

## **ARTICLE V - DEPARTMENTS**

### **Sec. 501 - Formation, Institution and Chartering.**

**Formation.** When twenty-five (25) or more Posts with a total membership of at least one thousand (1,000) have been organized in any State, Territory, Foreign Possession or Country, a new Department may be chartered in said State, Territory, Foreign Possession or Country.

**Institution.** Each new Department shall be instituted within sixty (60) days of the date the charter application is approved by the Commander-in-Chief. If not instituted within sixty (60) days from the date of approval, said approval may be rescinded.

**Chartering.** Charters of Departments shall be authorized by the Commander-in-Chief.

### **Sec. 502 - Bylaws.**

The Department Convention shall adopt or may amend Bylaws governing the Department as prescribed in the Manual of Procedure, provided such Bylaws do not conflict with the Congressional Charter, Bylaws, Manual of Procedure, Ritual or laws and usages of the Veterans of Foreign Wars of the United States.

### **Sec. 503 - Regular, Special and Committee Meetings; Convention; Quorum; Authorized Attendees.**

Each Department shall hold one Convention each year, which shall begin no earlier than ninety days prior to the convening of the National Convention and shall be concluded no less than thirty (30) days prior to the conclusion of the National Convention.

The minimum number of delegates required to constitute a quorum for the transaction of business at a Department Convention shall be not less than one delegate each from ten Posts in the Department unless the Department Bylaws may prescribe a different number of delegates required to constitute a quorum for the transaction of business.

Any member in good standing or one on official business may visit a Department Convention; however, such visitor shall have no voice in business discussions unless recognized by the Commander, and shall have no voting privileges. Those on official business shall be recognized by the Commander for the conduct of business.

The Department Council of Administration or Department Convention may allow delegates to participate in meetings using technology that allows participating members to communicate with each other simultaneously.

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

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

1. The Commander-in-Chief and Past Commanders-in-Chief who are members in good standing in a Post within the Department.

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

### **Sec. 505**

### **Sec. 506 - Department Dues.**

Each Department Convention at its annual session shall assess Department dues of not less than fifty cents per annum on each member in good standing in each and every Post within its jurisdiction or as otherwise provided for in Department Bylaws.

### **Sec. 507**

### **Sec. 508**

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

Two or more Departments may consolidate upon recommendation of the Department Conventions and approval of the Commander-in-Chief as prescribed in Section 509 of the Manual of Procedure.

### **Sec. 510 - Surrender of Charter.**

A Department may voluntarily surrender its charter only upon a vote at a Department Convention conducted in accordance with the procedures as prescribed in Section 510 of the Manual of Procedure.

### **Sec. 511 - Suspension and Revocation of Charter.**

- (a) **Actions by the Commander-in-Chief—Suspension.** The Commander-in-Chief may suspend a Department Charter for a period of up to six (6) months for violations of the National Bylaws and Manual of Procedure.
- (b) **Establishment of an Administrative Committee.** Upon the imposition of any suspension under this section, the Commander-in-Chief shall establish an administrative committee as prescribed in Section 511 of the Manual of Procedure.
- (c) **Actions by the Commander-in-Chief—Revocation.** The Commander-in-Chief may revoke the charter of a Department.
- (d) **Property and Funds.** Disposition of property and trust funds shall be as prescribed in Section 512 of the Bylaws.

## **Sec. 512 - Defunct Departments.**

The Commander-in-Chief shall revoke a Department's Charter and declare it defunct if such Department has less than ten (10) Posts.

**Disposition of Property.** In all cases of surrender, revocation or forfeiture of a charter, title to all real and personal property shall immediately pass to the Veterans of Foreign Wars of the U.S. who shall take possession and control for disposition as directed by the National Council of Administration for the purposes set forth in the Congressional Charter.

In case of surrender or forfeiture of a charter, the National Council of Administration in the case of trust funds or trust property, or both, shall carry out the intent and purpose of such trust to the extent of such funds or property, or both.

## **Sec. 513 - Arrearages, Deficiencies and Omissions.**

The Commander of a Department in arrears for National dues payments, Buddy Poppy money, supply money or other financial obligations or failing to have the office of Quartermaster bonded, or failing to submit annual budgets, IRS Form 990 or Department Election Reports will be deprived of all representation at the National Convention. Such representation shall be restored promptly upon proper adjustment of such deficiencies.

A properly completed Department Election Report shall be submitted to National Headquarters prior to the convening of the National Convention.

## **Sec. 514 - Solicitation of Funds.**

Departments shall be permitted to solicit funds or donations only as prescribed in the Manual of Procedure.

## **Sec. 515 - Eligibility to Office.**

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

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

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

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

- (a) The elected officers of each Department shall be a Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster and Chaplain.
- (b) The Department Commander shall appoint an Adjutant, Inspector and Service Officer.

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

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

With the exception of District Commanders, Department officers shall be nominated, elected or appointed and installed as prescribed in the Manual of Procedure.

An officer elected and installed shall continue to hold office for the period for which elected and until a successor is installed unless the office is earlier declared vacant under the provisions of Sections 516 or 520 of these Bylaws. Appointed officers and appointed committee members shall hold office during the pleasure of the appointing officer. An officer or committee member must remain in good standing in a Post in the Department, otherwise they forfeit the office and the office shall be declared vacant.

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

The Department officers, elected and appointed, shall have such duties and obligations as prescribed in these Bylaws and Manual of Procedure.

### **Sec. 519**

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

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

**Removal.** The Department Commander or Department Council of Administration may remove an elected officer, elected committee member or appointed salaried officer as prescribed in Section 520 of the Manual of Procedure. *If elected officers and committee members removed in accordance with this section hold more than one elected office and there is cause to remove them from additional offices, each removal shall be treated separately by issuance of a unique Special Order.*

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

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

Each member of the Department Convention as those persons are defined in Section 504, except delegates elected by the Posts, present at a meeting of the Convention shall be entitled to one vote, and an individual possessing more than one qualification for membership in the Department Convention shall have no more than one vote. The delegate or delegates of a Post present at a meeting of the Department Convention shall be entitled to vote the full delegate strength to which the Post is entitled.

The Post Commander, or the Senior or Junior Vice Commander functioning in their place as a member of the Convention, may, at their option, choose to vote as a delegate rather than as a Post Commander. Should there be a division among delegates representing the Post, each delegate present and voting shall cast their pro rata share of the total delegate voting strength of the Post. A roll call may be required and entered upon the record of the Department Convention at the call of at least three officers or delegates representing at least three different Posts.

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

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

In case the Department Commander refuses to call such meeting, the Department Council of Administration may proceed to hold such meeting, due notice of which shall be sent to all members of the Council of Administration by the Department Adjutant not later than ten (10) days prior to the date of said meeting. No business shall be transacted at any special meeting except that business for which the meeting is called, as set forth in the notice.

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

(End of Article V)