

# SONS OF AMVETS CONSTITUTION AND BY-LAWS

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# THE SONS OF AMVETS CONSTITUTION

## PREAMBLE

We, the Sons of AMVETS (American Veterans), fully realizing our responsibility to our parents, community, State and Nation, associate ourselves for the following purposes: To uphold and defend the Constitution of the United States of America: To safeguard the principles of freedom, liberty, and justice for all; To promote the cause of peace and goodwill amongst nations; To maintain the freedom of our country; To preserve the fundamentals of democracy; To perpetuate the friendships and associations of the AMVET organization; 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 “Sons of AMVETS”.

## ARTICLE II – AIMS

The Aims and Purposes of this organization are as follows:

### SECTION 1:

To serve our country in peace and in times of war; to build and maintain the welfare of the United States of America toward lasting prosperity and peace for all its inhabitants.

### SECTION 2

To encourage, in keeping with policies of our government, the establishment of concrete plan to secure permanent international peace and to assist in the maintenance of international peace.

### SECTION 3

To inspire in our membership a sense of responsibility to develop leadership for the preservation of our American democratic way of life, and to help unify divergent groups in the overall interests of American democracy.

### SECTION 4

To aid in the fulfillment of the aims, purposes, and interests of AMVETS (American Veterans), our parent organization, and to cooperate with all duly recognized veteran’s organizations in the furtherance of the aims of veterans.

### SECTION 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.

### SECTION 6

To keep the public forever reminded that the American veteran served to preserve peace, liberty, and democracy for our nation.

### SECTION 7

To promote the welfare and fellowship of our members and their families.

### SECTION 8

To recognize and promote the interests of our parent organization known as AMVETS, which was chartered by Congressional Action on July 23, 1947.

## **ARTICLE III – ORGANIZATION**

### **SECTION 1:**

Sons of AMVETS shall be organized with a National Headquarters and a Department in each State, District of Columbia, United States Territories and at other such places and countries as authorized by the National Convention or intervening National Executive Committee (NEC). Local Squadrons shall be formed within such Departments, and intermediate administrative groups may be created within their respective jurisdictions where such action is deemed advisable. Their corresponding level of AMVETS shall approve each level, and shall be a subordinate of the sponsoring level.

### **SECTION 2:**

Where no State Department exists, Local Squadrons will be directly responsible to the National Department in all Sons of AMVETS matters.

### **SECTION 3:**

The National Department shall be comprised of all National Officers, both elected and appointed, and the members of the National Executive Committee.

### **SECTION 4:**

A State Department Charter may be issued to a State Department of the Sons of AMVETS where there are at least three (3) local squadrons. Any state with at least five (5) local squadrons and a minimum of one hundred fifty (150) members shall form a department within one (1) year of the chartering of the fifth (5<sup>th</sup>) squadron and attaining the one hundred and fiftieth member. After such time no new local squadron charters shall be issued in said state until a department is organized.

### **SECTION 5:**

It shall be the duty of the National Officers to advance the cause of the Sons of AMVETS, to carry out its aims and purposes, and to provide for the realization of the plans and policies established by the mandates of the National Convention and the National Executive Committee.

### **SECTION 6:**

The Executive Board of each corresponding level of Sons of AMVETS shall be the governing body between meetings. The Executive Board of each corresponding level of Sons of AMVETS shall be comprised of all elected officers and the Immediate Past Commander.

### **SECTION 7:**

All levels of the Sons of AMVETS shall be governed by the Sons of AMVETS Constitution and By – Laws, approved by the National AMVETS organization.

### **SECTION 8:**

The Coordinator on each level of the Sons of AMVETS shall be appointed by the AMVETS Commander on that level. The Coordinator shall oversee all actions of the Sons of AMVETS and shall report all findings to the parent organization, AMVETS. The Coordinator shall be a member of the parent organization at that level.

### **SECTION 9:**

All charters for Sons of AMVETS shall be issued by the Sons of AMVETS National Headquarters at the direction of the National Sons of AMVETS Commander, and shall remain open for a period not to exceed six (6) months. All charters shall remain property of the National Department of Sons of AMVETS.

## **ARTICLE IV – MEMBERSHIP**

### **SECTION 1:**

Eligibility for membership in the Sons of AMVETS shall be limited to all male descendants, grandsons, adopted sons, 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 AMVET organization, and are at least eighteen (18) years of age and is not eligible in the parent organization. This is not to include in-laws of any type.

### **SECTION 2:**

Any member of the Sons of AMVETS, who has qualified under the provision of ARTICLE IV, SECTION 1, shall be allowed to maintain his membership as long as he remains a member in good standing.

- a. A member whose dues have not been paid for a period of one (1) year or more, must re-establish eligibility, and shall be considered a new member.
- b. A member, who has let his dues lapse for a period of less than one (1) year, may not join a different Squadron until he pays his dues at the Squadron where his records are. Then he can fill out a Transfer Form.
- c. Any applicant requesting membership in the Sons of AMVETS, who is not accepted by a Squadron, may not re-apply to that same Squadron in the same membership year.
- d. Applications for membership are subject to the approval by the membership. In the event the application is not approved, the applicant shall be notified by certified mail stating the reason for objection, with a copy retained for Local Squadron files.

### **SECTION 3:**

No person who is a member of, or who advocates the principles of an 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 it's 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 the Sons of AMVETS.

### **SECTION 4:**

- a. No person shall be a member of more than one (1) Squadron at any one time.
- b. Any member in good standing may transfer to another squadron or department without repaying the current dues.
- c. Such transfers shall be subject to the approval of the squadrons and departments involved. No transfer shall be denied by the squadron or department from whom the transfer is requested without just cause.
- d. The losing squadron or department has thirty (30) days to either approve a request for transfer or show just cause why the transfer should not be executed. Failure to respond to the requesting (gaining) squadron and State Department, or National Department where no State Department exists in writing, by either approving and returning the request for transfer or providing just cause for denial of requested transfer, within thirty (30) days will be taken as approval for the requested membership transfer.
- e. No person expelled by one Squadron shall be eligible for membership in any other Squadron without the consent of the expelling Squadron, or the State Executive Committee after a hearing an appeal.

### **SECTION 5:**

Membership in the Sons of AMVETS shall be accepted only after eligibility has been established and the application for membership is completed and verified by the AMVET Post Adjutant or by the AMVET Post vice Commander in charge of membership.

**SECTION 6:**

- a. Any person meeting membership eligibility requirements and who lives in an area that is fifty (50) or more miles from a local squadron may become a Member-at Large (MAL).
- b. The State Department Commander must verify MAL eligibility requirements within an existing department. Where no State Department exists, the Administrative Assistant must make verification. In either instance, the corresponding level of AMVETS must also verify eligibility.
- c. Where a department exists, MAL shall be responsible for state department and national dues. Where no department exists, MAL shall be responsible for national dues. The renewal process shall be the same as for the general membership.
- d. MAL are ineligible to hold office at any level in the Sons of AMVETS.
- e. MAL may be seated at their respective meetings and/or conventions provided they are in good standing but shall not have a vote.

**SECTION 7:**

No person that has served in any branch of the United States Armed Forces shall be allowed membership into the Sons of AMVETS.

**ARTICLE V – LIFETIME MEMBERSHIP**

**SECTION 1:**

The Sons of AMVETS shall provide for Lifetime Members.

**SECTION 2:**

There shall be a permanent Lifetime Membership Fund established.

**SECTION 3:**

A Lifetime Membership Trust Fund Committee shall be formed, consisting of eight (8) members. These members shall be four (4) elected National officers; The Commander, First Vice Commander, Finance Officer and Judge Advocate. It shall include any two (2) Past National Commanders and any two (2) Department or Past Department Commanders. The Commander shall vote only in the case of a tie. The National Commander with the approval of the Executive Committee shall appoint this committee.

**SECTION 4:**

Any and all changes in the permanent Lifetime Membership Trust Fund shall be approved by at least two-thirds (2/3rds) majority of registered delegates at the Annual National Convention.

**ARTICLE VI – DEPARTMENTS**

**SECTION 1:**

Each State of these United States shall constitute a Department and shall be under the jurisdiction of the Department whose name it bears. Each Sons of AMVETS Department shall be identical in geographical limits within the respective Department of AMVETS, and shall be identified by the same name. It shall be composed of Officers and Representatives selected by Local Squadrons to the Department Convention. Departments shall have an Executive Committee and shall conduct their own Convention, which shall be held between May 15<sup>th</sup> and June 30<sup>th</sup>, at the same time and place as the parent organization AMVETS, at which time it shall nominate and elect officers. Department Officers and the Immediate Past Department Commander shall have a vote at all State Executive Committee Meetings and at the State Conventions. Meetings of the Executive Committee shall be provided for in the Sons of AMVETS By-Laws and Department Standing rules.

- a. A minimum of three (3) local squadrons shall be required to organize and maintain a Department.
- b. The National Commander, or his representative, shall call a meeting of all squadrons within the state, sixty (60) days from the receipt of a petition for the organization of a Department, signed by not less than three (3) local squadrons. At such organizational meetings, his representative shall open the meeting and preside until the election of Officers; shall install the officers elected and thereupon, surrenders the Chair to the elected Commander and his staff.
- c. It shall be the duty of the Departments to aid the organization and provide assistance to the Local Squadrons; to carry out the policies and plans delegated to it by National, and adhere to the provisions of this Constitution. The National Commander and the Administrative Assistant shall receive copies of all bulletins and information sent by the Departments to their Local Squadrons.
- d. New Departments shall fall under the Sons of AMVETS Constitution and By-Laws at the time of their inception.
- e. Each Department shall submit a current and complete copy of its Standing Rules of Operation to National Headquarters.
- f. All Department administration problems shall be resolved within the confines of the Department. If and when it becomes necessary to secure further information or advice on said problems, the problem may be referred to the National Commander, who shall refer it to the proper National Officer. Any correspondences from these officers shall send copies to the Department Commander and the National Executive Committee.
- g. The Department shall provide a procedure and provision to protect the Constitutional Rights of the individual member. Local Squadrons or Departments shall provide the necessary procedures for appeals.
- h. Departments shall have a Board of Trustees consisting of all Past Department Commanders. When called upon, said board of trustees shall act in an advisory capacity.
- i. In the event of the surrender, cancellation, or forfeiture of a Department Charter, all money, official records, and property shall immediately be surrendered to the Sons of AMVETS National Headquarters to be held in trust for a period no longer than three (3) years. Upon reorganization, they shall receive only those funds being held in their Trust Fund and all other official records and properties of which had been surrendered to National Headquarters.
- j. It shall be the duty of the Department Executive Committee to require, collect and forward, through the proper Department Officer, all forms (IRS 990, etc.) and all donations to National Programs, to the National Headquarters.
- k. Books of the Finance Officer, Adjutant, as well as the records of all Officers and Committee Chairman shall be open for inspection by the membership of the Sons of AMVETS within thirty (30) days of written request.

## **SECTION 2:**

This State Department shall elect a Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Finance Officer, Adjutant, Judge Advocate, and Provost Marshal. The office of Adjutant may be eliminated only by a 2/3 vote of the Convention, provided that the Department has an Executive Director or Executive Secretary to record the minutes. All officers should be properly bonded in accordance with the Sons of AMVETS By-laws.

