

## **ARTICLE V - DEPARTMENTS**

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

(See Section 501 of the Bylaws)

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

Copies of Bylaws, including amendments, adopted by a Department shall be forwarded to the Commander-in-Chief, through channels. No Bylaws or amendments adopted by a Department 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. 503 - Regular, Special and Committee Meetings; Convention; Quorum; Authorized Attendees.** (See Section 503 of the Bylaws)

**Sec. 504 - Governing Body; Composition.** (See Section 504 of the Bylaws)

**Sec. 505**

**Sec. 506 - Department Dues.** (See Section 506 of the Bylaws)

**Sec. 507**

**Sec. 508**

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

Two or more Departments may consolidate upon a vote of their respective Department Conventions in accordance with the procedures as follows:

1. A motion to consider the consolidation must be approved by the individual Department Convention.
2. Each Department Commander shall submit the names of three members to serve on a joint Consolidation Committee to investigate along with a Chairman appointed by the Commander-in-Chief. A slate of line officers for the consolidated Department will be submitted to each Department Convention for approval along with the consolidation proposal. District Commanders from all Departments shall serve as members of the Council of Administration until District geographical boundaries are established at the next convention.
3. A resolution containing the committee's final report shall be provided to every Post in each Department and to the Commander-in-Chief at least thirty (30) days prior to the Department Conventions.
4. The consolidation resolution requires a two-thirds (2/3) vote of the delegates present and voting at each Department Convention.
5. The Commander-in-Chief may appoint an oversight committee to complete the consolidation of the Departments.
6. The property of each Department shall be conveyed to and become the property of the consolidated Department. All past officers in each Department shall be entitled to rank as of date of service in their respective Departments.
7. Once approved by the Commander-in-Chief, the consolidated charter shall be issued. The Certificate of Charter shall rank from the date of the senior Department's charter.

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

**Voluntary Surrender.** A Department may voluntarily surrender its charter only upon a vote at a Department Convention conducted in accordance with the procedures herein set forth. A proposition to surrender the charter must be made at a meeting of the Department Council of Administration at least four (4) weeks before the convening of the Department Convention and due notice of the proposition must be given, in writing, to every Post in the Department and to the Commander-in-Chief. If a majority of the Posts vote to surrender the charter, the Department Commander shall, within thirty (30) days, request that the Commander-in-Chief cancel the charter, unless during such thirty (30) day period, the Department Commander receives a demand in writing from two-thirds (2/3) of the Posts in the Department to continue the Department. Each post affected shall be governed under the jurisdiction of the Adjutant General.

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

### **1. Actions by the Commander-in-Chief—Suspension.**

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

- a. The Commander-in-Chief shall issue a Special Order suspending a Department 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 Department during the period of suspension. The acts and actions of the committee shall be subject to the approval or disapproval of the Commander-in-Chief.
- b. The Department 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 Commander-in-Chief shall notify the National Council of Administration.
- d. While under suspension no meetings shall be held in the name of the Department or organization, except for the sole purpose of the discussion of the cause, effect or removal of the penalty and no funds of the Department 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 Commander-in-Chief shall revoke or extend the suspension for an additional period of time not to exceed ninety (90) days

### **2. Actions by the Commander-in-Chief—Revocation.**

The Commander-in-Chief may revoke a Department Charter in accordance with the procedures herein set forth.

- a. The Department Commander shall be notified in writing of the proposed action by certified mail, return receipt requested, to the address of record.
- b. Unless the Department Commander notifies the Commander-in-Chief in writing by certified mail, return receipt requested, within fifteen (15) days of receipt of notice that the Department desires a hearing, the revocation of the Charter shall be effected.
- c. In the event that the Department requests a hearing, said hearing shall be held within thirty (30) days of the receipt of the notice. A hearing will be scheduled at a time and place and in a manner prescribed by the Commander-in-Chief.
- d. The Commander-in-Chief shall decide the matter within thirty (30) days.
- e. If the Department is not already under suspension at the time that the notice of proposed revocation is given, the Department shall thereafter be under suspension.
- f. The Commander-in-Chief may at their discretion, and after hearing the matter if so requested, revoke the charter of the Department by issuing a Special Order to that effect. Each post affected shall be governed under the jurisdiction of the Adjutant General.

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

In the event a Department falls under ten (10) Posts, the Commander-in-Chief shall issue a Special Order canceling the charter of said Department. The Department 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. Each post affected shall be governed under the jurisdiction of the Adjutant General.

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

If a Department has any outstanding financial obligations due National Headquarters that remain unpaid on September 1, the amount due will be deducted from future dues payments until balance due is paid in full.

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

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

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

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

In the event a Department 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 Department 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 Department sponsoring the solicitation or fundraising project and funds shall be paid to a bonded officer of the Department who shall hold the funds pending proper distribution.

### **Sec. 515 - Eligibility to Office.** (See Section 515 of the Bylaws)

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

The Department Commander retains authority to remove appointed officers, committee chairmen and committees at any time; provided, however, that salaried officers appointed by the Commander may only be removed by the Commander as prescribed in Section 520.

