programs to the Department Commander and State Executive Committee for consideration.
  - 4) Be indoctrinated on all programs of the State organization and its subsidiaries, especially those involving contact with the general public.
  - 5) Serve as chairman of the department Program Committee.
- (D) STATE DISTRICT COMMANDER: The State District Commanders shall act as representatives of the State Commander in all matters referred to them by the State Commander and perform such other duties as are usually incident to the office.

Section 3. STATE FINANCE OFFICER: The State Finance Officer shall be custodian of the funds of the State organization. The State Commander, the State Executive Director, and the State Finance Officer shall be authorized to sign checks disbursing funds. No checks for same shall be valid unless it has the signature of two of these officers. The State Executive Director's signature is authorized only in the event of an emergency. Such emergency shall be defined by the State Judge Advocate. The State Finance Officer shall make reports upon the condition of the State treasury when called for by the State Commander or State Executive Committee. The Finance Officer shall perform such other duties as are usually incident to the office. The Finance Officer shall be bonded with a Surety Company Bond as set forth in Article X, Section 4, of the Bylaws.

Section 4. STATE JUDGE ADVOCATE: The State Judge Advocate shall advise the State Officers and the State Executive Committee on all legal matters, including the construction and interpretation of the State Constitution and By-Laws, and shall perform such other duties as are usually incident to the office. The Judge Advocate shall advise the legislative counsel on all matters incident to the latter's duties and incident to the drawing of legislative petitions and proposed legislation. The Judge Advocate shall be the

parliamentarian at all state conferences and conventions and advise the chairman as to rulings on procedure.

- Section 5. STATE SERVICE OFFICER: The State Service Officer shall be the welfare officer of the State Organization. The State Service Officer shall be directly concerned with all matters pertaining to the social and material welfare of members and shall particularly be concerned in the assistance of all members in securing all rights and privileges accorded them by law. The State Service Officer shall act as liaison officer between the State Executive Committee and Federal and State Agencies charged with veterans' affairs, and shall also act in direct assistance to Post Service Officers. The State Service Officer shall be appointed by the State Commander.
- Section 6. PUBLIC RELATIONS OFFICER: The State Public Relations Officer shall keep the public informed relative to the activities of the State Organization, in order to build and maintain good will toward the organization. The Public Relations Officer's tenure of office shall at all times be subject to the will of the State Executive Committee.
- Section 7. STATE CHAPLAIN: The State Chaplain shall perform such duties and non-sectarian services as may be necessary, adhering to the appropriate ceremonial rituals.
- Section 8. STATE HISTORIAN: The State Historian shall compile from year to year all records of historical value and interest for the State Department. The Historian shall also assist Post Historians so as to coordinate and unify the work of these officials and shall perform such other duties as the State Executive Committee shall prescribe.
- Section 9. STATE PROVOST MARSHAL: The State Provost Marshal shall maintain order at all meetings and conventions. The Provost Marshal shall distribute, collect, and count ballots and shall announce the results of the voting. The Provost Marshal shall perform such other duties as may be requested by the State Commander.
- Section 10. STATE EXECUTIVE DIRECTOR: The State Executive Director shall be the administrative officer of the State Department, and shall make and keep the records and correspondence of the State Department, its Convention, Conferences, and State Executive Committee meetings. The Executive Director shall perform such other duties as are usually incident to the office. All correspondence regarding membership shall go through the State Department to National Department.

#### **ARTICLE IX. LOCAL POST**

- Section 1. Local Posts may be formed by any ten (10) eligible individuals by making application to the State Department. If the Department approves, a Charter shall be issued. Each Charter shall be signed by the National Commander, National Executive Director, State Commander and State Executive Director.
- Section 2. Local Posts shall be subject to the jurisdiction of the National and State Headquarters and Uniform Post Constitution and By-laws if any provisions of a local post standing rules conflict with or is contrary to, the provisions of the State and National Constitution shall prevail.
- Section 3. Local post delegates to the National Convention shall be elected by each post in accordance with the State and National Constitution.
- Section 4. Election of all post officers shall be held annually between May 1 and June 30, and all duly elected officers shall be installed and assume office no later than July 1.
- Section 5. All posts shall conduct at least two (2) Veterans Service programs and one community service program per year and said year shall coincide with the fiscal year (July 1-June 30) for the Department of Ohio. Each post shall report directly to the District Commander the activities of the Post's Veterans and Community Service Programs. Failure to

comply with the programs or reporting shall be considered cause for suspension, revocation, or placement of trusteeship of the post charter.

- Section 6. The State Executive Committee may suspend, cancel, revoke, or place under Trusteeship, a Post Charter. Any Post whose Charter is revoked or suspended may appeal to the National Executive Committee by notifying the National Executive Director by registered mail of its desired appeal within 15 days after receipt of notice.
- Section 7. Any post failing to meet the obligations imposed upon it by this Constitution and By-Laws, or ceasing to function for six (6) months as a Post of the American Veterans, AMVETS, Department of Ohio, or voluntarily ceasing to function as a Post, or merging with one or more other Posts, or refusing, or failing to pay the State per capita dues, or under such other conditions, as might make such action necessary, shall upon the order of the State Executive Committee, surrender its Charter. Upon failure to surrender such Charter, immediate steps may be taken for its revocation, suspension, or cancellation.
- Section 8. Upon revocation, cancellation, or suspension of the Charter of a Post of the American Veterans, AMVETS, Department of Ohio, said post shall immediately cease operations, and upon revocation or cancellation shall turn over its Charter to the State Commander or State Executive Committee. The State Executive Committee is authorized, empowered, and directed by and through its duly authorized agent to take possession, custody and control of all the records, property and assets of said posts. Provided, however, that nothing herein shall be construed as requiring the State Department to take over or assume any financial responsibility of such property, except that the State Executive Committee, may in its discretion, pay off existing liabilities. The Executive Committee may provide for the transfer of members in said post to other posts of their choice, subject to the approval of such other posts, or reorganize said post.

#### **ARTICLE X. FINANCE**

- Section 1. Each Post shall remit annually to the State the sum of seven dollars (\$7.00) for each member of the Post. Thirteen dollars (\$13.00) for each member shall be remitted to National through the State Department. The Post shall retain the balance of the annual membership fee. The annual membership fee for each member shall not be less than the sum of twenty dollars (\$20.00). The above dues are effective with the start of the 2008 membership year.
- Section 2. Funds received by the Ohio Department of American Veterans, AMVETS, from the sale of a Life Membership, shall be placed in a separate Trust Account. This money shall only be withdrawn in the amount at the beginning of each year, equal to the amount that the Ohio Department of American Veterans, AMVETS, receives from each regular one (1) membership. In the event that any Life Member shall become deceased within the span of years which his or her funds in the Life Membership Trust Account will cover, any balance in this Life Membership Trust Account from his or her membership shall be withdrawn at the beginning of the next year and be wholly placed in the General Fund of the Ohio Department of American Veterans, AMVETS.
- Section 3. There shall be an audit by an accrediting CPA at the close of each Annual Department Convention, to be completed no later than October 1, of each year. Upon completion of the audit, the Finance Officer, with the assistance of the State Executive Director, shall have sufficient number of copies of the financial report prepared so that each Post shall receive one copy of said report at the Fall Conference.
- Section 4. The Finance Officer shall be bonded for not less than two-hundred thousand dollars (\$200,000.00) or at least twice the sum in the State Treasury, whichever is greater. The State Commander and State Executive Director shall be bonded for one-hundred thousand dollars (\$100,000.00) each. The Executive Director shall have headquarters

staff bonded for fifty thousand dollars (\$50,000.00) or at least twice the sum of funds they may handle in any one fiscal year.

Section 5. The fiscal year shall be July 1 to June 30.

#### **ARTICLE XI. DISCIPLINE**

Section 1. All members and local Posts shall conform to this Constitution and the By-Laws and regulations adopted thereunder.

Section 2. The State Executive Committee may suspend, cancel or revoke a Post Charter only in accordance with the AMVETS National Department Uniform Code of Procedure for the Revocation, Cancellation, or Suspension of Post Charters and further, in accordance with Article IV, Section 1 of the AMVETS National By-Laws.

Section 3. In the event of suspension of a Post Charter, the State Executive Committee is empowered to take over the operation of the Post, but is bound by the Uniform Post Constitution and By-Laws, in accordance with the Guidelines for Trusteeship.

#### **ARTICLE XII. DISCIPLINE OF POST AND POST MEMBERS**

Section 1. Each post of the American Veterans, AMVETS, Department of Ohio, shall be the judge of its own membership, subject to the restrictions of the Constitution and By-Laws of the State Organization and the Constitution and By-laws of the National Organization.

Section 2. Members shall be suspended or expelled by a post, upon a proper showing of cause. Written charges which shall be furnished the member involved at least thirty (30) days prior to that date set for the hearing, shall be based upon disloyalty, neglect of duty, dishonesty, and conduct unbecoming a member of AMVETS. All questions affecting the eligibility for office and conduct of Post Officers shall be determined by the Post involved, which shall be the final authority. Any suspension or expulsion of a member shall conform to the National uniform code of Procedure for the suspension or expulsion of a member.