- a. No Sons of AMVETS member may be a candidate for the office of State Department Commander unless he has served at least two (2) terms as an Elected Department Officer of the Department in which he wishes to run.
- b. Officers elected at the State Convention shall assume their duties on July 1<sup>st</sup> and shall remain in office until June 30<sup>th</sup> of the following year. Appointments made by the Department Commander shall expire at the end of his term of office.

### **SECTION 3:**

A Chaplain, Public Relations Officer/Historian, VAVS Representative, Legislative Director, Inspector General, Deputy Inspector General and Sons of AMVETS Junior AMVETS Coordinator shall be appointed by the State Department Commander with the approval of his Executive Committee. The State Department will make provisions in their Standing Rules of Operation to provide for a NEC (National Executive Committee) Man and an alternate. Other officers shall be appointed by the Commander as he may deem necessary with the approval of his Executive Committee.

### **SECTION 4:**

The State Executive Committee shall be composed of the Commander and all elected State Officers, District Commanders (if applicable), Squadron Commanders or a representative from the Squadron, and the Immediate Past Commander. All Past Department Commanders may be seated at the Executive Committee Meetings and/or State Conventions with a vote, if such is provided for in the Department Standing Rules. The Department Standing Rules should outline the duties and members of Standing Committees not currently established by the Constitution of By-Laws.

- a. A quorum for State Executive Committee Meetings shall be established by the Department By-Laws.

### **SECTION 5:**

The State Sons of AMVETS shall meet in convention at the same time and place as our State Organization AMVETS. This includes: State Convention, State Conferences and State Executive Committee (SEC) meetings unless prior approval from the State Organization AMVETS is received.

- a. Special meetings may be called by the Commander or three (3) elected officers. All officers must be notified by phone at least seven (7) days prior to said meeting.
- b. The meeting date, time and place of special meetings may be changed by the Executive Committee after they have been called as deemed necessary.
- c. Any Sons of AMVETS Officer on any level; elected or appointed; who has three (3) or more unexcused absences in a single term from any required meeting of the Sons of AMVETS at any level may be removed from office at the next Executive Committee meeting. Two (2) meetings in one (1) day will only count as one (1) unexcused absence.

### **SECTION 6:**

- a. Departments shall appoint a delegate and an alternate delegate to the National Convention. The Department Commander may be eligible for this appointment. The Department delegate and alternate to the National Convention shall not be considered Department Officers.
- b. No Department shall be seated at the National Convention without filing an annual Revalidation/Officers form on or before July 15<sup>th</sup>. All Departments must furnish a copy of a filed 990, where applicable, according to IRS regulations. After proper notification to the AMVETS or to the Sons of AMVETS, the Department concerned must be paid in full before they may be seated at the National Convention.
- c. A Department Commander may be reelected, but shall not serve more than two (2) consecutive terms, unless running unopposed or no other candidate meets the required eligibility. All others Officers may be re-elected or re-appointed as provided by the Department By-Laws.
- d. No member shall hold two (2) elected offices on any one (1) level. Officers shall hold office as long as they remain members in good standing as defined in this Constitution.
- e. No Squadron may be seated at their respective State Department Convention without filing a completed local Change of Officers form in seven (7) days prior to opening date of said Convention. Squadrons may be approved by the Executive Board to be seated and vote at said Convention after receipt of said Change of Officers form.
- f. The Squadron delegates to be seated at State Convention will be based on membership thirty (30) days prior to State Convention.
- g. In the event of any vacancy in the office of State Commander, the 1<sup>st</sup> Vice Commander shall temporarily succeed to that office. Within forty-five (45) days, the State Department, at a regular



- or special meeting shall nominate and elect a person to complete the unexpired term of Commander.
- h. In the event of a vacancy in any office regardless of the reason for such vacancy, except as set forth in Article VI Section 6 (g) the Commander shall appoint a State Department 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, By-Laws or Standing Rules, except for the requirement of an election. On approval by the Executive Committee, the appointee shall assume all duties and responsibilities' pertaining to the office as though elected.

## **ARTICLE VII – STATE DISTRICTS**

### **SECTION 1:**

- a. No District shall elect a State District Commander unless there is a minimum of three (3) Squadrons and one hundred fifty (150) members therein. All Squadrons 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 time the District reaches minimum Squadron and membership requirements. If District membership falls below the minimum requirements, the said District will lose its seat on the State Executive Committee and any and all rights and privileges until such time as it once again reaches the minimum membership level.
- b. The District Executive Committee shall be composed of all State District Elected Officers and the Immediate Past State District Commander, all with one (1) vote.
- c. Sons of AMVETS Districts shall meet at the same time and place as their parent AMVETS District.
- d. Each Squadron in the District shall be entitled to not more than five (5) votes. Each representative shall be entitled to one (1) vote and must be present in order for their vote to be cast. The District Commander will vote only in case of a tie, except during the election of officers.
- e. Annual membership dues shall not be less than the dues of the Sponsoring AMVETS District.

### **SECTION 2:**

- a. State Districts shall elect a Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Finance Officer, Adjutant, Judge Advocate and Provost Marshal. All Officers shall be properly bonded in accordance with the Sons of AMVETS By-Laws. No more than two (2) elected officers will be permitted from any one Squadron; however the District Commander does not count against the two (2) officer limit. No Sons of AMVETS member may be a candidate for the office of District Commander unless he has been a member of said District for two (2) consecutive years and held a previous elected office in said District for two (2) terms.
- b. Nominations of officers shall be held in April. Elections shall be held at the May meeting and newly elected officers shall assume their duties on July 1<sup>st</sup>.
- c. Members from the same Squadron cannot hold the office of State District Commander for more than two (2) consecutive terms unless there are no candidates from other Squadrons in their geographical District.

### **SECTION 3:**

- a. If there are no candidates for State District Commander from a District, the newly elected State Commander will appoint a qualified Sons of AMVETS member from the District. This is to be done within thirty (30) days following the State Convention. In addition, if a vacancy shall occur in the office of State District Commander the State Commander will appoint a new State District Commander. The State District Commander must be from the same District as the vacancy they fill; such vacancy shall be filled within thirty (30) days. The appointee shall serve until the next State Convention.

- b. In the event of a vacancy in any District office other than Commander regardless of the reason for such vacancy, the District Commander shall appoint a District member to fill the vacant office. Such appointment shall be in compliance with all qualifications and restriction regarding the holding of said office as set forth in any other Article of the Constitution, By-Laws, or Standing Rules of the State District, except for the requirements of election. Upon approval by the District Executive Committee, the appointee shall assume all duties and responsibilities pertaining to the office as though elected.
- c. Any elected 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.

## **ARTICLE VIII – LOCAL SQUADRONS**

### **SECTION 1:**

Local Squadrons shall be Chartered by National, and administered by the Departments, and shall be governed locally by their own Officers, elected and installed prior to the Department Convention. The policies, activities, and actions of the Local Squadrons shall never be at variance with those prescribed by National. All Squadrons shall follow the Sons of AMVETS Constitution and By-Laws.

- a. Local Squadrons may be formed upon the application of not less than eight (8) members eligible for membership, on a form provided by the Sons of AMVETS National Department. The AMVETS Post and the Department Commander shall approve the application for a Charter. If there is no organized Department, applications shall be forwarded directly to Sons of AMVETS National Headquarters. A Charter shall be issued within ninety (90) days after approval. The National AMVETS Commander, National AMVETS Executive Director, and the Sons of AMVETS National Commander shall sign all Squadron Charters. After its receipt, the Charter application may remain open for a period not to exceed six (6) months. At the end of such time, the names to appear thereon shall be submitted to the Sons of AMVETS National Headquarters.
- b. At the organizational meeting, called by the Sons Department Commander or his representative for the purpose of making application for Squadron Charter permanent officers shall be elected. Where no Department exists, the Sons National Commander shall appoint a representative from a Local Chartered Squadron to offer assistance at the organizational meeting.
- c. The Squadron number shall be the same number as its hosting AMVETS Post. Where no AMVETS Post exists, a Squadron shall not be formed.
- d. In the case of the discontinuance of the AMVET Post by voluntary surrender of its Charter or by forfeiture or revocation of its Charter, the Squadron shall continue to operate for a period of not more than one (1) year in order to finalize its business affairs or to allow the hosting AMVETS Post to reform. After one (1) year, each member has the choice of becoming MAL (if outside the 50 mile radius) or transferring to another Squadron.
- e. Any Squadron with less than eight (8) members may have until the Department Convention to obtain the required number of members. If membership requirements are not met by this date, the Squadron shall forfeit their Charter after due notification by their respective Department. If the required number of members is obtained before the date of surrender of the Charter, the Squadron shall be re-activated. If the Squadron is re-organized after a period of three (3) years, the Squadron shall be considered a new Squadron.
- f. A Squadron shall be considered in good standing when all requirements as set forth in this Constitution have been fulfilled.
- g. All Local Squadron administration problems shall be resolved within the confines of the Local Squadron. If and when it becomes necessary to secure further information or advice on said problems, the problem may be referred to the Department Commander, who shall refer it to the proper Department Officer (National Officer where no Department exists).
- h. The Local Squadron shall provide a procedure and provision to protect the Constitutional Rights of the individual member, and shall provide the necessary procedures for hearing appeals, in

accordance with the UNIFORM CODE OF PROCEDURE FOR THE SUSPENSION OR EXPULSION OF A MEMBER (Sons of AMVETS National By-Laws Appendix B).

- i. All correspondence relative to Local Squadron matters emanating from the local Squadron Officers shall be through the next higher Department level. In the event the Department takes no action on the said correspondence within thirty (30) days, the Local Squadron shall have the right to refer the matter directly to National, with copies being forwarded to the Department Commander.
- j. Local Squadrons shall hold at least one (1) business meeting every two (2) months. One of those meetings shall be the annual meeting at which time Standing Rules can be adopted or amended.
- k. It shall be the duty of the Local Squadron Executive Committee to require, collect and forward through the proper Squadron Officers, all forms (IRS 990, etc.) and donations to the National Programs to the appropriate Department Officers. Where no Department exists, all forms shall be forwarded to Sons of AMVETS National Headquarters.
- l. There shall be three (3) types of meetings.
  - a. General monthly or bi-monthly meetings:
  - b. Annual meeting to be held in May
  - c. Special meetings.

#### **SECTION 2:**

- a. The Local Squadron Executive Committee shall be composed of the Commander, all elected Officers and the Immediate Past Commander, as outlined by the Sons of AMVETS By-Laws. Special meetings of the Executive Committee may be held on reasonable notice of the membership at the call of the Commander, or by four (4) members of the Executive Committee.
- b. The Sons of AMVETS Constitution and By-Laws shall provide a definite quorum for Local Squadrons.

