

## **ARTICLE IV - DISTRICTS**

### **Sec. 401 - Formation, Institution and Chartering.** (See Section 401 of the Bylaws)

## **Sec. 402 - Bylaws.**

Copies of Bylaws, including amendments, adopted by a District shall be forwarded to the Commander-in-Chief, through channels. Such proposed Bylaws or amendments shall be submitted to the Department Commander who shall review them for compliance with the Department Bylaws and shall forward them within thirty (30) days, with a recommendation to the Commander-in-Chief, certifying that there is no conflict in the proposed Bylaws with the Department Bylaws. No Bylaws or amendments adopted by a District shall become effective until reviewed by the Commander-in-Chief or their designee for compliance with the Congressional Charter, Bylaws, Manual of Procedure, Ritual or laws and usages of the Veterans of Foreign Wars of the United States.

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

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

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

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

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

## **Sec. 404 - Governing Body; Composition.** (See Section 404 of the Bylaws)

## **Sec. 405**

## **Sec. 406 - District Dues.** (See Section 406 of the Bylaws)

## **Sec. 407**

## **Sec. 408**

## **Sec. 409**

## **Sec. 410 - Surrender of Charter.** (See Section 410 of the Bylaws)

## **Sec. 411 - Suspension and Revocation of Charter.**

### **1. Actions by the Department Commander—Suspension.**

The Department Commander may suspend a District Charter in accordance with the procedures herein set forth.

- a. The Department Commander shall issue a Special Order suspending a District Charter and appointing an administrative committee consisting of three to five members. Pursuant to a written grant of powers and limitations, such committee

shall carry on the business and affairs of the District during the period of suspension. The acts and actions of the committee shall be subject to the approval or disapproval of the Department Commander.

- b. The District Commander shall be notified in writing of the action by certified mail, return receipt requested, to the address of record or by personal delivery by a designated representative.
- c. The Department Commander shall notify the Commander-in-Chief in writing within two (2) days.
- d. While under suspension no meetings shall be held in the name of the District or organization, except for the sole purpose of the discussion of the cause, effect or removal of the penalty and no funds of the District shall be expended or obligations incurred during and while the order of suspension is in force and effect except as may be expended or obligated by the committee appointed under this subsection.
- e. Following an initial suspension period as provided in this subsection, the Department Commander shall revoke or extend the suspension for an additional period of time not to exceed ninety (90) days.

**2. Actions by the Department Convention—Revocation.**

The Department Commander may at any time during the suspension period, recommend revocation of the District Charter to the Department Convention.

**Sec. 412 - Defunct Districts.** (See Section 412 of the Bylaws)

**Sec. 413 - Arrearages, Deficiencies and Omissions.**

(See Section 413 of the Bylaws)

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

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

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

Fundraising organizations or individuals conducting solicitations, activities or projects for a profit shall not be engaged or used by any District for such purpose unless such engagement is made by written agreement between the District and the organization or individuals providing those services. The form of any such written agreement must be submitted to the Department Commander for review and approval at least thirty (30) days prior to any District entering into any such agreement.

In the event a District shall employ or enter into an agreement with a fundraising organization or individual to solicit contributions or engage in a fundraising project, a surety bond or cash advance in the full amount of expected collections from the solicitation or project shall be furnished by the fundraising organization or individual, said bond or cash advance guaranteeing payment of the funds solicited or raised to a bonded officer of the

District within thirty (30) days of the close of the solicitation or project, provided, however, that the bond shall be discharged or cash advance returned if such fundraising organization or individual shall make payment within thirty (30) days. If a bond or cash advance cannot be furnished, then all collections shall be made by members of the District sponsoring the solicitation or fundraising project and funds shall be paid to a bonded officer of the District who shall hold the funds pending proper distribution.

**Sec. 415 - Eligibility to Office.** (See Section 415 of the Bylaws)

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

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

**Sec. 417 - Nomination, Election, Installation and Term of Office.**

**Order of Nominations and Elections.** The order of nominations and elections shall be Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, Judge Advocate, Surgeon and Trustee(s).

**Nomination.** A member may be nominated and elected although not present at the meeting. A member making a nomination of an absentee for any office shall have presented to the Adjutant, in writing, the consent of the member being nominated prior to the closing of nominations. Any nominee shall have the opportunity to decline nomination for the office to which they have been nominated before nominations are closed. Nominations shall remain open until the District Convention is ready to vote.

**Election.** In balloting for District officers, a majority of all the votes cast shall be necessary for election. If there is no election on the first ballot, the name of the comrade receiving the lowest number of votes shall be dropped and so on in successive ballots until an election is made.