Section 3. Any member whose membership is suspended or forfeited may appeal to the next highest level applicable from that which heard the charges and specifications, i.e. from Post Executive Committee to State Executive Committee; from Department Executive Committee to National Executive Committee. Notice of appeal must be filed with the appellate body not later than fifteen (15) days after the imposition of the penalty. Said notice must be in writing, and must further conform to the National Uniform code of Procedures for the Suspension or Expulsion of a Member.

Section 4. A member whose dues for the year have not been paid before the expiration date mentioned on the National Membership card shall be dropped from the membership roll unless an extension is granted by the National Executive Committee.

Section 5. Any member resigning, being suspended or whose membership is revoked, shall have their name directed to the State and National Headquarters.

Section 6. (I) AMVET CLUBS

A. All AMVET Clubs or homes shall be incorporated within the laws of the State of Ohio.

B. Any applications for incorporation must be approved by the Ohio Department of AMVETS and such approval to be enclosed with the application and signed by the State Executive Director.

C. Any new post chartered by AMVETS in the Department of Ohio, within its first five (5) years of operation, is required to submit any and all contracts written or verbal concerning the management of post club rooms to the State Executive

Committee for approval of said committee. Any contracts as stated in this section that are not approved by the State Executive Committee shall be considered null and void.

#### (II) PERMIT APPLICATIONS

- A. No post shall make applications for, or attempt to secure a renewal, transfer, or substituted liquor permit of any class without due prior approval of the Ohio Department of AMVETS, said approval to be enclosed thereon and signed by the State Executive Director. The State Executive Director shall not approve any new liquor application of any Post unless such post has obtained a minimum of forty (40) members in good standing. At the commencement of the next succeeding calendar year after the adoption of this amendment, all renewal applications shall be considered as "first annual renewals" and the State Executive Director shall not approve such renewal application unless the post submitting such has obtained a minimum of sixty (60) members, thereafter, the necessary minimum membership shall increase by twenty (20) members until a minimum membership of one hundred (100) has been obtained and further, that such one hundred (100) minimum membership shall be maintained annually thereafter. Nothing contained within this section shall be misconstrued as prohibiting the Ohio Department of AMVETS from imposing other requirements in addition hereto prior to granting approval of any liquor application of any Post.
- B. Such application when submitted to Ohio Department of AMVETS shall be accompanied by statements signed and sworn to by the Post Commander and Finance Officer, such statements to reveal:
  - 1) The expenditure which is contemplated for establishment of club rooms, fixtures, etc.
  - 2) A financial statement as obtained by audit within past thirty (30) days.
  - 3) The term of the lease, if any, or other tenancy or owner-ship arrangements or premises.

#### (III) POST CONTROL

- A. Any post having club rooms shall adhere to the following practices:
  - 1) A monthly club financial statement shall be presented to the post in duplicate for its approval.
  - 2) Club room rules shall be drafted by the Board of Trustees and submitted to the post for approval.
  - 3) Club room rules shall be posted in a conspicuous place in the club room.
  - 4) Minutes of all Board of Trustees meetings shall be maintained and shall be submitted with the financial statement at a regular post meeting for the post approval.
  - 5) All records pertaining to the management and operation of the Club or Post shall be kept on the post premises.
  - 6) The compensated club manager, steward, bar manager, or any club employees, etc., may not be a member of the Post Board of Trustees, as this would present a conflict of interest.

#### (IV) POST FINANCE

- A. All Post and related accounts shall be kept in accordance with generally accepted accounting procedures.

(V) ADMINISTRATION

- A. The State Executive Director shall be required to supervise and pass on all applications for state issued licenses or permits.
- B. Each State District Commander shall be required to report quarterly on each Post having a liquor license or operating a Club Room. The State District Commanders must submit at least six (6) monthly reports to the State Headquarters outlining the status of all posts in his District. Half of the above reports must be submitted prior to, and half after January 1. These minimums may constitute cause to be refused expenses and/or removal from office by the State Executive Committee.
- C. The State Executive Committee may establish further rules and regulations and cause to be printed such circulars and forms as will expedite and enforce compliance with all provisions of any section of this act, and the Director's discretion in the formation of such additional rules shall be limited only by the provision of said act, subject always to the approval of the SEC, Conferences or Conventions.
- D. Each elected post official shall enforce observance of these acts and each provision thereof.

(VI) ENFORCEMENT

- A. The State Executive Committee shall be empowered to:
  - 1) Conduct hearing on ten (10) days notice thereof to an offending post, officer, or member relative to any infringement or breach of the rules established herein.
  - 2) To recommend the suspension, revocation or placement under Trusteeship of any membership or Post Charter in accordance with procedure set forth in State Constitution after one (1) warning to be sent by registered mail with return receipt requested.
  - 3) Place any post on a probationary status. Probationary status is a disciplinary step prior to trusteeship. While under probation, the District Commander and District Officers, through the department, shall assist and advise the post as to the operation of the post and clubroom.

**ARTICLE XIII. MEMBERSHIP**

- Section 1. Membership in the American Veterans, AMVETS, Department of Ohio, is membership in the National Organization or the American Veterans, AMVETS, by affiliation with any chartered post.

**ARTICLE XIV. SUBORDINATE ORGANIZATIONS**

- Section 1. (A) A subordinate organization of AMVETS may be established only by a provision of the National Constitution and By-laws.  
(B) All subordinate organizations' membership qualifications must be consistent with the aims and purposes of AMVETS.
- Section 2. All AMVET subordinate organizations shall pay membership dues in concert with the parent organization.

## **ARTICLE XV. LADIES AUXILIARY**

- Section 1. The American Veterans, AMVETS, Department of Ohio, recognize the subordinate organization known as the "Ladies Auxiliary of AMVETS, American Veterans, Department of Ohio."
- Section 2. (A) Eligibility for membership in the AMVETS Ladies Auxiliary shall be limited to the mothers, wives and grandmothers, regardless of age, and to the daughters, sisters, and granddaughters, not less than 18 years of age, of 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 after September 15, 1940, or as an American citizen in the Armed Forces of Allied countries after September 15, 1940, and before May 8, 1975, who maintain their AMVET membership unless they meet the established eligibility criteria. The term mother shall be construed to include any female member of the family, or any female guardian of such person or deceased veteran, who has exercised or is exercising the care and responsibility for the rearing of such person or deceased veteran.
- (B) Any member of the ladies auxiliary who has been duly recognized as a member of the auxiliary under the provisions of 2(A) herein shall be allowed to remain a member of the ladies auxiliary so long as she remains a member in good standing.
- Section 3. Membership in the Ladies Auxiliary shall be in accordance with the National Constitution and By-Laws. The Ohio department ladies auxiliary shall be under the jurisdiction of the Ohio department of AMVETS. The department ladies auxiliary shall be identical in geographical limits to the Ohio AMVETS department and be known and identified by the same name.
- Section 4. The Ladies Auxiliary shall be governed in each Post by such rules and regulations as may be prescribed by the State Executive Committee of the parent organization and approved by such Post.
- (A) Each ladies auxiliary shall be affiliated with an AMVET post and carry the corresponding number of that post.
- (B) No ladies auxiliary to any post shall be formed until approved by two-thirds vote of the members present at a stated meeting, with due notice of the proposed information having been given the entire membership of said post 15 days prior to such meeting.
- (C) Each local ladies auxiliary shall be under the jurisdiction of the post whose number it bears.
- (D) Where no post exists, a ladies auxiliary shall not be formed.
- (E) Any ladies auxiliary not affiliated with an existing AMVET post shall not be recognized and shall surrender its charter and such properties it may possess to the duly recognized ladies auxiliary officer or officers in accordance with the constitution of the National Ladies Auxiliary.
- Section 5. (A) A post may, by a vote of two-thirds of its members present at a meeting, following a printed or written notice mailed or delivered to each member of the post in good standing at least 10 days before said meeting, vote to disband its ladies auxiliary. Such notice shall show contemplated action and be certified to and forwarded through the state department of AMVETS with proper notice in writing to the National Ladies Auxiliary Liaison Officer, the Department Ladies Auxiliary President, and to the National Commander, who shall direct the

cancellation of the charter of the ladies auxiliary only after investigation by the Commander that is in the best interest of AMVETS to do so.

- (B) In the case of the discontinuance of a post by voluntary surrender of its charter or by a forfeiture or revocation of the charter, its ladies auxiliary, if any, shall continue in being for a period of not more than one year.
- (C) The National Commander may direct a suspension or cancellation of the charter of any ladies auxiliary on recommendation of the Department Commander when it is shown that the ladies auxiliary has become a detriment to the post.

Section 6. In the event of the surrender, cancellation or forfeiture of a ladies auxiliary charter to a post, all monies, official records, property and other paraphernalia shall be surrendered to such officer or officers as the rules and regulations of the National Ladies Auxiliary provide. In case such ladies auxiliary is reinstated or reorganized within a period of three years, such monies, papers, etc., originally forfeited by such ladies auxiliary, shall be delivered to such reorganized or new ladies auxiliary in connection with the charter.