#### **SECTION 3:**

- a. Local Squadrons shall elect a Commander, 1<sup>st</sup> Vice Commander, 2<sup>nd</sup> Vice Commander, 3<sup>rd</sup> Vice Commander, Adjutant, Finance Officer, Judge Advocate, and Provost Marshal. All other officers may be appointed according to the Sons of AMVETS By-Laws. Officers may parallel with those of the Department, in so far as the body wishes, regarding the duties of the Program Chairman.
- b. Nominations for Officers shall be made from the floor. New Officers shall be elected and installed prior to June 1<sup>st</sup> and take office on June 1<sup>st</sup>.
- c. The Commander, with the approval of the Executive Committee, shall fill vacancies occurring in the Local Squadrons.
- d. In the event of any vacancy in the office of Squadron Commander, the 1<sup>st</sup> Vice Commander shall temporarily succeed to that office. Within forty-five (45) days the Squadron, at a regular or special meeting, shall nominate and elect a member to complete the unexpired term of Commander.
- e. No Sons of AMVETS member may be a candidate for office of Commander unless he has been a member of that Squadron for at least two (2) consecutive years and held a previous elected office.
- f. A Squadron Commander may be reelected, but shall not serve more than two (2) consecutive terms unless running unopposed or no other candidate meets the required eligibility.

#### **SECTION 4:**

No Squadron shall be seated at the National Convention without filing a Local Squadron Change of Officers Form. No Squadron will be seated without an IRS Employer Identification Number (EIN) Form on file with the Sons of AMVETS National Headquarters. New Squadrons shall be allowed ninety (90) days to furnish a filed IRS 990 Form, where applicable, after one (1) year of existence, according to IRS regulations. After proper notification, all indebtedness to AMVETS or Sons of AMVETS must be paid in full before the Squadron concerned may be seated at the National Convention.

- a. Any Squadron within a Department that has not submitted their Change of Officers Form to their Department at or before their Convention will have their Charter placed on suspension and remain on Suspension until the fully completed form is submitted. Sons of AMVETS Squadrons without Departments, that have not submitted their Change of Officers Form to National Headquarters two (2) weeks before National Convention, will have their Charter placed on suspension and remain on Suspension until the fully completed form is submitted.

#### **SECTION 5:**

In the event of the surrender, cancellation, or forfeiture of a Squadron Charter, all money, official records, and property shall immediately be surrendered to the Department Sons of AMVETS, to be held in trust for a period of no longer than three (3) years. If the Squadron is reinstated or reactivated within that three (3) year period, such monies, papers, records, etc. shall be delivered to such reorganized Squadron in connection with the Charter. A reactivated Squadron may have the privilege of reopening their Charter for a period of no longer than six (6) months.

At the end of three (3) years, if the Squadron remains inactive, all properties shall become the permanent possession of the Department Sons of AMVETS. If no Department exists, all properties become the possession of the National Sons of AMVETS.

At the end of the aforementioned three year period, any Lifetime members remaining listed as members of the defunct Squadron shall automatically be switched to MAL Status. Where a Department exists, the Department shall use this time to locate and facilitate the transfer of the member(s) to another local Squadron. Where no Department exists, the National Department shall perform this function.

### **ARTICLE IX – NATIONAL OFFICERS**

#### **SECTION 1:**

The elected National Officers of this organization shall be the Commander, Vice Commander for Membership, Vice Commander for Programs, Vice Commander for Promotions, Finance Officer, Judge Advocate and Provost Marshal.

#### **SECTION 2:**

**The Commander, with the approval of the Executive Committee, shall appoint a VAVS Coordinator, Chaplain, Communications Director, Legislative Director, Deputy Legislative Director, Inspector General, Junior AMVETS Coordinator, Webmaster and Convention Chairman. These offices shall be filled for a one (1) year term effective September 1<sup>st</sup> to August 31<sup>st</sup> of each year.**

#### **SECTION 3:**

Nominations on all levels for all Officers shall be made from the floor, by secret ballot or convention style.

#### **SECTION 4:**

No member shall be eligible for any National Office unless he is fully paid up in all his individual accounts with the National Department thirty (30) days prior to the opening date of the National Convention.

#### **SECTION 5:**

No member shall be eligible for any National Office unless a valid National membership card has been presented to the Credentials Committee of that Convention.

#### **SECTION 6:**

- a. Commanders on all levels shall have the power to suspend any of his appointed Officers for just cause, and to appoint an Acting Officer to perform the duties of the suspended Officer. At the time of suspension, the Commander on that level shall set forth in writing, the cause of such suspension, and shall forward a copy thereof to the appropriate Executive Committee and to the suspended Officer. Such written cause shall constitute the complaint upon which the Executive Committee on that level shall rule. The decision to uphold or deny the suspension shall be ruled upon at the next Executive Committee Meeting or the Annual Convention whichever occurs first. The suspended Officer shall have the right to speak on his behalf at said meeting prior to the final decision.
- b. An elected Officer on any level may be removed from office only by two-thirds (2/3rds) vote of the Executive Committee on that level, after written charges against such Officer have been preferred and furnished by certified mail to the Officer concerned, and to the Commander on that level. A hearing shall be held by the Executive Committee on that level within thirty (30) days of such notice with the results of said hearing to be presented to the officer in question within 10 days.
- c. **In the event that an elected officer who is the subject of charges also carries significant properties of the Sons of AMVETS, such as the Finance Officer, the remaining members of the Executive Board at that level may, by majority vote, require that officer to turn over all Sons of AMVETS properties to another member. Said member receiving the properties shall be designated by the Executive Board at that level. Upon the completion of the hearing process, if the officer is found not guilty, all said materials shall be returned to the officer in question within 2 business days. If there is an appeal, the Executive Board at that level may choose to extend the confiscation of Sons of AMVETS Properties until the conclusion of the appeal process. The Officer retains all other rights and privileges of his rank with the exception that the Commander at that level may not sit in chair of his own hearing.**
- d. Charges may be preferred by an elected officer, or by three members of the Executive Committee, on that level based upon disloyalty, neglect of duty, violation of law that reflects unfavorably upon the Sons of AMVETS, dishonesty, or conduct unbecoming of a member of Sons of AMVETS.
- e. The procedure for the hearing shall be proscribed by the Judge Advocate on that level with the approval of the Executive Committee on that level.
- f. Any officer who has been removed from office may appeal the ruling of the Executive Committee to the next highest level, provided the appeal is made within 30 days of notification of removal.

#### **SECTION 7:**

National Officers elected at a National Convention shall be installed in office at the same session which they are elected. Their term of office shall be twelve months from September 1<sup>st</sup> following their election until August 31<sup>st</sup> of the following calendar year.

#### **SECTION 8:**

In the event of a vacancy in the office of the National Commander, the National Executive Committee shall select one (1) of the Vice Commanders to complete the term of the National Commander.

#### **SECTION 9:**

In the event of a vacancy in any other National Elected Office, the National Commander shall appoint a Sons of AMVETS member to fill the vacant office, with the approval of the National Executive Committee.

#### **SECTION 10:**

No Sons of AMVETS member may be a candidate for the office of National Commander unless he has served two (2) terms as an elected National Officer.

**SECTION 11:**

No candidate for the office of National Commander may be elected for more than one (1) consecutive term, unless running unopposed, or no other candidate meets the required eligibility.

**ARTICLE X – NATIONAL CONVENTION**

**SECTION 1:**

The voting membership of the National Convention shall consist of all elected National Officers, one (1) delegate representative from each Department, and registered delegates from each Squadron. For the purpose of, and at the time of elections of officers, the National Officers will be seated with their respective states. Polling a designated representative of each state will be used to tabulate results. The total of each state shall not exceed that state's total voting strength. The National Commander shall vote only in the case of a tie, except during the elections of Officers.

**SECTION 2:**

Delegates to the National Convention of the Sons of AMVETS from all Squadrons shall be limited to two (2) delegates and two (2) alternate delegates up to the first twenty-five (25) members, plus one (1) delegate and one (1) alternate delegate for each additional fifteen (15) members, or major fraction thereof, based on membership figures recorded with the National Sons of AMVETS Vice Commander for membership thirty (30) days prior to the National Convention.

**SECTION 3:**

The National Executive Committee shall set registration fees forth not less than sixty (60) days prior to the Convention.

**SECTION 4:**

No State Department delegate shall be eligible to serve as a delegate or alternate delegate of his Squadron as long as he is a voting State Department delegate.

**SECTION 5:**

One (1) more than half of those registered and eligible to vote shall constitute a quorum.

**SECTION 6:**

The National Sons of AMVETS shall meet in Convention at the same time and place as the AMVETS.

**ARTICLE XI – FINANCE**

**SECTION 1:**

The Finances of the Sons of AMVETS at each level shall be under the control of the Executive Committee at that level, which shall delegate sufficient general and specific authority to the Finance Committee at that level to carry out the duties of such a committee.

**SECTION 2:**

The Finance Committee on all levels shall consist of the following six (6) members: The Finance Officer as Chairman, Commander, First Vice Commander, Judge Advocate, Immediate Past Commander and Immediate Past Finance Officer. The Immediate Past Finance Officer will be defined as the most recent Past Finance Officer who is willing and able to serve on the Finance Committee and does not potentially occupy another seat. In the event any of the aforementioned members of the committee are

unable to serve on the committee for any cause whatsoever, or if one person would occupy multiple seats, the Commander on that level may appoint another member of the Sons of AMVETS to serve in the place of said member.

**SECTION 3:**

The Finance Committee shall make an annual report to the annual meeting or Convention on that level. Revenue shall be derived from annual dues. The Executive Committee may approve other sources of income based on reasonable projections.

**SECTION 4:**

The National Finance Committee shall submit a provisional budget to the National Executive Committee for approval at its pre-convention meeting. Within sixty (60) days thereafter, the National Commander-elect, at his discretion, may reconvene the National Finance Committee for the purpose of preparing and acting upon such recommendations for budgetary change as he may propose. Such change may not include an increase in income projections related to membership or lifetime membership. The National Finance Committee may adopt or reject such proposals by a majority vote.

**SECTION 5:**

The following provisions shall govern the establishment and administration of the budget for the Sons of AMVETS National Headquarters.

- a. In the determination of a due figure to be utilized for budgetary purposes in any fiscal year, the Finance Committee shall not include, and the National Executive Committee shall not approve any sum in excess of annual regular dues actually realized as of July 31<sup>st</sup> of the current year. Income from sources other than membership shall be established and included in any proposed budget, based upon actual income from similar sources realized as of July 31<sup>st</sup> of the current year. Reasonable assurances should exist that such income will be realized.
- b. In no case shall the Finance Committee, or any other bodies of the National Organization, be permitted to adopt or approve a budget in which expenses, provisions, or capital expenditures, and provisions for debt reduction exceed the income established above. In the event an individual line item is under budgeted, remaining funds from over budgeted line items may be used to ensure the bills for the National Organization are paid in a timely manner. Any Officer or employee who violates any provision of this section shall, in addition to any other disciplinary action taken, be personally financially liable for any amount spent which exceeds the overall budget appropriations unless such excess has had prior approval of the National Finance Committee. Any salary or expense money due to any Officer or employee, may be retained by the organization to offset all or any part of the unauthorized over expenditure.

**SECTION 6:**

The fiscal year shall be September 1<sup>st</sup> to August 31<sup>st</sup>.