**Challenging Election Results.** If irregularities are claimed with respect to the election to any office, such challenge must be made prior to the close of the meeting.

**Installation.** District officers shall be installed before the adjournment of the meeting at which elected. The installation shall be conducted by a member in good standing who holds or has held an office equal to or higher than District Commander. The District Commander-elect shall select the installing officer. An officer who may be absent for good and sufficient reason or cause shall be installed at any succeeding regular or special meeting of a unit of the organization, within sixty (60) days of the date of installation. If not then installed, the office will automatically become vacant.

**Term of Office.** Officers shall be elected for a term of one (1) year except that three (3) Trustees shall initially be elected for terms of one (1), two (2) and three (3) years and thereafter one (1) Trustee shall be elected each year for a term of three (3) years. District officers shall take office upon the confirmation of election and installation of the Department Commander by the Department Convention.

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

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

- (1) Commander.** Among the duties of a District Commander, the Commander shall:
  - a. Preside at all meetings of the District conducting such convention and meetings in accordance with Article X and other applicable parliamentary rules and procedures.
  - b. Promote schools of instruction for Post officers at District meetings.
  - c. Enforce strict observance of the laws and usages of this organization, including District and Department Bylaws and the Congressional Charter, National Bylaws, Manual of Procedure and Ritual and all lawful orders from proper authorities.
  - d. Insist that District business and activities are conducted in such a manner that they do not violate any applicable governmental law, ordinance or regulation nor bring or tend to bring dishonor or embarrassment on the District, its members or the Veterans of Foreign Wars of the United States.
  - e. Decide all questions of law and usage in the District, subject to an appeal pursuant to these Bylaws.
  - f. Appoint officers, committee chairmen and committees not otherwise provided for. The Commander may remove such appointed officers, committee chairmen and committees at their pleasure.
  - g. Approve all disbursements of funds properly authorized by the District by use of a voucher or payment order.
  - h. Assure that the office of District Quartermaster is bonded according to Section 703 of these Bylaws.
  - i. Assure that all monies due the Department and National Headquarters are forwarded promptly.
  - j. Assure that all reports are correctly prepared and promptly forwarded and that all the business of the District is handled with dispatch.
  - k. Assure that the District Trustees have examined the books and records of the District and prepared the District Trustees Report of Audit. The Commander shall forward a copy within thirty (30 days) to the Department Quartermaster for referral to the Department Inspector.
  - l. Assure that the District Inspector has properly inspected the books and records of the Posts within the District in accordance with the Department Bylaws or as directed by the State Commander.
  - m. Assure that eligible veterans are encouraged to join and maintain membership.
  - n. Be an ex-officio member of all committees.
  - o. Serve as a member of the Department Council of Administration.
- (2) Senior Vice Commander.** The District Senior Vice Commander shall assist the Commander in preserving order, preside in the absence of the Commander, provide such advice and assistance as may be required and perform such other duties as are usually incident to such office or may from time to time be required by the laws and usages of the organization or lawful orders from proper authority.
- (3) Junior Vice Commander.** The District Junior Vice Commander shall assist the Commander in preserving order, preside in the absence of the Commander and Senior Vice Commander, provide such advice and assistance as may be required and perform such other duties as are usually incident to such office or may from time to time be required of the Junior Vice Commander by the laws and usages of the organization or lawful orders from proper authority.