Section 7. (A) The State Ladies Auxiliary President shall, within thirty (30) days after induction into said office, transmit to the State Commander a complete itemized report of the financial standing of the Auxiliary for the information of the Commander; and the State Executive Committee if requested.

- (B) All books and records of the Ohio department Ladies Auxiliary shall be made available on request to the State Commander or State Executive Committee for either examination or audit.

Section 8. No state fund-raising activities can be sponsored by the State Ladies Auxiliary or any of its subordinates without prior approval of the State Executive Committee.

#### **ARTICLE XVI. SACKETTES**

Section 1. AMVETS recognizes a subordinate organization known as the Sackettes, a fun and honor organization of the AMVETS Ladies Auxiliary.

Section 2. No state fund-raising activities can be sponsored by the Sackettes or any of its subordinates without prior approval of the State Executive Committee.

#### **ARTICLE XVII. SAD SACKS**

Section 1. The American Veterans, recognize a subordinate organization known as "AMVETS Sad Sacks" of American Veterans who have served or are serving in the Armed Forces of the United States during and since World War II.

Section 2. Membership in Sad Sacks shall be limited to members who have done outstanding work for, and are in good standing of AMVETS.

Section 3. No state fund-raising activities can be sponsored by the State Sad Sacks or any of its subordinates without prior approval of the State Executive Committee.

Section 4. The State Saddest Sad Sack shall, within thirty (30) days after induction into said office, transmit to the State Commander a complete itemized report of the financial standing of the Sad Sacks for the information of the Commander; and the State Executive Committee if requested.

#### **ARTICLE XVIII. SERVICE FOUNDATION**

Section 1. An Ohio Department of AMVETS Service Foundation may be established having such duties as performing such service for veterans as may be provided for in its Articles of Incorporation, Constitution and By-Laws.

## **ARTICLE XIX. AMVETS CAREER CENTER**

- Section 1. The Ohio Department of AMVETS Career Center may be established as a separate corporation having duties and performing services for veterans and the organization as may be provided for in its Articles of Incorporation, Constitution and By-laws.

## **ARTICLE XX. OHIO AMVETS CHARITIES**

- Section 1. The Ohio AMVETS Charities may be established as a separate corporation having duties and performing services for veterans and the organization as may be provided for in it Articles of Incorporation, Constitution and By-laws.

## **ARTICLE XXI. JUNIOR AMVETS**

- Section 1. The American Veterans, AMVETS, Department of Ohio, recognize the subordinate organization known as the "Junior AMVETS, American Veterans, Department of Ohio."

- Section 2. (A) Eligibility for membership in the Junior AMVETS shall be limited to the sons, daughters, brothers and sisters, and grandchildren of AMVETS, deceased members of AMVETS, and members of the Auxilliary and servicemen who died and who would have been eligible for membership in the AMVETS, including all children that they may be legal guardian of, from the ages of seven to, and including, seventeen years. A local organization may be formed by ten eligible individuals, approved by both the local AMVETS Post and the State Department of AMVETS, and if one exists, the State Department of Junior AMVETS. Charters will be issued by the National Department, Junior AMVETS.

- Section 3. Membership in the Junior AMVETS shall be in accordance with the National Constitution and By-Laws. The Ohio department Junior AMVETS shall be under the jurisdiction of the Ohio department of AMVETS. The Ohio department Junior AMVETS shall be identical in geographical limits to its respective AMVET department and be known and identified by the same name.

- Section 4. The Junior AMVETS shall be governed in each Post by such rules and regulations as may be prescribed by the State Executive Committee of the parent organization and approved by such Post.

- (A) Each Junior AMVETS shall be affiliated with an AMVET post and carry the corresponding number of that post.
- (B) No Junior AMVETS to any post shall be formed until approved by two-thirds vote of the members present at a stated meeting, with due notice of the proposed information having been given the entire membership of said post 15 days prior to such meeting.
- (C) Each local Junior AMVETS shall be under the jurisdiction of the post whose number it bears.
- (D) Where no post exists, a Junior AMVETS shall not be formed.
- (E) Any Junior AMVETS not affiliated with an existing AMVET post shall not be recognized and shall surrender its charter and such properties it may possess to the duly recognized Junior AMVETS officer or officers in accordance with the constitution of the National Junior AMVETS.

- Section 5. (A) A post may, by a vote of two-thirds of its members present at a meeting, following a printed or written notice mailed or delivered to each member of the post in good standing at least 10 days before said meeting, vote to disband its Junior AMVETS. Such notice shall show contemplated action and be certified to and forwarded through the state department of AMVETS with proper notice in

writing to the National Junior AMVETS Liaison Officer, the Department Junior AMVETS President, and to the State Commander, who shall direct the cancellation of the charter of the Junior AMVETS only after investigation by him that is in the best interest of AMVETS to do so.

- (B) In the case of the discontinuance of a post by voluntary surrender of its charter or by a forfeiture or revocation of the charter, its Junior AMVETS, if any, shall cease.
- (C) The State Commander may direct a suspension or cancellation of the charter of any Junior AMVETS on recommendation of the Post Commander having jurisdiction, when it is shown that the Junior AMVETS has become a detriment to the post.

Section 6. In the event of the surrender, cancellation or forfeiture of a Junior AMVETS charter to a post, all monies, official records, property and other paraphernalia shall be surrendered to such officer or officers as the rules and regulations of the National Junior AMVETS provide. In case such Junior AMVETS is reinstated or reorganized within a period of one year, such monies, papers, etc., originally forfeited by such Junior AMVETS, shall be delivered to such reorganized or new Junior AMVETS in connection with the charter.

- Section 7.
- (A) The State President of the Junior AMVETS, within 30 days after induction to said office, shall transmit to the State Commander for the Commander's information and that of the State Executive Committee, a complete itemized report of the financial standing of the State Junior AMVETS.
  - (B) All books and records of the State Junior AMVETS shall be made available on request to the State Commander or State Executive Committee for either examination or audit.

Section 8. The State Junior AMVETS President shall, within thirty (30) days after induction into said office, transmit to the State Commander a complete itemized report of the financial standing of the Junior AMVETS for the information of the Commander; and the State Executive Committee if requested.

Section 9. No state fund-raising activities can be sponsored by the State Junior AMVETS without prior approval of the State Executive Committee.

## **ARTICLE XXII. SONS OF AMVETS**

Section 1. The American Veterans, AMVETS, Department of Ohio, recognize the subordinate organization known as the "Sons of AMVETS, American Veterans, Department of Ohio."

- Section 2.
- (A) Eligibility for membership in the Sons of AMVETS shall be limited to all male descendants, adopted sons, stepsons, fathers, husbands, widowers and brothers of AMVET members, deceased AMVET members or deceased service personnel who would have been eligible for membership in the parent organization, and is at least eighteen years old. This is not to include in-laws of any type. All Charters for the Sons of AMVETS shall be issued by Sons of AMVETS National Headquarters, at the direction of the National Commander, Sons of AMVETS.
  - (B) Any member of the Sons of AMVETS who has been duly recognized as a member of the Sons of AMVETS under the provisions of 2(A) herein shall be allowed to remain a member of the Sons of AMVETS so long as he remains a member in good standing.

Section 3. Membership in the Sons of AMVETS shall be in accordance with the National Constitution and By-Laws. The Ohio department Sons of AMVETS shall be under the jurisdiction of the Ohio department. The Ohio department Sons of AMVETS shall be

identical in geographical limits to its respective AMVET department and be known and identified by the same name.

Section 4. The Sons of AMVETS shall be governed in each Post by such rules and regulations as may be prescribed by the State Executive Committee of the parent organization and approved by such Post.

- (A) Each Sons of AMVETS shall be affiliated with an AMVET post and carry the corresponding number of that post.
- (B) No Sons of AMVETS to any post shall be formed until approved by two-thirds vote of the members present at a stated meeting, with due notice of the proposed information having been given the entire membership of said post 15 days prior to such meeting.
- (C) Each local Sons of AMVETS shall be under the jurisdiction of the post whose number it bears.
- (D) Where no post exists, a Sons of AMVETS shall not be formed.
- (E) Any Sons of AMVETS not affiliated with an existing AMVET post shall not be recognized and shall surrender its charter and such properties it may possess to the duly recognized Sons of AMVETS officer or officers in accordance with the constitution of the National Sons of AMVETS.

Section 5. (A) A post may, by a vote of two-thirds of its members present at a meeting, following a printed or written notice mailed or delivered to each member of the post in good standing at least 10 days before said meeting, vote to disband its Sons of AMVETS. Such notice shall show contemplated action and be certified to and forwarded through the state department of AMVETS with proper notice in writing to the National Sons of AMVETS Liaison Officer, the Department Sons of AMVETS Commander, and to the State Commander, who shall direct the cancellation of the charter of the Sons of AMVETS only after investigation by him that is in the best interest of AMVETS to do so.