**SECTION 7:**

Any resolution emanating from a National Convention involving the expenditures of funds or any financial commitment shall be referred to the Finance Committee for approval. In the event the Finance Committee disapproves the proposal on its merits, such disapproval must be submitted to a special meeting of the National Executive Committee for ratification or rejection. If, however, such disapproval is made because of a want of available funds within the meaning of Section 5 thereof, then in that event a mere report of action needs to be made to the National Executive Committee at its next meeting.

## **ARTICLE XII – DISCIPLINE**

### **SECTION 1:**

Disciplinary rules relative to Local Squadrons shall be prescribed by the Sons of AMVETS Constitution and By-Laws and the Uniform Code of Procedures for the Suspension or Expulsion of a Member (Appendix B).

## **ARTICLE XIII – PUBLICATIONS**

All publications bearing the name of the Sons of AMVETS, and published by the National Department, State Departments, State Districts, Local squadrons, or affiliates of the Sons of AMVETS, shall be under the supervision of the National Executive Committee. Copies of all publications shall be sent to Sons of AMVETS National Headquarters.

## **ARTICLE XIV – AMENDMENTS**

### **SECTION 1:**

This Constitution may be amended by two-thirds (2/3) vote of the members present and eligible to vote at the annual National Convention. Any member in good standing may submit a resolution. Proposed amendments must be submitted typewritten, dated and signed. Proposals shall be postmarked (if sent via regular mail) or time-stamped (if sent via electronic mail) no later than **May 1<sup>st</sup> for consideration at the National Convention in the same calendar year** and addressed to National Headquarters. National Headquarters shall notify in writing, all Squadrons and Departments all proposed amendments, to be postmarked (if sent via regular mail) or time-stamped (if sent via electronic mail) **no later than May 31<sup>st</sup>**. The National Constitution and By-Laws Committee shall report the same for action at the annual National Convention. This Constitution may however, be amended at any National Convention without prior notice, by a unanimous vote.

### **SECTION 2:**

Roberts Rules of Order, Newly Revised, shall be the parliamentary authority for all matters not specifically covered in the Constitution and By-Laws of this organization. Any conflict among these authorities shall be governed in the following precedence: The Constitution first, the By-Laws second, National Appendices third, Standing Rules fourth and the provisions of Roberts Rules of Order, Newly Revised being last.

### **SECTION 3:**

All amendments shall become effective immediately upon approval of the Sons membership present at the annual National Convention and the National AMVETS Organization unless otherwise stated in the resolution.

### **SECTION 4:**

This Constitution shall automatically be amended by any action taken by our National AMVETS Organization, affecting the Constitution of the Sons of AMVETS.



# SONS OF AMVETS BY-LAWS

## ARTICLE I – COMMITTEES

### SECTION 1:

The National Executive Committee shall be composed of all National elected Officers, and the Immediate Past National Commander. Each Department may send one (1) National Executive Committeeman (NEC), who shall have a vote, but shall not be considered a National Officer. The Committee shall meet at least once during, and immediately after the National Convention. Special meetings shall be held upon reasonable notice at the call of the National Commander, or by the Commander after receiving written requests by four (4) members of the National Executive Committee. This is to include NEC Department Officers. This meeting shall be scheduled within fifteen (15) days, and be held within thirty (30) days.

- a. A Department National Executive Committeeman may only be approved when that position is mandated in that Department's Standing Rules. A letter or up-to-date Change of Officers Form must be on file at the Sons of AMVETS National Headquarters to verify that member's appointment.
- b. The National Commander may call a meeting with just his Elected Officers at any time provided reasonable notice is given.

### SECTION 2:

On the National, State and District level, at an E-Board, Executive Committee, regular or special Meeting, a majority of those members present shall constitute a quorum, provided at least four (4) of those members present are elected officers. On the Squadron level a majority of members present shall constitute a quorum, provided at least three (3) of those members are elected officers.

### SECTION 3:

The National Finance Committee shall be charged with the preparation of the annual budget and the handling of funds subject to the approval of the National Executive Committee, and subject to the limitations set forth in the Constitution.

### SECTION 4:

The National Executive Committee shall approve the appointment and employment of proper Officers for the administration of the affairs of the Sons of AMVETS and prescribe their duties and compensation.

### SECTION 5:

Any National Officer, Committee Chairman, member of a Committee, or other authorized representative may receive reimbursement for his authorized activities on behalf of the organization provided that funds are available.

### SECTION 6:

All questions affecting the eligibility for office and conduct of National Officers shall be referred to and determined by the National Executive Committee. All questions affecting the eligibility for office and conduct of the National Executive Committeemen, Department Officers, or members of National Committees may be referred to and determined by the Executive Committee of the Department involved.

### SECTION 7:

From the membership of that Executive Committee, the National and State Commanders shall appoint a Grievance Committee, consisting of three (3) members and one (1) alternate member to hear grievances and appeals as are provided for in this Constitution and By-Laws and to report their findings and recommendations to the proper authorities. The Commander shall designate a Chairman. This Committee shall function during the appropriate Convention and during meetings of their respective Executive Committees and at other times as needed. Such appointees shall serve at the pleasure of their Commander. Alternate members shall attend all meetings of the Grievance Committee, but without a vote unless another

member is absent or recusing themselves. The Judge Advocate at that level shall serve as a member ex-officio of this Committee, but without a vote.

**SECTION 8:**

The National Commander shall appoint a National Constitution and By-Laws Committee. This Committee shall review the Sons of AMVETS Constitution and By-Laws, National Standing Rules of Operation, and Convention Rules on an annual basis and report same for changes as needed at the annual National Convention. The National Judge Advocate shall be the chairman and the National 1<sup>st</sup> Vice Commander shall be a member of this Committee, with a vote.

**SECTION 9:**

- a. Sons of AMVETS recognizes an organization known as the Council of Past National Commanders, to be chaired by the Immediate Past National Commander. The Council shall meet as part of the Spring National Executive Committee Meeting and National Convention and shall present a report at both meetings.
- b. The Council of Past National Commanders shall be an advisory and overview council to consider all facets of the organization; to maintain unity and harmony; and to develop matters pertaining to the good and welfare of the Sons of AMVETS. Its suggestions and recommendations shall be reported at an NEC meeting or National Convention for further consideration and action.
- c. The Council of Past National Commanders shall be the committee for the purpose of the recipient selection process for the National "Aid and Support Award", and shall meet at each National Convention to conclude this selection process. Upon selection of the next recipient, the committee shall report such selection to the AMVETS Awards Committee for their approval or rejection. The approved recipient shall be announced on the Sons Convention floor, and presentation of the award shall be made by a Past National Commander at the Silver Helmet Banquet during the next Spring NEC.

**SECTION 10:**

The Commander on each level shall appoint such Committees, as he deems necessary to the proper conduct of the organizational affairs, subject to the approval of the Executive Committee at that level. Such appointees shall serve during the term of the administration appointing them, and shall terminate upon the expiration of the term of the appointing administration.

**ARTICLE II – DUTIES OF OFFICERS**

**SECTION 1 – COMMANDERS ON ALL LEVELS:**

The Commander shall be the Executive Head of the Sons of AMVETS at that level, with full power to enforce the provisions of the Sons of AMVETS Constitution, the By-Laws, and the will of the Convention or annual meeting and that level's Executive Committee.

1. He shall act as Chairman of the Executive Committee.
2. He shall direct and supervise the activities of the other elected and appointed Officers and Committee Chairman.
3. He shall be a member of all Committees, and shall vote on all Committees only in the case of a tie.
4. Together, with the Finance Officer, he shall be responsible for all business affairs and monies involving the Sons of AMVETS.
5. He shall, along with the Finance Officer, be authorized to make the usual expenditures within the budget. All other expenditures shall only be authorized through the Executive Committee in conjunction with the Finance Officer.
6. The Commander shall be the official spokesman for all matters involving the Sons of AMVETS.
7. The Commander shall be responsible for scheduling Executive Committee Meetings, and so deemed Special Meetings.
8. In the event that any Commander, for any reason, can not attend a scheduled or special meeting in which he is to chair, he shall either call the meeting to order and pass the duty of chair to the 1st Vice Commander, or shall inform and pass the chair to the 1st Vice Commander prior to said meeting.

This shall be the proper procedure for all elected Vice Commanders. A scheduled or special meeting, shall not be canceled unless a proper quorum can not be reached.

**SECTION 2 – VICE COMMANDERS ON ALL LEVELS:**

Each Vice Commander shall act as representatives of the Commander in all matters referred to them by him and shall, upon his request, preside over the meetings of the Executive Committee.

**a. 1<sup>ST</sup> VICE COMMANDER:**

Each Vice Commander for Membership shall coordinate all Membership Directors or Vice Commanders in charge of membership, through and with the Secretary. He shall also:

1. Correlate the Convention mandates on membership between the National, Departments and the Squadrons.
2. Review and reevaluate the present membership programs, and report his recommendations to the Commander on each level, the Executive Committee on each level, and the National and Department Convention.
3. Endeavor to create and present new membership incentives to the Commander on each level and the Executive Committee on each level.
4. Be informed on the membership strength of the National Department, State Departments, Districts, and Local Squadrons of the Sons of AMVETS. It shall be the responsibility of the National First Vice to mail quarterly, this information to the State Department Commanders, and Adjutants, and to all National Officers.
5. He shall perform other such duties in connection with membership as the Commander on all levels may direct.
6. The Squadron 1<sup>st</sup> Vice Commander shall serve as the Membership Chairman. The Membership Chairman's duties include, but are not limited to, retention, recruitment, membership incentive programs, and he shall chair the Membership Committee.
  - a. He shall forward all monies from dues to the Finance Officer.
  - b. He shall compile a list of total membership to the Commander no less than every three- (3) months.

**b. 2<sup>ND</sup> VICE COMMANDER ON ALL LEVELS:**

The National Second vice Commander for Programs shall coordinate all Department Program Chairmen through and with the Administrative Assistant. He shall also:

1. Review and reevaluate the present Membership Programs, and report his recommendations to the National Commander, the National Executive Committee, and the National Convention.
2. Second Vice on all levels shall coordinate all Programs between National and Department Levels.
3. Second Vice on all levels shall be charged with the responsibilities of studying and recommending new Programs to the National Commander, and the National Executive Committee for consideration.
4. Second Vice on all levels shall be indoctrinated on all Programs instituted by the National Organization, especially those involving contact with the general public.
5. Second Vice on all levels shall perform such other duties in connection with the Sons of AMVETS Programs, as the Commander shall direct.

**c. 3<sup>RD</sup> VICE COMMANDER ON ALL LEVELS:**

The Third vice Commander for Promotions shall coordinate all fund raising activities. He shall also:

1. Evaluate all fund-raising possibilities, and make his recommendations to the Executive Committee on all levels.
2. Coordinate all promotions between the National, Department, District and Squadron.
3. Perform such other duties in connection with the Sons of AMVETS, as the Commander on all levels shall direct.