- (4) **Commander Pro-Tempore.** In the event that neither the Commander, Senior Vice Commander, or Junior Vice Commander is present, the District shall elect a Commander Pro-Tempore to preside at the meeting of the District.
- (5) **Quartermaster.** Among the duties of the District Quartermaster, the Quartermaster shall:
- a. Receive and hold all monies, securities, vouchers and other personal property of the District as may pertain to their office.
  - b. Disburse funds as properly authorized by the District using accepted banking practices. Unless otherwise provided for in District Bylaws, all disbursements of District funds shall bear the signature of the Quartermaster or other person(s) authorized by the Quartermaster. Such other authorized person(s) shall be bonded with an indemnity company as surety in a sum at least equal to the amount of the liquid assets for which the Quartermaster may be accountable in accordance with Section 703.
  - c. Before entering upon their duties, and for the faithful performance thereof, the Quartermaster shall qualify by good and sufficient bond in accordance with Section 703 in a sum at least equal to the amount of the liquid assets for which the Quartermaster may be accountable, the cost of which shall be paid from District funds.
  - d. Collect all monies due the District, giving receipts therefor.
  - e. Maintain the books and records at all times in a neat and efficient manner. The books and records of the Quartermaster shall be uniform and shall be those prescribed by the National Headquarters, provided, however, that a computer record keeping system may be used so long as the records contain the same data as required on forms prescribed by National Headquarters. Books and records shall be available for inspection by authorized persons at all reasonable times.
  - f. Deliver to their successor in office, or to anyone designated by the District or higher authority, all books, records, vouchers, monies, securities and other properties of the District in their possession or under their control.
  - g. Serve as Treasurer of all District committees handling funds.
  - h. Comply with and perform all duties required of the Quartermaster by the laws and usages of this organization, applicable Bylaws and orders from lawful authority and perform such other duties as are usually incident to such office.
- (6) **Adjutant.** Among the duties of the District Adjutant, the Adjutant shall:
- a. Be the corresponding officer of the District, and shall keep a correct record of the minutes of each District meeting and each District Convention.
  - b. Immediately after each District Convention, notify the Department Adjutant of the names and addresses of all elected and appointed officers.
  - c. Maintain a file containing a copy of the proof of eligibility submitted by all District officers as prescribed by the Bylaws.
- (7) **Trustees.** Among the duties of the District Trustee, the Trustee shall:
- a. At each District Convention or District meeting, or as Department Bylaws may provide, properly audit the books and records of the District Quartermaster, District Adjutant, and any activity or unit sponsored, conducted or operated by, for or on behalf of the District and submit a detailed statement of such audit to the District.
  - b. Submit a Trustees Report of Audit to the Department Quartermaster. The report shall be in accordance with and upon such form as may be prescribed. The audit shall be signed by the District Commander and District Trustees, who shall, by their signatures, certify to the accuracy of the information contained therein.

- c. Audit the records and accounts of all committees, officers and members having to do with the receipt and expenditure of District funds. Trustees shall not be eligible to serve on committees or as officers whose books, records and accounts are audited by the Trustees.
  - d. Perform such other duties as may be usually incident to the office or may from time to time be required by the laws and usages of this organization or lawful orders from proper authority.
- (8) **Chaplain.** During the annual District Convention, the District Chaplain shall see that a fitting tribute is paid to our departed comrades. The Chaplain shall perform such other duties as may be incident to the office or as may from time to time be required by the laws and usages of this organization or lawful orders from proper authority.
- (9) **Judge Advocate.** The District Judge Advocate shall give the District Commander such legal assistance incident to their office as the Commander may request and perform such other duties as may from time to time be required by the laws and usages of this organization or lawful orders from proper authority.
- (10) **Chief of Staff.** The District Chief of Staff shall, under the supervision of the District Commander, perform the duties incident to their office as the District Commander may require such other duties as may be from time to time required of the Chief of Staff by the laws and usages of this organization or orders from proper authority.
- (11) **Inspector.** The District Inspector shall ensure that each Post in the District is inspected in accordance with the Department Bylaws or as directed by the Department Commander. The requirements of such inspection are:
- a. That all books and records be inspected in accordance with a properly executed Inspection Form.
  - b. The Inspector shall provide a copy of each inspection to the Post Commander, District and Department and set forth therein any constructive criticism and recommendations. The Inspector shall perform such other duties as may be incident to the office or may be from time to time required by the laws and usages of the organization or on lawful orders of proper authority.
- (12) **Assistant Inspector.** The District Commander may appoint an Assistant Inspector(s).
- (13) **Surgeon.** The District Surgeon shall perform the duties properly pertinent to their office. The Surgeon shall assist with the schools of instruction for Post Surgeons. The Surgeon shall perform such other duties as may from time to time be required by the laws and usages of this organization or lawful orders from proper authority.
- (14) **Benefits Advisor.** The District *Benefits Advisor* shall assist Post *Benefits Advisor*.

## Sec. 419

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

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

**Vacancies.** In the event of a vacancy in the office of Commander or Commander-elect, the Senior Vice Commander or Senior Vice Commander-elect may, without undue delay, succeed to the title and duties of such office and the Junior Vice Commander or Junior Vice Commander-elect may, without undue delay, succeed to the title and duties of the Senior Vice Commander. Likewise, in the event of a vacancy in the office of Senior Vice Commander or Senior Vice Commander-elect, the Junior Vice Commander or Junior Vice Commander-elect may, without undue delay, succeed to the title and duties of said office. If

the Senior Vice Commander does not move to the position of Commander then the Junior Vice Commander or Junior Vice Commander-elect may, without undue delay, succeed to the title of Commander at the next regular or special meeting.

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

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

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

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

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

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

**Sec. 421 - Voting.** (See Section 421 of the Bylaws)

(End of Article IV)