- (B) In the case of the discontinuance of a post by voluntary surrender of its charter or by a forfeiture or revocation of the charter, its Sons of AMVETS, if any, shall cease.
- (C) The National Commander may direct a suspension or cancellation of the charter of any Sons of AMVETS on recommendation of the Department Commander having jurisdiction, when it is shown that the Sons of AMVETS has become a detriment to the post.

Section 6. In the event of the surrender, cancellation or forfeiture of a Sons of AMVETS charter to a post, all monies, official records, property and other paraphernalia shall be surrendered to such officer or officers as the rules and regulations of the National Sons of AMVETS provide. In case such Sons of AMVETS is reinstated or reorganized within a period of one year, such monies, papers, etc., originally forfeited by such Sons of AMVETS, shall be delivered to such reorganized or new Sons of AMVETS in connection with the charter.

Section 7. (A) The State Commander of the Sons of AMVETS, within 30 days after induction to said office, shall transmit to the State Commander for the Commander's information and that of the State Executive Committee, a complete itemized report of the financial standing of the State Sons of AMVETS.

- (B) All books and records of the State Sons of AMVETS shall be made available on request to the State Commander or State Executive Committee for either examination or audit.

Section 8. The State Sons of AMVETS Commander shall, within thirty (30) days after induction into said office, transmit to the State Commander a complete itemized report of the financial standing of the Sons of AMVETS for the information of the Commander; and the State Executive Committee if requested.

Section 9. No state fund-raising activities can be sponsored by the State Sons of AMVETS or any of its subordinates without prior approval of the State Executive Committee.

### **ARTICLE XXIII. TRANSFER OF POSTS**

Section 1. Posts of the American Veterans, AMVETS, which may transfer from one place to another, and are organized under a Department may transfer to the Department of Ohio in a manner similar to the transfer of individuals from one post to another.

### **ARTICLE XXIV. RESTRICTED USE OF ORGANIZATION**

Section 1. The American Veterans, 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, organization, political party or fraction thereof. Any violation of this provision shall be sufficient cause for suspension or revocation of any Post or component part thereof.

### **ARTICLE XXV. MEETINGS**

Section 1. All meetings and all matters and proceedings not otherwise provided for herein shall be conducted pursuant to Robert's Rules of Order.

### **ARTICLE XXVI. STATE FLOWER**

Section 1. The State Flower shall be the four-leaf white clover, meaning "Think of Me."

### **ARTICLE XXVII. UNIFORMS**

Section 1. No uniform or insignia shall be worn by the members of the Posts of the Department of Ohio, except by approval of the State Executive Committee.

### **ARTICLE XXVIII. VOTING**

Section 1. Voting for elective officers at the State Convention shall be by registered delegates or by written ballot, if two-thirds of delegates approve same.

### **ARTICLE XXIX. ELECTION OF STATE DISTRICT COMMANDERS**

Section 1. State of Ohio is to be divided into ten (10) geographical Districts for the purpose of electing their own State District Commander and area of operation for each District.

Section 2. Districts are as follows:

1<sup>st</sup> District: Darke, Preble, Butler, Hamilton, Clermont, Brown, Warren, Clinton, Montgomery, Greene, Clark, Miami, Shelby, and Champaign

7<sup>th</sup> District: Faith, Pickaway, Fairfield, Highland, Ross, Adams, Pike, and Scioto Counties.

9<sup>th</sup> District: Williams, Defiance, Paulding, Van Wert, Mercer, Auglaize, Allen, Putnam, Henry, Fulton, Logan, Hardin, Hancock, Wood, and Lucas Counties.

12<sup>th</sup> District: Madison, Union, Franklin, Delaware, Marion, Morrow, Crawford, Richland, Knox, Licking, Perry, and Wyandot Counties.

- 13<sup>th</sup> District: Erie, Huron, Ottawa, Sandusky, Seneca, and Lorain Counties.
- 16<sup>th</sup> District: Ashland, Wayne, Holmes, Stark, Coshocton, Muskingum, Guernsey, and Tuscarawas Counties.
- 17<sup>th</sup> District: Belmont, Harrison, Jefferson, and Monroe Counties.
- 19<sup>th</sup> District: Columbiana, Mahoning, Trumbull, and Carroll Counties.
- 20<sup>th</sup> District: Cuyahoga, Medina, Lake, Geauga, Ashtabula, Summit, and Portage Counties.
- 21<sup>st</sup> District: Lawrence, Gallia, Jackson, Meigs, Vinton, Athens, Hocking, Morgan, Washington, and Noble Counties.

*\*New District will not elect officers or commander until they meet the requirements of the Constitution and By-laws.\**

- Section 3. No District shall elect a State District Commander unless there is a minimum of three (3) Posts and two Hundred and fifty (250) members in the district. All Posts located in a District with less than these minimum shall be assigned by the State Commander to a neighboring District for the purpose of electing a State District Commander until such a time as the District reaches minimum Post and membership requirements. If, after reaching District status, the membership falls below the minimum requirements, the said District will lose its voice and vote on the State Executive Committee and any and all rights and privileges thereto appertaining, until such time as it once again reaches and maintains the minimum standard of membership.
- Section 4. State District Commanders will be nominated and elected at the District meeting immediately preceding the State Convention. State District Commander for a District must be a member of a post within that District for a minimum of twelve (12) months. Only members of the District can nominate, or second a candidate from their District.
- Section 5. Members from the same post cannot hold State district Commandership for more than two (2) consecutive years unless there are no candidates from other posts in their geographical District.
- Section 6. If there are not any candidates for State District Commander from a District, the newly elected State Commander will appoint a qualified AMVET from the area as its State District Commander. This is to be done within thirty (30) days after the State Convention. In addition, if a State Vice Commander, or State District Commander, should die, resign, or be removed from office, the State Commander will appoint a new State Vice Commander, or District Commander. The State District Commander must be from the same District as the vacancy they fill, this vacancy will be filled within thirty (30) days. The appointment shall be in effect until the next State Convention.

**ARTICLE XXX. GUIDELINES FOR POST TRUSTEESHIP**

- Section 1. UNIFORM PROCEDURE FOR TRUSTEESHIP
  - A. The Commander, Executive Director, Inspector General, and District Commander, with the unanimous confirmation and approval of the Hearing Committee may declare a post in Trusteeship.
  - B. Positions for three (3) trustees shall be appointed by the Commander (substitutions may be necessary due to conflicts of interest):
    - 1. District Commander
    - 2. District Adjutant
    - 3. District Finance Officer

- C. The Trustee Oversight Committee shall consist of:
  - 1. State Commander
  - 2. Executive Director
  - 3. Inspector General
- D. State Appointed Trustees are to submit written reports on at least a weekly basis to the Trustee Oversight Committee.

Section 2. ELECTIONS

- A. Post Officers will hold office until the next succeeding Post meeting at which time new Post Officers must be selected in accordance with the Post Constitution and By-Laws to carry on the work of the Post. Notice of said selection of Post Officers shall be given in writing to all Post members in good standing by the trustees within seven (7) days after the declaration of 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 run for any post office for a 3 year period, starting at the time the post is placed under trusteeship.

Section 3. TRUSTEES DUTIES AND RESPONSIBILITIES

- A. Review and audit all financial records.
- B. Property and Inventory. The trusteeship shall encompass all inventory, all equipment and the building of the post and the post club. The Trusteeship shall be subject to the provisions of National Constitution and By-Laws Article IV, Sections, 1, 2, 3, and 4.
- C. The trustees shall supervise all Post/Club Funds.
- D. At least one trusteeship signatory shall be required in addition to one authorized Post/Trustee signatory on all post and club accounts.
- E. The trustees shall supervise the payment of any/all expenditures for purchases.
- F. The trustees shall review all licenses, permits, contracts, agreements and transactions of the Post and Clubroom prior to execution and in accordance to AMVETS Constitution and By-Laws.
- G. The trustees shall conduct all Post Meetings until election of new Post Officers.
- H. State Appointed Trustees shall be subject to and report to the Trusteeship Oversight Committee.
- I. Said trustees shall be bonded - State Department shall pay for the bond and be reimbursed by Post if funds are available. Said bond shall be no less than the amount of the Post assets.

Section 4. POSTS

- A. The Post will continue to operate and function as a Post and will operate and function as prior to Trusteeship, but will be subject to the State Appointed Trustees.
- B. The Post will continue Programs, Membership drives, VAVS, Fund raising, and any other programs incidental to Post, subject to approval of State Appointed Trustees.
- C. The Trusteeship shall be in effect and reviewed at all SEC meetings, Conference and Conventions and said Trusteeship is not to be removed until good and

responsible management is shown and until all accounts are current; This shall include all taxing authority liabilities and reports being current.

- D. Upon removing the State imposed Trusteeship, the State Inspector General or the authorized representative will conduct a minimum of two unannounced inspections within the first calendar year thereafter.

#### **ARTICLE XXXI. DEFINITIONS**

- Section 1. The Constitution has been made gender neutral, however if the word "HE" appears in either the Constitution or By-Laws of the American Veterans, AMVETS, Department of Ohio, shall be construed as referring to both sexes.