### **SECTION 3 – FINANCE OFFICER ON ALL LEVELS:**

The Finance Officer shall act as the Chairman of the Finance Committee, and perform the following duties:

- a. The National Finance Officer shall be responsible for the overseeing and receiving, banking, disbursing and accounting for the National Sons of AMVETS. The National Finance Officer will ensure that all monies are deposited in a timely manner. Disbursement shall NOT exceed seven (7) working days of receipt. The National Finance Officer will direct the Administrative Assistant to deposit all monies (cash, checks, etc.) received at National Headquarters by the end of the business week. On the Department, District and Squadron level, the Finance Officer shall deposit all monies given to him for the Treasury within seven (7) days.
- b. At the National level the Finance Officer, the Commander, and the Administrative Assistant shall establish a two- (2) signature bank account, or accounts, and countersign all the National Sons of AMVETS checks. At the Department level the Finance Officer shall be responsible for making sure that all checks contain two (2) signatures, with the other officers signatures being the Commander, Adjutant or Executive Secretary. In a State without an Executive Secretary, the First Vice Commanders may be the second signer. At the District and Squadron level the Finance Officer shall be responsible for making sure that three (3) authorized signatures are the Finance Officer, the Commander, the First Vice and/or Adjutant. At the Department, District, and Squadron level, the Finance Officer shall procure from the bank in which the organizational funds are held all needed signature forms and all other forms which are needed to operate our financial books properly.
- c. The National Finance Officer will also be prepared to issue reports, as requested, for the Executive Committee. The Finance Officer will prepare and present a financial report at each National Convention. The Department Finance Officer will prepare a ledger and present a financial report at the State Convention and at all conferences. He will also be prepared to issue reports, as requested, for the Executive Committee. The Squadron Finance Officer shall submit to the post Finance Officer, semi-annually, a complete itemized report of the financial standings of the Squadron.
- d. At all levels the Finance Officer shall be responsible for the preparation and filing of form 990 and other tax-related forms.
- e. The Finance Officer at the National level and Department level, along with the Finance Committee, shall prepare an annual budget to be presented to the Executive Committee and the general membership for approval and acceptance at the National and Department Convention. The Finance Officer, along with the Finance Committee, shall prepare an annual report to be presented to the Executive Committee for approval at the National and Department Convention.
- f. The Finance Officer shall have the Sons of AMVETS financial records in good order for the annual report, and for turning over to the incoming Finance Officer. The new Finance Officer shall provide a receipt for the Sons of AMVETS books and monies to the outgoing Finance Officer. At the National level, an annual review audit shall be performed by an independent outside accountant prior to October 31<sup>st</sup> of the calendar year. At all other levels, the Executive Committee will establish an auditing system in accordance with the Constitution & By-Laws.
- g. The Finance Officer on National, and Department level, along with the Commanders on National, and Department level, are authorized to pay all bills, invoices, and debt obligations that fall under standard and usual expenses within the limitations of the annual budget. All other expenditures must be reviewed and approved by the Finance Committee. On the District and Squadron level, the Commander along with the Finance Officer shall pay all usual expenses and bills, all other expenditures, shall be authorized and reviewed by the Executive Committee, and or the membership.
- h. The Finance Officer shall be responsible for other duties described in these By-Laws, and other duties designated by the Commander, with the approval of that Executive Committee.
- i. The National Finance Officer shall be responsible for the accounting functions through August 31<sup>st</sup> of the current term. The Department and State District Finance Officers shall be responsible for the accounting functions through June 30<sup>th</sup> of the current term. The Squadron Finance Officer shall be responsible for the accounting functions through May 31<sup>st</sup> of the current term. The Finance Officer at each respective level shall also use this time to familiarize the Incoming Finance Officer with procedures.

#### **SECTION 4 – ADJUTANT**

The Adjutant at all levels (including any Executive Director, Administrative Assistant or Secretary performing the role of Adjutant, hereinafter referred to as Adjutant), shall record the minutes of all required meetings and shall be responsible for all correspondence and notices at the direction of the Commander. The Adjutant shall record the minutes of all meetings in a permanent-type ledger. In the absence of the Adjutant, the Commander shall appoint another member to fulfill these duties.

- a. The minutes of all National Executive Committee Meetings and the National Convention shall be emailed within 30 days to all Sons of AMVETS Contacts on file. Hard-copies shall follow with the information for the next meeting once that becomes available. The mailing shall be sent to all Squadrons, State Districts, Departments, National Executive Committeemen, Past National Commanders and National Officers.
- b. Departments may set their own rules regarding minutes, provided such is provided for in their Standing Rules. If the Department Standing Rules are silent, then copies must be emailed to all Sons of AMVETS Contacts within that Department within 30 days of the meeting. Hardcopies must be mailed no less than 45 days prior to the next meeting to all Squadrons, State Districts, Past Department Commanders and Department Officers.
- c. The District Adjutant shall keep all the Squadrons informed of all District functions and activities and ensure that all Squadrons are notified at least thirty (30) days in advance of time, place, and date of all District Meetings and elections of officers.
- d. The Squadron Adjutant shall keep the membership informed of all functions and activities and ensure that all members are notified in advance of time, place, and date of meetings. He shall take care to insure that all members are notified at least thirty (30) days prior to all elections of officers.

#### **SECTION 5 – JUDGE ADVOCATE ON ALL LEVELS:**

The Judge Advocate on all levels shall act as the advisor to the Commanders on all levels and the Executive Board. He shall:

- a. Serve as the Parliamentarian at all Conventions and at all Executive Committee Meetings.
- b. Be responsible for the Constitution and By-Laws, maintenance, amendment proceedings and interpretations.
- c. The National Judge Advocate shall be responsible for compliance with, and approval of, the Constitution and By-Laws with the National AMVETS. The Sons National Judge Advocate shall have the AMVETS National Judge Advocate sign and date, approval of all resolutions that were passed on the Sons of AMVETS National Convention floor.
- d. The Judge Advocate on all levels shall be responsible for all investigations in membership and Officer Discipline.
- e. Assume such other duties as the Commander on all levels, with the approval of the Executive Committee, may designate.

#### **SECTION 6 – PROVOST MARSHAL ON ALL LEVELS:**

The Provost Marshal on all levels shall be responsible for the Sons of AMVETS Colors. He shall ascertain that only members in good standing are present at regular, special, and annual meetings. He shall maintain order at all meetings and functions in accordance with instructions from the Commander. He shall assume such other duties, as his Commander shall designate, with the approval of the Executive Board.

- a. The National Provost Marshal shall be responsible for the Junior AMVETS Flags and accessories. He shall ensure that they are transported to the Spring NEC and National Convention. He will turn them over to the Junior AMVETS prior to their meetings and collect them at the close of their business. He may utilize a Deputy National Provost Marshal for these tasks.

#### **SECTION 7 – CHAPLAIN ON ALL LEVELS**

The Chaplain shall offer the invocation and benediction at all meetings, and shall guide the spiritual welfare of this Organization.

#### **SECTION 8 – COMMUNICATIONS DIRECTOR ON ALL LEVELS**

The Communications Director shall serve at the Commander's call and shall be responsible for all press releases, media communication and the social media presence, not including the website, of the

National Sons of AMVETS. The Communications Director shall continually search for new ways to promote the Sons of AMVETS, and review these with the Executive Board or Executive Committee prior to implementation. He shall accompany the Commander to functions, when requested, to document said functions. He shall photograph and collect pertinent materials, to enable him to compile and complete a scrapbook for the Commander, and shall present the scrapbook, upon completion, to the Commander.

#### **SECTION 9 – DISTRICT COMMANDERS**

The District Commanders shall serve as a liaison between the State Department Executive Committee and the local Squadrons They shall assist the local Squadrons in the completion of all necessary forms and in gaining the information needed in the general performance of their duties. Each District shall elect a State District commander by the vote of not more than five (5) delegates of each Squadron in the district at the May District meeting. This man may come from the same Squadron as the State Commander or any other State vice Commander. Newly elected officers shall assume their duties July 1<sup>st</sup> of each year. All District Commander shall attend one meeting of each Squadron in his representative district per year and file a written report with the Sons of AMVETS State Department Commander.

#### **SECTION 10 – CONVENTION CHAIRMAN:**

**The National Commander shall appoint a Convention Chairman, who must be knowledgeable in the running of a Sons of AMVETS National Convention or in general convention planning. The Convention Chairman's duties will include working with the Convention Hotel, Headquarters Staff and other subordinate organizations to arrange all facets of the Annual National Convention, Fall NEC and Spring NEC Meetings. The Convention Chairman will also perform other duties in relation to meeting planning as assigned by the National Commander, National Executive Board and National Executive Committee. State Departments may choose to establish a similar position if they so choose**

#### **SECTION 11 – LEGISLATIVE DIRECTOR:**

The National Legislative Director is to be the Liaison Officer on Legislative issues between the National AMVETS Organization, and the National and Departments Sons of AMVETS. He is to work closely with the National AMVETS Legislative Director on a monthly basis.

- a. The Deputy Legislative Director shall communicate with the Legislative Director in order to stay abreast of the current events that the Legislative Director is pursuing, or has put into effect. He shall be ready at all times to fulfill, if necessary, the duties of the Legislative Director.

#### **SECTION 12 – EXECUTIVE DIRECTOR:**

The National Executive Director shall be charged with the administration of the policies of the National Convention, the National Executive Committee and the National Commander. He shall be considered an employee of the National Sons of AMVETS and shall be a Sons of AMVETS member.

- a. He shall supervise the activities of the National Headquarters office.
- b. He shall be the liaison between the Parent organization, AMVETS, its duly recognized subordinate organizations, and the Sons of AMVETS National Department pertaining to all travel arrangements for convention and/or scheduled or special NEC meetings.
- c. He shall arrange for all travel and accommodations for the officers of the National Department as approved by the Commander or the National Executive Committee, as the approved budget should allow.
- d. He shall provide reports to the National Commander and the National Executive Committee upon request and at all NEC meetings and the National Convention.
- e. He shall be responsible for attending the pre-convention meeting for the National Convention and shall report any and all findings of said meeting to the National Commander and the National Executive Committee at the earliest possible time.
- f. He shall be properly bonded in accordance with National Officers.
- g. He shall retain his right to vote at the National Convention on all matters exclusively pertaining to Constitution and By-Laws resolutions, elections and motions from the convention floor.
- h. He shall be exclusive in his position as National Executive Director and shall hold no other State Department or National Department position either elected or appointed.

- i. He shall be permitted to wear the National Officers cover due to his appointed position.

#### **SECTION 13 – JUNIOR AMVETS COORDINATOR**

The Junior AMVETS Coordinator shall be the liaison between the Junior AMVETS and the Sons of AMVETS. He shall attend, when possible, the necessary functions and meetings of the Junior AMVETS. He shall report to the National Commander and the National Executive Committee. He shall also make recommendations as to how best the Sons of AMVETS can assist the Junior AMVETS in their aims and goals.

#### **SECTION 14 – INSPECTOR GENERAL ON NATIONAL AND DEPARTMENT LEVELS**

The National and Department Sons of AMVETS Inspector General shall be the investigating officer of the organization. By direction of the National and Department Commander or the National and Department Executive Committee, the National and Department Inspector Generals shall make any necessary investigations pertaining to grievances, disciplinary cases, fraud or dishonesty within the organization and charges of conduct unbecoming a Sons of AMVETS member, and shall be empowered to have access to all records, financial and otherwise, of all departments, squadron officers or members when necessary for the National and Department Inspector General duties. In making such investigations, the National and Department Inspector General shall report to the National and Department Commander who shall, in turn, review the findings with the National Judge Advocate and, if warranted, report to the National and Department Executive Committee. The National and Department Inspector General shall serve at the pleasure of the National and Department Commander and the National and Department Executive Committee.