Department officers, elected and appointed, shall submit proof of eligibility to the Department Adjutant. Additionally, Department Commanders, Department Senior Vice Commanders, Department Junior Vice Commanders, Department Adjutants and

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

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

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

**Nomination.** A member may be nominated and elected although not present at the Department Convention. 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 Department Convention is ready to vote.

**Election.** In balloting for Department 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. District Commanders shall be ineligible to simultaneously hold an elected Department office.

**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.** Department officers shall be installed before the adjournment of the convention 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 Department Commander. The Department 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.** Department officers shall take office at the close of the Department Convention. Officers shall be elected for a term of one (1) year.

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

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

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

- a. Preside at all meetings of the Department conducting such conventions and meetings in accordance with Article X of the Bylaws and Manual of Procedure and other applicable parliamentary procedures.
- b. Enforce strict observance of the laws and usages of this organization, including Department Bylaws and the Congressional Charter, National Bylaws, Manual of Procedure and Ritual and all lawful orders from proper authorities.

- c. Insist that Department 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 Department, its members or the Veterans of Foreign Wars of the United States.
  - d. Decide all questions of law and usage in the Department, subject to an appeal pursuant to these Bylaws.
  - e. Appoint officers, committee chairmen and committees not otherwise provided for. The Commander may remove such appointed officers, committee chairmen and committees at their pleasure.
  - f. Approve all disbursements of the funds properly authorized the Department Council of Administration by use of a voucher or payment order.
  - g. Assure that the office of Department Quartermaster is bonded according to Section 703 of these Bylaws.
  - h. Assure that all monies due the National Headquarters and received by the Department are forwarded promptly.
  - i. Assure that all reports are correctly prepared and promptly forwarded and that all the business of the Department is handled with dispatch.
  - j. Assure that eligible veterans are encouraged to join and maintain membership.
  - k. Assure the books and records of the Department are properly audited.
  - l. Be an ex-officio member of all committees.
- (2) **Senior Vice Commander.** The Department 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 Department 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) **Quartermaster.** Among the duties of the Department Quartermaster, the Quartermaster shall:
- a. Qualify and secure a bond 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.
  - b. Collect all monies due the Department and have charge of the funds, securities and other property of the Department, all of which shall be placed in their care. The Quartermaster shall be the accountable officer of the Department and the Treasurer of all committees handling funds.
  - c. Disburse funds as properly authorized by the Department using accepted banking practices. Unless otherwise provided for in Department Bylaws, all disbursements of Department funds shall bear the signature of the Quartermaster.
  - d. Receive annual membership dues (admission fees if applicable) and life membership fees and forward the National dues and life membership fees immediately to National Headquarters as prescribed in Section 104.
  - e. Provide the auditors with all records, files and statements required or necessary for the preparation of the Department report of audit.
  - f. The books and records of the Quartermaster shall be maintained in a legible and uniform format. Record keeping by electronic means may be used,

provided a back-up is maintained. Books and records shall be available for inspection by authorized officers and Department members at all reasonable times. Reconcile and verify all transactions listed on all bank statements to assure the accuracy of Department records. Unless authorized by the Department to remove such books and records from its facilities, all such books and records shall be kept at the Department facilities.

- g. The Quartermaster shall provide access and transfer to their successor in office or anyone designated by higher authority, without delay, all books, records, papers, monies, securities and other property of the Department in their possession or under their control.
  - h. Comply with, and perform all duties required of the Quartermaster by the laws and usages of this organization, the Department Convention, Department Bylaws, Department Commander and Department Council of Administration, the National Convention and the National Bylaws, Manual of Procedure, Ritual and lawful orders from proper authority and perform such other duties as may be incident to the office.
  - i. Report on transactions concerning receipts and expenditures, for any given period, at a regular or special meeting of the Department.
  - j. Budget. Prepare a tentative balanced budget for the financial operations of the ensuing year. The budget once adopted by the Department Council of Administration shall be forwarded to the Adjutant General by November 1.
  - k. Reports.
    - 1. Prepare for the Department Convention a complete financial report, membership report, a list of Posts in good standing and the number of delegates to which each Post is entitled.
    - 2. Prepare a quarterly and final year-end financial report for the Department Council of Administration.
    - 3. Forward the final year-end financial report and a copy of Form 990 filed with the IRS to the Adjutant General.
    - 4. Prepare other reports as directed by the Department Commander, Council of Administration or Department Convention.
- (5) Adjutant.** Among the duties of the Department Adjutant, the Adjutant shall:
- a. Be the official corresponding officer for the Department and shall attest to all official communications and reports with the Adjutant's signature.
  - b. Prepare reports as directed by the Department Commander, Council of Administration or Department Convention.
  - c. Maintain the books and records in a legible and uniform format. Record keeping by electronic means may be used, provided a back-up is maintained. Books and records shall be available for inspection by authorized officers and Department members at all reasonable times. Unless authorized by the Department to remove such books and records from its facilities, all such books and records shall be kept at the Department facilities.
  - d. Records. Maintain a roster of the following:
    - 1. Department Officers and Committees.
    - 2. Districts and County Councils (if applicable) to include officers, committee chairmen, and meeting times and places.
    - 3. Posts, Post Officers, meeting times and places, membership data and other information provided by the Department Quartermaster.
  - e. Files.
    - 1. Maintain such records and correspondence as prescribed by National Headquarters and the Department Council of Administration.
    - 2. Prepare and maintain minutes of each Council of Administration meeting and Department Convention after correction and approval.