#### **ARTICLE XXXII. AMENDMENTS TO THE BYLAWS**

- ~~Section 1. These By-Laws may be amended by any State Convention by a majority vote of the total authorized delegates present. All Proposed amendments must be submitted by a post to the State Executive Director by May 1 and the Director shall notify all Posts and Constitution and By-Laws Committee members in writing at least thirty five (35) days prior to the State Convention of any and all proposed changes. The Constitution and By-Laws Committee shall report the same for action at the State Convention. These By-Laws, however, may be amended at any Convention without notice by unanimous vote of all delegates.~~

- Section 1. These Bylaws may be amended at any Ohio AMVETS State Convention by a majority vote of the delegates present at any Ohio AMVETS State Convention. Proposed amendment for action of the State Convention must be submitted by a Post, the State Executive Committee, Department Headquarters or a Standing State Committee to the State Commander no later than April 1 and by the State Commander and/or the proposing body to the several post and members of the State Executive Committee, by mail, postmarked at least 30 days prior to the opening date of the next State Convention.*

- Section 2. These Bylaws, however, may be amended by any State Convention without notice by a two-thirds vote.*

- Section 3. No amendment, however, may be adopted unless the same is referred to the Constitution and Bylaws Committee, considered by it and reported on at the State Convention.*

- Section 4. Amendments to these Bylaws shall take effect immediately upon adoption, unless otherwise specified by the adopted resolution.*

# UNIFORM POST CONSTITUTION AND BY-LAWS FOR THE AMVETS DEPARTMENT OF OHIO

AMVETS Post # \_\_\_\_\_ (city) \_\_\_\_\_ (state) \_\_\_\_\_ (date)

## CONSTITUTION

### PREAMBLE

We, the American Veterans who have served or are serving in the Armed Forces of the United States during and since World War II, fully realizing our responsibility to our community, to our State, and to our Nation, associate ourselves for the following purposes: To uphold and defend the Constitution of the United States; to safeguard the principles of freedom, liberty, and justice for all; to promote the cause of peace and goodwill among nations; to maintain inviolate the freedom of our Country; to preserve the fundamentals of democracy; to perpetuate the friendship and associations of these veterans; and to dedicate ourselves to the cause of mutual assistance, this by the Grace of God.

### ARTICLE I. NAME

The name of this organization shall be \_\_\_\_\_ AMVETS Post No. \_\_\_\_\_ Inc. and it shall be hereinafter referred to as the Post.

### ARTICLE II. AIMS

The aims and purposes of this organization are as follows:

- 1) To serve our Country in peace as in war; to build and maintain the welfare of the United States of America toward lasting prosperity and peace for all its inhabitants.
- 2) To encourage, in keeping with the policies of our Government, the establishment of a concrete plan to secure permanent international peace and to assist in the maintenance of international peace.
- 3) To inspire in our membership a sense of responsibility, and to develop leadership for the preservation of our American democratic way of life.
- 4) To help unify divergent groups in the over-all interest of American democracy.
- 5) To train our youth to become purposeful citizens in a democracy with full knowledge of the responsibilities as well as the privileges of citizenship.
- 6) To cooperate with all duly recognized existing veterans organizations in the furtherance of the aims of the veterans who have served or are serving in the Armed Forces of the United States during and since World War II.
- 7) To insure the orderly return of the veteran to civilian life by protecting the veteran's rights as an individual while still in uniform.
- 8) To expedite and assist in the rehabilitation of the veteran by maintenance of employment services, sponsoring educational opportunities, and providing counsel insurance, housing, recreation, personal problems, hospitalization, and veterans benefits.
- 9) To act as a liaison agent between the veteran and the Government.
- 10) To provide an organization to encourage fellowship among all American veterans who have served or are serving in the Armed Forces of the United States during and since World War II.

- 11) To keep the public forever reminded that the veterans of World War II, Korea, Vietnam and those serving in the Armed Forces of the United States thereafter fought or served to preserve peace, liberty, and democracy for their nation.

### **ARTICLE III. MEMBERSHIP**

- Section 1. Any person who served, or is currently serving in the Armed Forces of the United States of America at any time after September 15, 1940, is eligible for regular membership in AMVETS provided such service, when terminated by discharge, or release from active duty, be by honorable discharge, honorable separation or general discharge under honorable conditions.
- Section 2. Any American citizen, as an American citizen, who served in the Armed Forces of an allied nation of the United States at any time after September 15, 1940 and before May 8, 1975, is eligible for regular membership in AMVETS provided such service when terminated by discharge or release from active duty be by honorable discharge or separation.
- Section 3. No person who is a member of, or who advocates the principles of any organization believing in, or working for the overthrow of the United States Government by force, and no American citizen or permanent resident alien in the United States, one of its territories, possessions or the District of Columbia who refuses to uphold and defend the Constitution of the United States, shall be privileged to become, or continue to be a member of this organization.
- Section 4. All United States Reservist and National Guardsmen who are now serving, or have been honorably discharged since September 15, 1940, are eligible for regular membership in AMVETS provided such service when terminated by discharge or release from active duty be by honorable discharge or honorable separation.
- Section 5. There shall be but one form of membership and that shall be active, regular membership.
- Section 6. No person shall be a member of more than one Post at any one time. No person expelled by one Post shall be eligible for membership in any other Post without the consent of the expelling Post or the consent of the State Executive Committee after hearing an appeal.
- Section 7. Membership shall be on a calendar year basis and shall run from January 1 through December 31. Application for membership shall be made on a form similar to that prescribed by National Headquarters and shall be submitted for processing and action at a regular Post meeting. All new members shall submit proof of eligibility with the application.
- Section 8. Eligibility for membership and the rights and privileges of members shall be as provided in the Constitution and By-Laws of AMVETS and the terms of membership and requirements for holding office within AMVETS shall not be discriminatory on the basis of race, color, religion, sex, or national origin.

### **ARTICLE IV. OFFICERS**

- Section 1. Post officers shall consist of a Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Adjutant, Finance Officer, Provost Marshal, Judge Advocate, Public Relations Officer, Chaplain, Historian, Service Officer, and Quartermaster, and such other officers as may be prescribed by the By-Laws. Elected officers of this Post shall consist of a Commander, not more than three Vice Commanders, Adjutant, Finance Officer, Provost Marshal and Judge Advocate.

- Section 2. No officer of any Post can be an employee of that Post, since such employment could be a conflict of interest.
- Section 3. Nomination and Election of officers shall be held annually between May 1 and June 30 at a date fixed by the standing rules. Nominations shall be made from the floor at the general monthly meeting preceding the annual meeting. The membership of the post shall be notified of the dates and times for nomination of officers and the election of officers at least 30 day prior to said nominations and election.

#### **ARTICLE V. EXECUTIVE COMMITTEE**

- Section 1. The elected and appointed officers of the Post, and the immediate Past Post Commander shall constitute the Executive Committee which will be charged with the administrative affairs and property of the Post. The Executive Committee shall formulate the policy of the organization for approval by the members.
- Section 2. Voting members of the Post Executive Committee shall be all Post elected officers and the most immediate Past Commander eligible and willing to serve as determined by the Executive Committee.

#### **ARTICLE VI. PROCEDURES FOR REMOVAL OF A POST OFFICER**

- Section 1. A) Any member in good standing of a post may file charges against an officer of that same post. Said charges must be notarized and submitted in writing to the Post Executive Committee.
- B) Charges may be filed on an officer of a post for any one or more of the following reasons:
- 1) Failure to comply with any obligation imposed on members under the constitution and by-laws;
  - 2) Any violation of law that reflects unfavorably on the name of AMVETS;
  - 3) Any other conduct unbecoming and AMVET;
  - 4) Ineligibility for membership at time of acceptance into membership; or
  - 5) Procurement of membership by fraud or deception.
- C) Upon receipt of said charges, the Post Commander shall, within five (5) days, send a copy thereof by certified mail to the officer complained about, together with a notice fixing a date, place, and time of a hearing to be held not less than thirty (30) days after said date of mailing.
- Section 2. Said charges shall be heard by the Post Executive Committee, at which hearing, the officer complained about shall have the right to be represented by counsel and to cross-examine the accuser or accusers and witnesses presented against the officer. No officer against whom charges have been preferred or who has preferred charges on another officer, shall sit in judgment on any panel hearing or deciding the matter.
- Section 3. The Post Judge Advocate shall prosecute the charges and the attendance of a court reporter shall be permitted.
- Section 4. A) The presiding officer of said executive committee shall decide all questions as to the relevancy of evidence and the regularity of the proceedings.
- B) The presiding officer shall be the Post Commander, unless charges are against said commander, then the First Vice Commander shall preside.
- Section 5. Upon conclusion of the hearing, a vote shall be taken as to whether or not there is a basis for charges. If no basis is found, charges may be dismissed. If charges are not

dismissed, a vote shall be taken as to the guilt or innocence of each of the charges. A two-thirds (2/3) vote of the members of the executive committee hearing the charges shall be required to sustain any charge.