#### **SECTION 15 – WEBMASTER NATIONAL AND DEPARTMENT LEVELS**

The National Sons of AMVETS Webmaster shall be responsible for the creation and maintenance of the National Sons of AMVETS web site. This is to include, but not be limited to, all National forms as instructed by the National Executive Committee.

#### **SECTION 16 – BONDING**

All elected and appointed officers on all levels that handle funds, should 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 funds, handled by such individuals in a single year; this is to include a secretary on each level.

### **ARTICLE III – DUES**

#### **SECTION 1:**

- a. The annual membership dues for National shall be established by the National Executive Committee to be presented for approval at the National Convention by two-thirds (2/3) vote.
- b. The annual membership dues for State Departments shall be established by the State Executive Committee to be presented for approval at the State Convention by two-thirds (2/3) vote. Annual dues for the Sons Squadron shall be no less than their sponsoring AMVETS Post. MAL shall be responsible for State and National dues based on the State in which they live.
- c. The disbursement of the dues will be made by the Local Squadron Finance Officer to the respective Department Sons of AMVETS, to include the National and the Department dues, with the remainder of the dues to be retained by the Local Squadron. Where no Department exists, the Local Squadron shall disburse, directly to the National Sons of AMVETS, the proper amount of the National dues, and retain any portion of the dues in excess. The Department shall be responsible for disbursement of dues from the Local Squadrons to the National Sons of AMVETS, pursuant to current fees.
- d. Each Squadron, whether Department or non-Department, shall remit annually to the National Department the sum of thirteen dollars (\$13.00) for each member who is a new member or is renewing on an annual basis of which fifty cents (\$.50) will be used for assisting Departments, Districts, or Squadrons. Departments, Districts, and Squadrons can apply for an Assisting Grant, with the approval of the National Executive Committee.

- e. The amount of \$1.10 per member shall be budgeted for the purpose of NEC per diems and lodging (or transportation not to exceed equivalent amount of lodging or voucher limits), for scheduled meetings, and shall be accounted for in the annual approved budget, based on total memberships as of July 31, of each fiscal year, and shall be allocated as stated in the National Department Standing Rules of Operation, not to exceed the annual budget allocation.
- f. The amount of \$.50 (fifty cents) per member shall be budgeted for the purpose of **Past National Commander (PNC)** per diems and lodging (or transportation not to exceed equivalent amount of lodging or voucher limits) budgeted equally for the Spring NEC meeting and National Convention. The preceding items shall be accounted for in the annual approved budget, based on total memberships as of July 31, of each fiscal year, and shall be allocated as stated in the National Department Standing Rules of Operation, not to exceed the annual budget allocation. **Past National Commanders travelling to a Spring NEC or National Convention must notify the National Commander by phone or email no later than January 1<sup>st</sup> (in the case of Spring NEC) or May 1<sup>st</sup> (in the case of the National Convention) of their preliminary decision to be eligible for a full and equal share. Any Past National Commander failing to do so may still be eligible for reimbursement, but will only be eligible for funds remaining after the PNCs who observe the above notification. Any monies not expended during the Spring NEC meeting may otherwise be utilized for the National Convention.**
- g. The amount of \$.20 (twenty cents) per member shall be budgeted for the purpose of the Sweats for Vets Program, the amount of \$.20 (twenty cents) per member shall be budgeted for the Undergarments for Vets program, and the amount \$.50 (fifty cents) per member shall be budgeted for the Veteran's Lodging program for Veterans Day and the Spring NEC meeting. The preceding items shall be accounted for in the annual approved budget, based on total memberships as of July 31, of each fiscal year, and shall be allocated as stated in the National Department Standing Rules of Operation, not to exceed the annual budget allocation.

**SECTION 2:**

Dues shall cover a calendar year from January 1<sup>st</sup> to December 31<sup>st</sup>.

- a. Any Officer on any Level (National, State, District or Squadron), not submitting their dues by midnight December 31<sup>st</sup>, shall forfeit their office, and the Commander on that level shall appoint a currently paid up member to replace him.

**SECTION 3:**

Squadrons not submitting dues by December 31<sup>st</sup> shall be considered delinquent, and have their Squadrons placed in Membership Suspension.

- a. (Squadrons with Departments) The Department 1<sup>st</sup> Vice Commanders shall notify the Squadrons within their States in writing by January 15<sup>th</sup> that they have been placed in Membership Suspension, and that they must submit membership to the Department by February 1<sup>st</sup>, or be placed into Charter Suspension. Copies of this letter shall be forwarded onto National Sons Headquarters.
- b. (Squadrons without Departments) Squadrons shall be notified in writing by the Administrative Assistant by January 15<sup>th</sup> that their Squadron has been placed in Membership Suspension, and they must submit their dues by February 1<sup>st</sup> or be placed in Charter Suspension.

**SECTION 4:**

Squadrons not submitting dues by February 1<sup>st</sup>, shall have their Charters placed in Suspension.

- a. (Squadrons with Departments) The Department 1<sup>st</sup> Vice Commanders shall notify any Squadron within their Department in writing by February 15<sup>th</sup> that they are now under Charter Suspension for failing to submit dues. Copies of this letter will be forwarded to the Department Coordinator, the Post Commander of the AMVETS, and to National Sons Headquarters.
- b. (Squadrons without Departments) The Administrative Assistant shall notify the Squadron(s) in writing by February 15<sup>th</sup> that they are now under Charter Suspension for failing to submit dues. Copies of this letter will be forwarded onto the parent AMVETS, Department and Post.



## ARTICLE IV – LIFETIME MEMBERSHIP

### SECTION 1:

A Lifetime Membership Trust Fund shall be established for the purpose of providing an annual operating budget for the National and State Departments, and Local Squadrons of the Sons of AMVETS.

### SECTION 2:

A permanent Trust Fund shall be established exclusively for the purpose of operating budgets, and cannot for any reason be used for any other purpose.

### SECTION 3:

Additional accounts may be established by the Committee for the purpose of generating additional revenues for use to be determined by the Executive Committee. (Example: scholarships, recruiting, legislative matters, etc...)

### SECTION 4:

Distribution of the Lifetime Membership Fund shall not exceed the following on an annual basis:

National = \$9.00    Departments = \$7.00    Squadrons = \$4.00

The Lifetime Membership Trust Fund Committee shall make annual reviews of Distribution.

### SECTION 5:

The Lifetime Membership Trust Fund Committee shall be responsible for the regulation and disbursement of all investment funds. Distribution of annual dues shall be made by January 31<sup>st</sup> of each year.

## ARTICLE V – MEMBERSHIP CARDS

Membership cards issued by the National Sons of AMVETS shall be the only official authorized cards with the Sons of AMVETS. Departments and Squadrons are not authorized to issue their own membership cards.

## ARTICLE VI – DISCIPLINE

### SECTION 1:

- a. Disciplinary rules relative to Local Squadrons shall be prescribed by the Departments (where they exist) and by the National Department otherwise.
- b. The Executive Committee on all levels may suspend or expel any member on the proper showing of cause. Written charges may be based on disloyalty, neglect of duty, misappropriation of Sons of AMVETS funds, or disregard of the provisions of the Constitution and By-Laws. The National Executive Committee shall provide a Uniform Code of Procedure to be followed in the Revocation, Cancellation, or Suspension of Department, District, or Squadron Charters, or members and a method of appeal to the National Convention and National Executive Committee (Appendix A).

### SECTION 2:

- a. The National Executive Committee, after a notice of a hearing before a Committee, may cancel, suspend, or revoke the Charter of any Department for good and sufficient cause. The National Judge Advocate shall prescribe procedures for any such action.
- b. In the event of the suspension or revocation of the Charter of any Department, the suspended body shall have the right of appeal to the next National Convention.

## **ARTICLE VII – FUND RAISING PROJECTS**

### **SECTION 1:**

Any fund raising project on the National, Department, District or Squadron Level, must receive prior approval from the parent AMVETS corresponding level. It shall then be the responsibility of so deemed AMVETS to submit such projects for approval, if necessary, in accordance with ARTICLE VII, SECTION 3, item (a), of the AMVETS National By-Laws.

## **ARTICLE VIII – FINANCE**

### **SECTION 1:**

- a. All finances of the National Sons of AMVETS shall be under the jurisdiction of the Executive Committee.
- b. Revenue shall be derived from annual dues. The Executive Committee may approve other sources.

## **ARTICLE IX – STATE CONVENTION**

### **SECTION 1:**

Any member in good standing seeking an Office at any level within the Sons of AMVETS, for which they meet all requirements, but are unable to attend the meeting in which elections will take place must submit a letter or email of acceptance to the Commander of their nomination prior to elections. Their absence from the meeting must be excused.

### **SECTION 2:**

- a. Delegates to the State Department Convention from all Squadrons shall be limited to two (2) delegates and two (2) alternate delegates up to the first twenty-five (25) members plus one (1) delegate and one (1) alternate delegate for each additional 15 members or major fraction thereof based on membership figures recorded with the State Department Sons of AMVETS Vice Commander for membership, thirty (30) days prior to State Department Convention. The State Executive Committee shall set forth registration fees not less than sixty (60) days prior to the Convention. One more than half of those registered and eligible to vote shall constitute a quorum. The State Coordinator of the Sons of AMVETS who shall be appointed by the AMVETS State commander shall advise all actions of the Sons of AMVETS and report all findings to the parent organization.

## **ARTICLE X – STANDING RULES**

Standing Rules may be developed or amended by the National Department or State Departments at their respective Convention provided such rules are not in conflict with the Constitution and By-Laws. Standing Rules may only be adopted or amended by the District and Squadrons at the appropriate annual meeting; Standing Rules may be amended by a majority vote at these meetings only. Copies of the amended State Department standing rules must be sent to the National Sons Headquarters by July 15<sup>th</sup> for the approval of the Sons National J.A. District and Squadron Standing Rules must be submitted to their Departments by July 15<sup>th</sup> each year for the Department J.A. approval. Squadrons without Departments must submit their approved Standing Rules or amendments to National Sons Headquarters by July 15<sup>th</sup> each year that they are amendments for the National Sons J.A. approval.

## **ARTICLE XI – AMENDMENTS AND RESOLUTIONS**

### **SECTION 1:**

These By-Laws may be amended by a majority vote of the members present and eligible to vote at the annual National Convention. Proposed amendments must be submitted typewritten, dated and signed.

Members (in good standing), Squadrons, Department Conventions, or Executive Committees, National Executive Committees, appointed Committees, or any National Officer may submit proposed amendments. Proposals shall be postmarked **no later than May 1<sup>st</sup> for consideration at the National Convention in the same calendar year** and addressed to National Headquarters. The National Headquarters shall notify all Squadrons and Departments of any proposed amendments in writing, postmarked no later than **May 31<sup>st</sup>**. The National Constitution and By-Laws Committee shall report the same for action at the annual Convention. All properly submitted proposed amendments may be adopted by a majority vote of the eligible and present members at the annual National Convention. These By-Laws may, however, be amended at any National Convention without prior notice, by a two-thirds (2/3rds) vote.