3. A file containing a copy of the proof of eligibility submitted by officers pursuant to Section 516.
  - f. Maintain a current copy of the Bylaws, Manual of Procedure and Ritual of the Veterans of Foreign Wars of the United States and copies of the Bylaws of the Department, District and County Council (if applicable), and all Posts within its jurisdiction.
  - g. Transfer to their successor, without delay, all books, papers, records, monies and other records and property of the Department in their possession or under their control.
  - h. Comply with and perform all duties required of the Adjutant by the laws and usages of this organization, applicable Bylaws and orders from lawful authority and perform such other duties as are incident to such office.
- (6) **Chaplain.** The Department Chaplain shall, during the annual Department Convention, see that fitting tribute is paid to our departed comrades. The Chaplain shall perform such other duties as may be usually incident to the office or as may from time to time be required by the laws and usages of the organization or lawful orders from proper authority.
- (7) **Judge Advocate.** The Department Judge Advocate shall give the Department Commander, Council of Administration and Department Convention such legal assistance incident to their office and perform such other duties as may from time to time be required by the laws and usages of the organization or lawful orders from proper authority.
- (8) **Chief of Staff.** The Department Chief of Staff shall perform the duties incident to their office as the Department Commander or Department Council of Administration may require and 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.
- (9) **Inspector.** The Department Inspector shall:
1. Ensure each District, County Council (if applicable) and Post are inspected in accordance with Department and National guidelines.
  2. Receive from each District Inspector all completed inspections.
  3. Review and forward each report and submit recommendation(s) to the Department Commander.
  4. 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.
- (10) **Surgeon.** The Department Surgeon shall perform the duties properly pertaining to their office. The Department Surgeon shall assist Post Surgeons, in an advisory capacity, and promote statewide health programs. The Surgeon shall perform such other duties as may be incident to their office or as may from time to time be required by the laws and usages of this organization or lawful orders from proper authority.
- (11) **Service Officer.** The Department Service Officer shall assist the members of the Department, their surviving spouses and orphans and other worthy cases in obtaining rightful benefits from the federal or state governments. Their work shall be performed in accordance with policies established by the National Veterans Service Advisory Committee. The Service Officer shall perform such other duties as are incident to their office or may be from time to time required by the laws and usages of this organization or as may be directed by proper authority.
- (12) **Other Officers.** Other officers appointed by the Department Commander under the authority of Section 516, National Bylaws, shall perform the duties incident to their respective offices, or as the Department Commander may direct.



## **Sec. 519**

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

Departments may fill any vacancy in their offices at any regular or special meeting. **Vacancies.** In the event of a vacancy in the office of Commander or Commander-elect, the Senior Vice Commander or Senior Vice Commander-elect 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 Department Quartermaster, the Department Commander may appoint a Pro Tempore Quartermaster to carry out the duties incident to that office. The appointment will be null and void upon the election of a Department Quartermaster as described below.

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

1. In the event that a regular meeting is scheduled within thirty (30) days of the date the office is vacated, an election will be held to fill such office at that regular meeting. In the event that no regular meeting is scheduled within thirty (30) days of the date the office is vacated, the Department Commander may call a special meeting of the Department Council of Administration pursuant to Section 522 Bylaws. Election to office at either a regular or special meeting shall be by majority vote of all votes cast. If there be no election on the first ballot, the name of the candidate receiving the lowest number of votes shall be dropped and so on in successive ballots until an election is made.
2. In lieu of calling a special meeting, the Department Commander may notify all members of the Council that the vacancy exists and names of nominees are being accepted. Fifteen (15) days thereafter, the Department Commander shall advise the Council of the names of comrades presented for the same. Members of the Council may vote to fill such vacancy by written ballot, submitting as directed by the Department Commander by mail and forward to the Department Adjutant. These ballots shall be tallied at a time specified by the Commander by tellers appointed by the Commander in the presence of such Department officers as the Department Commander may designate. The comrade receiving the highest number of votes cast shall be declared duly elected to the office designated, with results of election being posted in the minutes of the next Council meeting.

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

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

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

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

**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. 521 - Voting.** (See Section 521 of the Bylaws)

**Sec. 522 - Council of Administration - Composition, Powers and Duties.** (See Section 522 of the Bylaws)

(End of Article V)