Section 6. If charges are sustained, the officer shall be deemed guilty thereof and the officer presiding at the hearing shall then put forth the question of removing the officer from office.

Section 7. If the officer is removed from office by majority vote of the post executive committee, the office shall be filled according to provisions of Article VII of the Post Uniform Constitution and By-Laws. Said removed officer may appeal the decision of the post executive committee to the state Hearing and Grievance committee. Said appeal must be submitted in writing to the State Commander or Executive Director not later than fifteen (15) days after the imposition of the penalty.

Section 8. The decision of the appellate body shall be binding and final.

### **ARTICLE VII. BOARD OF TRUSTEES**

Section 1. Wherever a post clubroom is maintained and operated for the convenience and pleasure of its members and the name of 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, operations and finances.

Section 2. The board of trustees shall consist of: 3 trustees, Commander, the most immediate Past Commander eligible and willing to serve as determined by the Executive Board, Adjutant, Finance Officer, and Judge Advocate.

Section 3. Officers of the board of trustees shall be the Chairperson, Vice Chairperson, Treasurer, and Secretary. They shall be elected from among the members of the board at the first meeting in the month of July. The chairperson shall vote only in case of a tie.

### **ARTICLE VIII. VACANCIES**

Section 1. In the event of a vacancy in the office of post commander, the first vice commander shall temporarily succeed to that office. Within 45 days, the post at a regularly scheduled general monthly meeting shall nominate and elect a person to complete the unexpired term of the post commander.

Section 2. In the event of a vacancy in the office of post trustee, the post, within 45 days, at a regularly scheduled general monthly meeting shall nominate and elect a person to complete the unexpired term of the post trustee.

Section 3. In the event of a vacancy in any post office regardless of the reason for such vacancy, except as set forth in Article (VIII), Section (1) and (2), the commander shall appoint a post member to fill the vacant office. Such appointment shall be in compliance with all qualifications and restrictions regarding the holding of said office as set forth in any other article of the constitution, bylaws or standing rules of the post, except the requirement of election. On approval of the Post Executive Committee, the appointee shall assume all duties and responsibilities pertaining to the office as though elected.

### **ARTICLE IX. POST ORGANIZATION**

Section 1. This Post shall be governed by the officers chosen in accordance with this constitution and By-Laws and will annually revalidate its charter prior to July 15. Such revalidation shall be evidenced by the issuance of a Revalidation Certificate issued by the National Department upon satisfactory completion of all requirements. Aside from any other requirements imposed in the Department or National Constitution and By-Laws, this Post shall:

- A) Furnish National and the Department Headquarters with a certified list of current Post Officers (AMVETS Officers Form) not later than July 15;
- B) File all required IRS Forms;
- C) Furnish State Headquarters with a copy of the Post's current Standing Rules;
- D) Be fully paid up in all accounts with National and State Headquarters;
- E) Comply with applicable liability insurance and bonding mandates; and
- F) Have a minimum of ten (10) members in good standing at all times.

### **ARTICLE X. SUBORDINATE ORGANIZATIONS**

- Section 1. A) A subordinate organization of AMVETS may be established only by a provision of this Constitution.
- B) All subordinate organizations membership qualifications must be consistent with the aims and purposes of AMVETS.
- Section 2. All AMVETS subordinate organizations shall follow the same membership year and pay membership dues in concert with the Post.
- Section 3. All subordinate organizations shall be under the jurisdiction of the AMVETS Post whose name it bears.
- Section 4. A) A two-thirds (2/3) vote of the AMVETS members present at a stated meeting is required to approve and form a subordinate organization.
- B) AMVETS Post members must be given written notice of such meeting a minimum of 15 days prior to the proposed formation.
- Section 5. No fund raising activities can be sponsored by any subordinate organization without the approval of the AMVETS Post Executive Committee and if paid activities will be held in the Post club room, then approval of the Board of Trustees shall also be required.
- Section 6. Public Fundraising activities or any fundraising activities in excess of \$2500.00 require the prior approval of the AMVETS Department and National organizations in compliance with National By-Laws, Article VII, Section 3(A).

*(This amount of \$2500 was raised to \$10,000 in the National Constitution and Bylaws.)*

### **ARTICLE XI. AUXILIARY**

- Section 1. AMVETS recognizes a subordinate organization known as the AMVETS Auxiliary.
- Section 2. A) Membership eligibility in the AMVETS Auxiliary is limited to the mothers, wives and grandmothers, regardless of age, and to the daughters, sisters and granddaughters not less than 18 years of age of regular members of AMVETS.
- B) Mothers and widows, regardless of age, and daughters, sisters and granddaughters not less than 18 years of age of deceased veterans who would have been eligible for membership in AMVETS.
- C) Female veterans who are members of AMVETS.
- D) Any Auxiliary member who qualifies and joins as a member under the criteria in Section 2 (a), (b) or (c) shall be allowed to remain as an Auxiliary member so long as she remains a member in good standing.
- E) The post adjutant shall determine membership eligibility of the veteran through whom the auxiliary member has made application.

- F) The auxiliary of this post shall submit to the Finance Officer semi annually a complete itemized report of the financial standing of the auxiliary.
- G) Any female veteran who is not eligible for the AMVETS shall not be eligible for membership in the AMVETS Auxiliary.

- Section 3. AMVETS recognizes a subordinate organization to be known as Sackettes, a fun and honor organization of the AMVETS Auxiliary.
- Section 4. Membership in Sackettes shall be limited to members in good standing of AMVETS Auxiliary.
- Section 5. The Sackettes of this post shall submit to the Finance Officer semi annually a complete itemized report of the financial standing of the Sackettes.

### **ARTICLE XII. SAD SACKS**

- Section 1. AMVETS recognizes a subordinate organization known as AMVETS Sad Sacks.
- Section 2. Membership in Sad Sacks shall be limited to members in good standing of AMVETS.
- Section 3. The Sad Sacks of this post shall submit to the Finance Officer semi annually a complete itemized report of the financial standing of the Sad Sacks.

### **ARTICLE XIII. JUNIOR AMVETS**

- Section 1. AMVETS recognizes a subordinate organization known as Junior AMVETS.
- Section 2. Membership eligibility for Junior AMVETS is limited to those from the age of seven (7), to and including 17 years, all sons, daughters, brothers, sisters, and grandchildren of AMVETS, deceased members of AMVETS, members of the auxiliary and deceased servicemen who would have been eligible for AMVETS membership, including all children for whom they are legal guardians.
- Section 3. The Junior AMVETS of this post shall submit to the Finance Officer semi annually a complete itemized report of the financial standing of the Junior AMVETS.

### **ARTICLE XIV. SONS OF AMVETS**

- Section 1. AMVETS recognizes a subordinate organization known as Sons of AMVETS.
- Section 2. Membership eligibility for the Sons of AMVETS shall be limited to all male descendants, grandsons, adopted sons and stepsons, fathers, husbands, widowers and brothers of members of AMVETS and deceased members of AMVETS, or service personnel who died and would have been eligible for membership in the parent AMVETS organization, and are at least eighteen (18) years of age and not eligible for membership in the parent organization. This is not to include in-laws of any type.
- Section 3. The applicant for the Sons of AMVETS must be at least 18 years of age and cannot be a member of nor be eligible for membership in the parent organization of AMVETS.
- Section 4. Any person who has served in the Armed Forces of the United States of America, National Guard or Reserves, shall not be eligible for the Sons of AMVETS.
- Section 5. The post adjutant shall determine membership eligibility of the veteran through whom the Sons member has made application.
- Section 6. The Sons of this post shall submit to the Finance Officer semi annually a complete itemized report of the financial standing of the Sons.

## **ARTICLE XV. AMENDMENTS**

This Constitution may be amended at any State Convention by a sixty (60) per cent vote of the total authorized voting delegates registered. Proposed amendments must be submitted by a Post, or individual member, to the State Executive and Service Director by May 1, and the Director shall notify all Posts and Constitution and By-Laws Committee members in writing at least thirty (30) days prior to the State Convention of any and all proposed changes. The State Constitution and Resolutions Committee shall report the same for action at the State Convention. The Constitution may, however, be amended by any State Convention, without prior notice, by unanimous vote.

## **BY-LAWS**

### **ARTICLE I. QUORUM**

- Section 1. At all regular and special meetings, at least six (6) members present shall constitute a quorum, providing at least one elected officer is present to preside.
- Section 2. A quorum at Executive Committee meetings shall consist of five voting members of the committee.
- Section 3. A quorum of the Board of Trustees meeting shall consist of five members of the committee.

### **ARTICLE II. COMMITTEES**

- Section 1. The following standing Committees shall be appointed by the Commander with the approval of the Executive Committee: Membership, Programs, VAVS/Veterans Welfare, Americanism, Finance and Legislative. The Post Commander shall appoint a Chairman and such members of the post to each committee as are necessary to accomplish the post objectives.
- Section 2. Temporary committees may be appointed by the Commander to expedite projects for the good and welfare of the Post.