#### **SECTION 2:**

All amendments shall become effective immediately upon approval of the Sons Membership present at the annual National Convention and the National AMVETS organization unless otherwise stated in the resolution.

#### **SECTION 3:**

These By-Laws shall automatically be amended by any action taken by our National AMVETS organization, affecting the Constitution or By-Laws of the Sons of AMVETS.

### **ARTICLE XII – RIGHTS OF APPEAL**

#### **SECTION 1:**

The right of appeal shall protect the Constitutional rights of the member.

#### **SECTION 2:**

The Grievance Committee shall report their recommendations to the Executive Committee, upon completion of the following steps. The policy and procedure published in this manual shall be used as a guideline:

- Step 1:** Departments desiring to appeal will present a statement thereof to the Commander, who will then refer the written and signed complaint to the Appeals Board.
- Step 2:** The Chairman shall arrange a meeting of the Appeals Board to conduct a hearing. The parties involved shall be heard separately and in confidence. The Board and parties involved shall make every effort to reach an agreement.
- Step 3:** In the event either party desires to appeal any decision, said appeal must be filed within sixty (60) days. Local Squadrons have the right to appeal only to their Departments. Departments are granted the right to appeal to National. The decision reached on any level shall be final. The records of the National appeals shall be filed with the National Sons of AMVETS Headquarters, sealed, and kept for a period of three (3) years. The Appeals Board upon Orders of National may open the records. Where no Department exists, Squadrons may appeal directly to National.

### **ARTICLE XIII – RELATIONSHIP OF SONS OF AMVETS**

Sons of AMVETS are a subordinate of AMVETS. Only the National AMVETS organization has the right to amend, alter, change or repeal any of the provisions contained in the Constitution, By-Laws or other governing instruments of the Sons of AMVETS. The National Board of Directors for AMVETS, by majority vote, has the preliminary power to nullify or alter provisions of the Constitution, By-Laws or other governing instruments of the Sons of AMVETS, or its subordinates, if it determines that such provisions or actions are injurious to the AMVETS, or its subordinates.

### **ARTICLE XIV – DISCLAIMER**

This document is a Sons of AMVETS document. Any references to Department or National pertain to the Sons of AMVETS, unless otherwise stated.

## APPENDIX A

### UNIFORM CODE OF PROCEDURE FOR THE REVOCATION, CANCELLATION, OR SUSPENSION OF DEPARTMENTS AND SQUADRONS CHARTERS

#### SECTION 1:

Sons of AMVETS Department and Squadron Charters may be suspended or revoked for any one or more of the following reasons.

- a. Failure to comply with any of the provisions of ARTICLE VI, VII or VIII of the Constitution (as applicable)
- b. Failure to comply with ARTICLE VI, SECTION 1, item a, of the Sons of AMVETS National By-Laws
- c. Any violation of law that reflects unfavorably on the name of the Sons of AMVETS, in which case the National Commander may seize the Department or Squadron Charter prior to the hearing provided herein, or
- d. Any misconduct unbecoming any Sons of AMVETS Department or Squadron
- e. Violation of any other provisions of the Sons of AMVETS Constitution and By-Laws.

#### SECTION 2:

Any Department or Squadron Charter may be canceled if fraud or deception obtained it.

#### SECTION 3:

Any member in good standing may prefer charges against an offending Department or Squadron. These charges shall be made under oath, alleging the time and place of the offense, and signed by the accuser.

#### SECTION 4:

All charges and specifications against a Squadron with a Department, shall be filed with the Department Judge Advocate who shall, without delay, send a notice by mail to the National Judge Advocate and all members of the Executive Committee of the Department of the filing of said charges and the date and place of the meeting to be held. The meeting shall be held not less than five (5) days, nor more than twenty (20) days after the date that said notice was mailed. At such meeting, the charges shall be read, and their acceptance or rejection acted on, but the name of the accused or the accusers shall not appear in said notice. All charges against any Squadron without a Department, or against a Department, shall be filed with the National Judge Advocate, with the same notification procedure being utilized on the National level.

#### SECTION 5:

When the charges have been presented and read, the Executive Committee on that level shall decide by majority vote whether they shall be accepted, and the accused Squadron or Department placed on trial. If the Executive Committee on that level accepts the charges, the Commander of the Department or National level shall set a time and place for a hearing. A notice thereof shall be sent by registered mail to the Commander of the offending Department or Squadron, together with a copy of the charges and specifications. The date of the hearing shall not be less than fifteen (15) days from the date of the acceptance of the charges by the Executive Committee of either the Department or National level.

#### SECTION 6:

If, after notice has been duly served, the offending Department or Squadron is not presented at the time and place of the hearing, the National Executive Committee on that level may conduct the hearing to a final conclusion.

#### SECTION 7:

The National Judge Advocate shall prosecute the charges. The offending Department or Squadron shall be entitled to counsel. The attendance of a court reporter shall be permitted.

**SECTION 8:**

The Commander on that level shall decide all questions as the relevancy of the evidence and the regularity of the proceedings.

**SECTION 9:**

At the conclusion of the hearing, the Commander on that level shall immediately put the question of “guilty” or “not guilty” on each charge and specification.

**SECTION 10:**

It shall require a vote by ballot of two-thirds (2/3<sup>rd</sup>s) of the Executive Committee on that level members present to sustain any charge or specification.

**SECTION 11:**

If any charge or specification is sustained, the Department or Squadron shall be declared guilty, and the Commander on that level shall put the question of the degree of punishment, beginning with Charter Revocation. If that not be sustained, then indefinite suspension. And if that not be sustained, definite suspension. And if that not be sustained, reprimand shall follow without further vote.

**SECTION 12:**

With the exception of reprimand, which must follow a finding of guilty, unless a more severe penalty imposed, a vote of two-thirds (2/3<sup>rd</sup>s) of the members of the Executive Committee on that level present at the hearing shall be necessary to decide the degree of punishment.

**SECTION 13:**

Any Department or Squadron who’s Charter is revoked or Suspended, may appeal to the National Executive Committee by notifying the Administrative Assistant by registered mail of its desire to appeal. The action of the National Executive Committee shall be binding, pending appeal to the next National Convention.

**SECTION 14:**

The National Judge Advocate shall prescribe procedures for the handling of any such appeal.

## APPENDIX B

### UNIFORM CODE OF PROCEDURE FOR THE SUSPENSION OR EXPULSION OF A MEMBER

#### SECTION 1:

Sons of AMVETS members may be suspended or expelled for any one or more of the following reasons:

- a. Failure to comply with any obligation imposed on members under the Constitution and By-Laws.
- b. Any violation of law that reflects unfavorably on the name Sons of AMVETS.
- c. Any other conduct unbecoming a Son of AMVET.
- d. Ineligibility for membership at time of acceptance into membership, or
- e. Procurement of membership by fraud or deception.

#### SECTION 2:

Any member of Sons of AMVETS may prefer charges against any other member, alleging any of the foregoing causes for suspension or expulsion. Such charges shall be made under oath, (Within 45 days of said Infraction) setting forth the time and place of the offense or other basis for the charges, as near as may be practicable, and signed by the accuser.

#### SECTION 3:

All charges and specifications shall be filed with the Squadron Commander of the Squadron to which the member complained about belongs, or if said member be a Member-At-Large, then with the Department Commander, or National Commander where a Department doesn't exist. On receipt of said charges and specifications, said respective Commander shall, within five (5) days, send a copy thereof by certified mail to the member complained about and the complainant, 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 4:

Said charges and specifications shall be heard by the Executive Committee of the Squadron, or in the instance of a Member-At-Large, by the Executive Committee of the Department, at which said hearing the member complained about shall have the right to be represented by counsel and to cross-examine his accuser or accusers and witnesses presented against him. No member against whom charges have been preferred, or who has preferred charges against another member, shall sit in judgment on any panel hearing or deciding the matter.

#### SECTION 5:

The Squadron, Department, or National Judge Advocate, as the case may be, shall prosecute the charges, and the attendance of a court reporter shall be permitted.

#### SECTION 6:

The Presiding Officer of the said Executive Committee shall decide all questions as to the relevancy of the evidence and the regularity of the proceedings.

#### SECTION 7:

On the conclusion of the hearing, a vote shall be taken first as to whether there be a basis for the charge of charges. And if by vote hereinafter mentioned, it is determined there is none, the charges may be dismissed.

If the charges are not dismissed, then a vote shall be taken on the guilt or innocence of each of the charges and said specifications. A two-thirds (2/3<sup>ds</sup>) vote of the members of the Executive Committee hearing the charges and specifications shall be required to sustain any charges or specification. Voting herein provided for, shall be secret or open as said Executive Committee may, by majority vote thereof, and determine.

**SECTION 8:**

If any charge or specification is sustained, then the matter shall be deemed guilty thereof, and the Officer Presiding at the meeting shall then put the question of the degree of punishment as to whether there shall be a suspension from the benefits of membership, and if so, for how long, or an expulsion from membership.

**SECTION 9:**

Any member whose membership is suspended or forfeited may appeal to the next highest level applicable from that which heard the charges and specification, i.e., from Squadron Executive Committee, to Department Executive Committee from Department Executive Committee to National Executive Committee. Notice of appeal must be filed in writing with the appellate body no later than fifteen (15) days after the imposition of the penalty.

- a. Any member of the Sons of AMVETS that has preferred charges against any other member in accordance with section two (2) may appeal the decision to the next highest level. Notice of appeal must be filed in writing with the appellate body no later than fifteen (15) days after the imposition of the penalty.

**SECTION 10:**

In the event charges are filed against a member who is a sitting officer at the National, State or State District level (elected or appointed), then the following shall apply. Such charges shall be heard in accordance with the general outline set forth above, with the right of appeal in the event of a suspension or expulsion to the next Convention at the level (Annual Meeting in the case of State Districts).

- a. If charges are filed against any National Officer, such charges shall be heard by the National Executive Committee or a Subcommittee appointed by it.
- b. If charges are filed against any State Officer (and that member is not a sitting National Officer), such charges shall be heard by the State Executive Committee or a Subcommittee appointed by it.
- c. If charges are filed against any State District Officer (and that member is not a sitting National or State Officer), such charges shall be heard by the District Executive Committee or a Subcommittee appointed by it.

**SECTION 11:**

The decision of the appellate body at either level shall be binding and final.

**SECTION 12:**

The National Judge Advocate shall prescribe the procedure for the handling of any appeal to be heard by the National Executive Committee or the National Convention. The procedure for the hearing of an appeal by the Department Executive Committee shall be prescribed by the Department Judge Advocate. And the Squadron Judge Advocate shall prescribe the procedure for the handling of any appeal to be heard by the Squadron Executive Committee. No such procedure at any level, however, shall be inconsistent or in conflict with the Sons of AMVETS Constitution and By-Laws, or this code.