### **ARTICLE III. MEETINGS**

- Section 1. There shall be three types of Post meetings: the general monthly meeting, special meetings, and the annual meeting. Post members will be notified in advance of all meetings.
- Section 2. The Executive Board and the Board of Trustees shall meet at least once a month.
- Section 3. The Post's annual and general monthly meeting shall be conducted at a time and place as designated in the standing rules.
- Section 4. The order of business shall be conducted as prescribed in the standing rules.
- Section 5. Special meetings may be called by the Commander or by written notice of at least three members of the post executive board, provided proper notification has been given to the membership or to the executive board, and provided notice not be less than ten days. At special meetings, members can only discuss business that was stated in the notification. If some emergency business is transacted for which no notice was given, that business must be ratified by the organization at a regular meeting or at another special meeting.
- Section 6. Special meetings may be called by the chairman of the board of trustees or by written notice of at least three members of the board of trustees, provided proper notice be sent to all board members. At special meetings, members can only discuss business that was stated in the notification. If some emergency business is transacted for which no

notice was given, that business must be ratified by the organization at a regular meeting or at another special meeting.

Section 7. All meetings and all matters and proceedings not otherwise provided for herein shall be conducted pursuant to Robert's Rules of Order.

#### **ARTICLE IV. ELECTION AND APPOINTMENT OF OFFICERS**

Section 1. A Commander, three Vice Commanders designated as first, second and third Vice Commanders, Adjutant, Finance Officer, Provost Marshal, and Judge Advocate shall be elected annually by members of the Post. A Chaplain, Historian, Service Officer and Public Relations Officer shall be appointed annually by the newly elected Commander with the approval of the Executive Committee.

Section 2. Three Trustees are to be elected from the membership. At the first annual meeting following the adoption of this amendment, one to be elected for a three-year term, one for a two-year term and one to be elected for a one-year term. Thereafter, at the annual meeting one Trustee will be elected to serve a three-year term.

Section 3. Nominations for officers shall be entertained at the general monthly meeting one month preceding the annual meeting. The membership of the post shall be notified of the dates and times for nomination of officers and the election of officers at least 30 days prior to said nominations and election.

Section 4. The election of officers shall be held at the annual meeting of the Post between May 1 and June 30, in accordance with the procedure in the Standing Rules. National and Department Headquarters shall be notified of the election of new officers by the Post Adjutant within thirty (30) days, no later than July 15, after the said elections have been completed.

Section 5. The term of office for the newly-elected and appointed officers shall be July 1 to June 30 and they shall be administered their oath of office prior to assuming the duties of their respective offices.

Section 6. Any elected officer or appointed officer who has three (3) unexcused absences from any required meeting may be removed from office by the members at the next general monthly meeting. The vacated position shall be filled within the guidelines prescribed in the constitution Article VIII Sections 1, 2, and 3.

#### **ARTICLE V. OFFICERS AND THEIR DUTIES**

Section 1. COMMANDER

The commander, as the senior executive officer of the post, shall preside at all meetings of the post and executive committee but may delegate a vice commander to serve as a temporary substitute when needed.

The commander is an ex officio member of all committees. The commander directs and supervises the activities of all elected and appointed officers and committees. Together with the finance officer, the commander is responsible for all monies received by the post.

The commander will ensure that the post meets regularly on the appointed dates unless otherwise dictated by the post membership. It is the commander's responsibility to disseminate, to the membership, all pertinent information that is sent from the department and National Headquarters. In addition to announcements at post meetings, all information should be displayed on post bulletin boards and published in the post newsletter. The commander, or a member appointed by the commander, shall represent

the post at memorial services and community functions, where it is customary that AMVETS or a veterans organization be represented.

The commander shall be the official post spokesperson on all matters of public interest concerning post activities. The public relations officer (PRO) may be called on to assist with press releases, position statements and speech preparation. The position of commander is filled in regular elections as prescribed in the Post Standing Rules.

## Section 2. VICE COMMANDERS

- A) The first vice commander serves as the membership chairman, the membership chairman's duties include but are not limited to retention, recruitment, membership incentive programs and the first vice commander shall chair the membership committee.
- B) The second vice commander shall be responsible for the VAVS/Veterans Welfare programs conducted by this post. The second vice commander shall chair the VAVS/Veterans Welfare committee, which is required to have a minimum of two programs per fiscal year. The second vice commander shall also be the liaison between the AMVETS Department of Ohio V.A.V.S. and this post.
- C) The third vice commander is responsible for programs and their promotion. In the absence of the commander, the vice commanders-in order of their rank-shall preside at meetings and represent the commander.

## Section 3. ADJUTANT

The adjutant provides the administrative support for the post and is charged with taking minutes and maintaining all records. The adjutant is also responsible for correspondence. Among the adjutant's responsibilities, the adjutant should-

- A) Maintain one complete membership master file;
- B) Maintain records of current and past officers. Forward a new list of officers to the department and national headquarters within 30 days, no later than July 15, of the election. Any changes made on the post level must be documented and forwarded to headquarters;
- C) Notify the department and National Headquarters promptly of a member's change of address, change of membership status, disciplinary action or death;
- D) Keep the membership informed of all post functions and activities. Ensure that all members are notified in advance of the time, place and date of post meetings. Take particular care to ensure that all members are properly notified at least 30 days in advance of all elections of officers, changes in Standing Rules, etc.;
- E) Be present at all meetings (or have an assistant in attendance) to record all business transacted. Report on the minutes of the previous post meeting and executive committee meetings;
- F) Present all communications and correspondence at regular post and executive committee meetings;
- G) File and maintain all pertinent correspondence;
- H) Maintain separate files for members, correspondence, D&R Forms, as well as for post publicity and fund-raising programs and any other topics relating to post activities.

NOTE: For information concerning membership processing, address changes, transfers, membership cards or other matters, please refer to the AMVETS Department of Ohio Guide Book.

#### Section 4. FINANCE OFFICER

The post finance officer is the treasurer. The Finance Officer responsibilities include receiving membership dues, banking, disbursement of monies and accounting for all post funds. The finance officer and one other post officer - usually the commander - sign and countersign all post checks only after the post has authorized payment. The post finance officer should collect all monies due the post and keep an account of receipts. The Finance Officer should see that all post funds are secured in a bank account. Before a new post finance officer assumes the duties of office, the previous Finance Officer must have been given a "clean opinion" by the auditors, the audit committee or the finance committee.

The finance officer shall make a financial report at all regular meetings and prepare a complete financial statement and budget for approval at the first general meeting in September. The Finance Officer should also report to the post on all receipts collected and on all bills outstanding and paid. Major expenditures, and those not within the current budget, should first be reported to the executive committee and at a post meeting.

The finance officer will be assisted and guided by a finance committee appointed by the commander with the approval of the executive committee. The primary duty of a finance committee is to provide an annual audit of the books and assist in the preparation of the annual budget. The commander, being a member of all committees by virtue of office, may assist the finance committee.

Another important function of the finance officer is to coordinate duties relating to membership with the adjutant or membership contact. The finance officer receives and dispenses all money and should work with whoever is responsible for issuing membership cards. At least once each month, the Finance Officer shall transmit to the department any monies collected from dues during the preceding month. Such payment shall be accompanied by transmittal or remittance forms.

The finance officer or membership contact assumes the responsibility for the membership cards. Each card (and its copies) has a name and/or a serial number and may be filed in alphabetical or numerical order.

##### A) BONDING

Bonding is mandated in the National AMVETS Bylaws, Article VII, Section 1: All post officials handling post funds shall be properly bonded with a good and solvent bonding and surety company, acceptable to the United States Treasury, as surety to cover the average amount of post funds, handled by such individual in a single year.

#### Section 5. JUDGE ADVOCATE

The post judge advocate is responsible for interpreting the post's Standing Rules, Post, State and National Constitution and bylaws (CBL), and to advise the post on issues that pertain to Robert's Rules of Order.

#### Section 6. HISTORIAN

The historian shall compile and maintain complete historical records of post activities and will submit a full historical report annually, or as requested.

#### Section 7. PROVOST MARSHAL

The provost marshal is responsible for keeping order at post meetings, for the care of post colors and for carrying out other duties as assigned.

Section 8. SERVICE OFFICER

General duties of an AMVET service officer include the following:

- A) Sharing information about veterans benefits at post meetings and other AMVET functions.
- B) Referring veterans to an AMVET national service officer, AMVET state service officer, county veterans service officer or an accredited representative for assistance in filing for veterans benefits.
- C) Assisting all veterans and their dependents in obtaining information and benefits to which they are entitled under the law.

Section 9. PUBLIC RELATIONS OFFICER

The community will not know of the special and outstanding activities sponsored by AMVETS without being told; therefore, it is the job of the public relations officer (PRO) to spread the word. There are many avenues of publicity available; those found most useful are outlined in the AMVETS Public Relations Manual. The PRO should take advantage of opportunities to enhance the prestige of the post.

Section 10. CHAPLAIN

The Chaplain is a member of the commander's staff and acts as advisor and consultant to the commander in all matters relating to the religion, morals, and morale as affected by religion. The chaplain assists the commander and the chaplain's staff with integrating the principles of good moral conduct and citizenship in the post. The chaplain represents religion which teaches fortitude, reverence and justice, as well as kindness, sympathy and humility. The mission is to provide - or to see that provisions are made - for the spiritual and moral needs of AMVET members, their dependents, and constituents. The chaplain should stimulate and guide the growth of a spiritual and moral sense of obligation, to enable a member of AMVETS to be a more faithful citizen and devoted defender of the nation.

Section 11. QUARTERMASTER

The quartermaster acts as a liaison between the members and the department and national quartermaster. The post quartermaster may carry numerous mail order items such as caps and jackets, flags, insignia, decals, AMVET jewelry and more. The post quartermaster should refer to the national Quartermaster Catalog for additional information. For copies of the catalog and a price list, the quartermaster may contact the national quartermaster.

**ARTICLE VI. DISCIPLINE OF MEMBERS**

The discipline of post members shall be as provided in the National By-Laws, Article V and the Uniform Code of Procedure for the Suspension or Expulsion of a Member.

**ARTICLE VII. DELEGATES TO CONVENTION**

Section 1. Delegates to State and National conventions or conferences shall be elected in accordance with the State and National Constitution and Bylaws. The number of delegates will be in accordance with the National and Department delegate strength guidelines.

Section 2. Delegates to the State convention or conferences shall be elected in accordance with the State Constitution and Bylaws. At least three weeks prior to the Department Convention, delegates and alternates shall be elected to attend said Conventions.

### **ARTICLE VIII. FINANCE**

Section 1. The total annual and life dues of this Post shall be as prescribed in the standing rules of which the required amount shall be paid to National and the Department.

Section 2. All Post fund-raising activities must be approved in advance by the Post Executive Committee. Any fund-raising activity which requires entering into a contract or if anticipated gross revenues are expected to exceed \$2,500.00\*, a copy of the proposed fund-raising program must be transmitted through the Department to National Headquarters for approval.

Section 3. No public fund-raising project or program of any kind or character shall be undertaken by or on behalf of any post or combinations 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. The national executive director and the executive director of the National Service Foundation shall be ex-officio members of this committee. The committee shall render a decision within three weeks on all matters submitted to it. In the event of an adverse decision by said committee, an appeal may be made to the National Executive Committee at its next session. A public fund-raising project is defined as any project or program involving a solicitation or request to non-members 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 state executive committee meeting. Its action shall be final. 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 \$2,500; in the event it is anticipated that the gross receipts will exceed \$2,500 in any fiscal year, then said project or program shall be submitted as described above. Failure of a post or combination of posts or subordinates thereof to adhere to the provisions of this section shall be considered grounds for disciplinary action.

Section 4. The Finance Officer shall render a report of receipts and disbursements to each meeting of this Post. This office is also responsible for filing all required IRS Forms. Copies of the required IRS Forms shall be sent to the National and Department Headquarters as required by the National Constitution and By-laws.

*\* National has increased this amount to \$10,000.00*

Section 5. Post officials handling AMVETS funds shall be properly bonded with a good and solvent bonding surety company, acceptable to the U.S. Treasury, as surety to cover the average amount of AMVETS funds handled by said individuals in a single year.

### **ARTICLE IX. RESOLUTIONS**

Section 1. All resolutions adopted by this Post shall be forwarded to Department Headquarters.

Section 2. A simple majority vote of members present is required to pass any resolution.

## **ARTICLE X. RESTRICTED USE OF ORGANIZATION**

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, organization, political party, faction or product. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member.

## **ARTICLE XI. BOARD OF TRUSTEES**

- Section 1. The Board of Trustees shall consist of eight members, who shall be members in good standing of this post. The eight members shall be as described in Article VII of the post constitution.
- Section 2. The term of office for the elected trustees shall be for a period of three (3) years, provided, however that in the first election of such trustees, one will be elected for a three year term, one will be elected for a two year term and one will be elected for a one year term. The most Immediate Past Commander eligible and willing to serve as determined by the Executive Board, Commander, Adjutant, Finance Officer, and Judge Advocate, as mentioned in Article VI of the Constitution, shall serve on the Board of Trustees for the duration of their term of office.
- Section 3. A) For reasons satisfactory to the membership, any one or all three of the elected Trustees may be removed from office upon a two-thirds vote of the members present at a general, specific, or annual meeting of this post; provided, however, that the trustee(s) in question shall not have a vote as to the removal.
- B) Any trustee who is absent for three consecutive meetings of the Board of Trustees, without just cause, shall be automatically removed from office.
- Section 4. Whenever a vacancy shall occur for whatever reason, the vacated position shall be filled in accordance with the provisions of Article VIII, sections 1, 2, and 3 of the post constitution.
- Section 5. Five members of the Board of Trustees shall constitute a quorum for all meetings of this board. A simple majority vote of those members in attendance shall be final and binding on all questions or matters brought to the attention of this board.
- Section 6. Officers of this Board of Trustees and their election to office shall be as prescribed in Article VI, section 3 of the post constitution. If a vacancy shall occur in the officer ranks for whatever reason then the board, at its next regularly scheduled meeting, shall, from among its members, elect a successor to fill said vacancy.
- Section 7. Duties of the Board of trustees shall be as follows:
- A) House rules shall be drafted by the Board of Trustees and be posted in a conspicuous place in the post club room.
- B) Minutes of all Board of Trustees meetings shall be maintained and submitted with the financial statement to the post each month.
- C) All records pertaining to this board shall be kept on the post premises.
- D) No member of the Board of Trustees may be an employee of the post.
- E) The Board of Trustees shall make a yearly audit of the post club room operation and render a report of such audit to the post at the post annual meeting.
- F) The board shall review all clubroom purchases, expenses, and income and certify said review by signing the monthly club report.

- G) The board shall be the direct supervisor of the club manager and the club manager shall supervise the club room employees. In the absence of a club room manager, the Board of Trustees shall assume the supervisory duties.
- H) The board shall be responsible for the physical property of the club and make sure said property is maintained in a good, clean orderly manner at all times.
- I) The board shall provide for the proper bonding of employees, and/or agents which it deems necessary to protect the funds that have been entrusted to the board.
- J) The board shall enter into contracts directly relating to the operation of the club rooms for the following purposes:
  - 1) Securing funds to operate the club rooms.
  - 2) Purchasing materials and supplies to operate the club rooms as limited to the amount as set forth on the Standing Rules.
  - 3) Provide for adequate maintenance and operation of the club room.
- K) The compensated Bar Manager/Clubroom Manager shall not hold elective office or be a member of the board of trustees. The Bar Manager/Clubroom Manager shall be allowed to attend the meetings of the board of trustees, but shall not have voting authority, as this would constitute a conflict of interest.

**ARTICLE XII. DISCIPLINE OF MEMBERS IN CLUB ROOMS**

- Section 1. The posted rules and regulations in the club room, approved by the Board of Trustees, apply to all members of AMVETS and AMVET guests.
- Section 2.
  - A) Any member may prefer charges against any other member for violation of club rules and/or regulations and charges shall be made in a format as suggested by the Board of Trustees. The charges shall set forth, as near as possible, the date, time and the basis for all charges.
  - B) All charges shall be filed with the Board of Trustees.
  - C) Charges shall be heard by a 3-person panel established by the Board of Trustees.
  - D) No member against whom charges have been preferred, or who has preferred charges against, shall sit in judgment on any board, committee, or panel deciding the issue.
  - E) Members may be suspended from the use of the post club rooms by action of the Board of Trustees.
  - F) Any member under suspension of club room privileges shall not be permitted in the post until termination of the suspension, however, a member that is serving a suspension of club room privileges shall be permitted to attend post meetings, but said member must vacate the premises upon completion of the meeting.
  - G) A member who has been suspended from club room privileges may appeal the suspension to the Board of Trustees within ten days in writing. The member may then present their case to the board for consideration.
  - H) Notification by the Board of Trustees to the member to whom charges have been preferred against, shall be by certified mail.
  - I) Guests of members violating the rules and regulations of this post shall be automatically suspended, and the member held responsible.

- J) Members of a subordinate organization may file a complaint with the chairman of the board of trustees who shall investigate and take appropriate actions as provided for the constitution and bylaws.

### **ARTICLE XIII. STANDING RULES**

Standing Rules may be developed by this post provided such rules are not in conflict with this Constitution and By-laws, the State Constitution and By-laws, or the National Constitution and By-laws.

NOTE: Examples of standing rules are voting procedures, meeting dates and times, committees not listed in the Constitution and By-laws. Those who are eligible to receive delegate fees and reimbursement for expenses to attend State meetings, and any other items incidental to this post that may not be addressed in this document.

### **ARTICLE XIV. AMENDMENTS**

These By-Laws may be amended by a majority vote of the delegates present at the State Convention. Proposed amendments must be submitted in writing to the Executive Director. Copies of all adopted amendments shall be forwarded to the Department Judge Advocate for review and recommended approval. The Department Judge Advocate will forward a copy of the approved By-Laws to the National Headquarters for filing.