**APPENDIX C**

**UNIFORM CODE OF PROCEDURE FOR THE  
NATIONAL GRIEVANCE COMMITTEE**

REFERENCE:

- 1) NATIONAL CONSTITUTION – ARTICLE XII: DISCIPLINE
- 2) BY-LAWS – ARTICLE VI: DISCIPLINE, and;
- 3) APPENDIX B – SECTION 1: UNIFORM CODE OF PROCEDURE FOR THE SUSPENSION OR EXPULSION OF A MEMBER

The appellant shall forward an appeal within 15 days after the imposition of the penalty to the Sons of AMVETS National Headquarters.

An appeal not received in accordance within the established time will not be forwarded to the Grievance Committee.

Appeals not properly prepared in accordance with the references noted above will not be considered.

The National Judge Advocate will notify the Department (or non-Department Squadron), the appellant and the duly appointed National Grievance Committee of receipt of the appeal and with the National Commander will schedule a Grievance Committee meeting to hear said appeal prior to the next regularly scheduled National Executive Committee meeting.

The Appellant and the Department (or non-Department Squadron) will be notified in writing of the date, time and location of the meeting.

The Grievance Committee is a subcommittee of the National Executive Committee and will report its findings to the National Executive Committee.

The National Executive Committee must either ratify or reject the findings of the Grievance Committee at its next regularly scheduled meeting.

The decision of an appellate body shall be binding and final.

The appellant may be represented by counsel at all stages of the appeal process and may cross-examine all witnesses presented against him.

The Department/non-Department Squadron Judge Advocate shall prosecute the charges and the attendance of a court reporter shall be allowed at no charge to the appellant.

The presiding officer of the Grievance Committee shall decide all questions as to the relevancy of evidence and the regularity of the proceedings at that level.

The National Judge Advocate shall decide all questions as to the relevancy of evidence and the regularity of the proceedings at the National Executive Committee.

The accuser and the appellant may call witnesses and present evidence. Evidence or documents shall be properly numbered and submitted to the National Executive Director.

Notarized depositions may be submitted.



The National Judge Advocate will be notified in writing of the number of witnesses and their order to be called. Witness statements will not exceed 10 minutes with 10 minutes allowed for cross-examination.

The accuser, the appellant or their appointed representatives may make opening and closing remarks not to exceed 10 minutes each.

The prosecuting Judge Advocate shall present opening remarks first and closing remarks last.

Each party to the appeal shall have the right to recall witnesses and re-direct questions to witnesses.

At the conclusion of closing remarks the chairman shall close the hearing. A vote shall be taken to determine if the charges and punishment on appeal shall be upheld. A two-thirds vote of the committee shall be required to sustain the charges and punishment on appeal.

The National Judge Advocate shall notify the appellant in writing of the results of the appeal.

## APPENDIX D

### LIFETIME MEMBERSHIP TRUST FUND

#### SECTION 1: DUES

Any proposed changes to the Lifetime Membership dues structure, including any proposed increases to the dues must be discussed by the National Lifetime Membership Trust Fund Committee prior to being voted upon by the National Convention.

- a. All incoming dues shall be split into two separate funds as follows: The National Lifetime Membership Dues Disbursement Fund and The National Lifetime Membership Trust Fund Donation Fund.
  - 1) Fifty dollars (\$50.00) of each lifetime dues shall be placed into the National Lifetime Membership Trust Fund Donation Fund. Funds may only be disbursed from this account when the balance of the account is higher than the PRINCIPAL INVESTMENT or \$125,000.00, whichever amount is greater.
  - 2) All remaining monies shall be placed into the National Lifetime Membership Dues Disbursement Fund. Interest on these monies shall be used to pay back Departments and Squadrons for lifetime members. The amount actually given back shall follow the restrictions of Article IV, Section 4 of the National By-Laws.
- b. Deceased lifetime members due shall forever remain a part of the Lifetime Membership Trust Fund and may not be removed or redistributed for any reason.
- c. Any Lifetime Memberships that are gifted by the National Department (such as to worthy members of Congress), shall be paid for out of the National Department General Fund.

#### SECTION 2: MEETINGS

- a. The Lifetime Membership Trust Fund Committee shall meet at the National Convention, and as called by the National Commander, National Finance Officer, or in writing by any other four (4) members of the Life Membership Trust Fund Committee, or by the request of the National Executive Committee.
- b. The National Finance Officer shall be the Chairman of the Lifetime Membership Trust Fund Committee.
- c. A Quorum for the Lifetime Membership Trust Fund Committee shall consist of a majority of its members.

#### SECTION 3: FINANCES

The finances of the Lifetime Membership Trust Fund shall be under the control of the Lifetime Membership Trust Fund Committee subject to the terms of the Constitution & By-Laws, and the will of the National Convention, provided NOTHING conflicts with Section 3a of Appendix C. All decisions of the Lifetime Membership Trust Fund Committee must adhere to the following restrictions

- a. The National Finance Officer, in conjunction with the National Administrative Assistant shall keep track of the total PRINCIPAL INVESTMENT. Under NO circumstances shall any disbursement be made which would drop the trust fund below the PRINCIPAL INVESTMENT.
- b. Any disbursements that would go to the National Department General Fund (such as for scholarships) shall only be voted upon at the National Convention and be deposited or transferred no earlier than September 1<sup>st</sup> (to be a part of the following years operating budget).
- c. The National Lifetime Membership Trust Fund may establish guidelines to disburse any other donations, with the approval of the National Executive Committee.
- d. The National Finance Officer shall have the authority to deposit, or require to be deposited, all NEW lifetime membership dues into the National Department General Fund from which all disbursements to Squadrons, Departments and the National Department. All remaining monies shall be deposited into the Lifetime Membership Trust Fund no later than July 1<sup>st</sup> of each year.
- e. Dues for an individual member may not be distributed to any level unless those dues have been in the fund for one (1) calendar year.

#### SECTION 4: FINANCIAL EMERGENCIES

In the event of a financial crisis that could extremely injure the health of the Trust Fund, and if time is of the essence, the Finance Officer shall have the authority, in concert with the National Commander, to

move monies between investment funds. Such actions MUST be reported by phone or email to the members of the Lifetime Membership trust fund within 48 hours of the move.

**SECTION 5: DEFINITIONS**

The following terms will be defined thusly for purposes of Appendix D:

**LIFETIME MEMBERSHIP TRUST FUND:** Shall refer to ALL monies deposited from lifetime membership dues as well as all interest and other donations that may be made to the Trust Fund from time to time.

**PRINCIPAL INVESTMENT:** Shall refer to the three hundred and twenty dollars (\$320.00) lifetime member dues that are deposited into the Lifetime Membership Trust Fund as well as any outside donations that may be earmarked for the Donation Fund

**NATIONAL LIFETIME MEMBERSHIP DUES DISBURSEMENT FUND:** Shall refer to the portion of Lifetime Membership dues and any accrued interest that is designated for the repayment of Lifetime Membership dues to the Departments on an annual basis.

**NATIONAL LIFETIME MEMBERSHIP TRUST FUND DONATION FUND:** Shall refer to the portion of Lifetime Membership dues that is set aside for the purpose of this fund, any donation made to this fund as well as any accrued interest on these funds.

**NATIONAL  
SONS OF AMVETS  
STANDING RULES OF OPERATION**

The National Department of the Sons of AMVETS hereby recognizes the following rules and regulations that pertain to the daily operational facets of this organization. The following rules in no way may contradict the Constitution & By-Laws of the Sons of AMVETS.

**ARTICLE I - NATIONAL OFFICERS**

**SECTION 1 – EXPENSES AND TRAVEL:**

Providing that funds are available, upon the determination of the National Finance Committee, expenses for a meeting of the National Executive Committee shall be reimbursed as follows:

- a. Providing funds are available within the approved budget, round trip coach fare between the Officer's city of permanent address and the city where the meeting is being held, provided the fare amount does not exceed a cap amount of six hundred (\$600.00) dollars. Fare amounts exceeding the cap must be approved by the National Commander, prior to any fare booking.
- b. Mileage at the rate of forty-five cents (0.45) per mile of driving provided the total cap amount does not exceed the amount of six hundred (\$600.00) dollars per mileage trip travel.
- c. Two (2) nights lodging for Fall NEC meeting, six (6) nights lodging for the Spring NEC meeting, and seven (7) nights lodging for the National Convention.
- d. Providing funds are available within the approved budget, the National Commander must approve any travel where expenses shall be incurred, to any function other than a National Executive Committee meeting, National E-Board Committee meeting, or the National Convention.
- e. Shall receive a forty dollar (\$40.00) per diem per day while on National Department business away from home.

**SECTION 2 – VOUCHER PROCEDURE:**

All financial vouchers must be submitted within thirty (30) days of the actual expenses, to the National Finance Officer or Administrative Assistant, who will keep a file of each officer, and record the date received. The Administrative Assistant will then immediately forward a copy to the National Finance Officer for payment. These records will be kept as a permanent record at National Headquarters.

**SECTION 3 - FORMS**

Any form of the National Sons of AMVETS may be modified by a majority vote of the National Sons of AMVETS Executive Committee; however, when any published form is found to be in conflict or in contradiction with the Sons of AMVETS National Constitution and By-laws the verbiage may be changed, to bring the form in line with the National CBL's, by the National Commander and National Judge Advocate working in collusion with one another.

**ARTICLE II - MEMBERSHIP CARD PROCEDURES**

- a. The National 1<sup>st</sup> Vice Commander for membership will be responsible for the distribution of National Pre-Printed Cards and all numbered New Membership Cards to all Department 1<sup>st</sup> Vice Commanders for membership. Cards will be distributed on the basis of total membership count from the previous year.
- b. Each Department shall be responsible for a monthly membership report, which will include copies of all D & R's and statements of all monies that are received and handled regarding membership.
- c. All cards will include the National Commanders signature, and the year that the card is assigned for. Where a Department exists, all other information will be added by the Department 1<sup>st</sup> Vice Commander for membership. If a Department does not exist, the Administrative Assistant will complete the information for the Squadrons.

- d. All unused National membership cards are to be returned to National Headquarters by December 31<sup>st</sup> of the current calendar year. Failure to do so will result in a charge pursuant to current National dues per each non-returned card. All cards and monies must be accounted for. There will also be no cards issued to any Department with non-returned cards from the previous year.
- e. Each Department will be directly responsible for every membership card that is issued to them.
- f. All D & R's and monies will be sent to National Headquarters where the Administrative Assistant will then be responsible in sending that information to the National 1<sup>st</sup> Vice Commander for Membership and the National Finance Officer.
- g. During the extended membership period of July 1<sup>st</sup> and December 15<sup>th</sup>, Departments shall send D & R's and monies to National Headquarters where the National 1<sup>st</sup> Vice Commander for Membership will process the cards and return them to the Department. This procedure also applies to Squadrons not having a Department.
- h. As of September 1<sup>st</sup>, Departments will begin processing new and renewal membership.
- i. The Department may not issue membership cards to any Squadron within your Department that has not submitted their Change of Officers Form for the New Year.

### **ARTICLE III - MISCELLANEOUS**

#### **SECTION 1:**

The National Department shall pay the yearly dues for the current oldest living member, with information from submitted Dues and Remittance (D & R) Forms. Upon the notification of that members' death, the following year the records will be viewed and the next oldest will then be covered.

#### **SECTION 2 – UNIFORM COVERS:**

The official uniform for the Sons of AMVETS shall consist of a navy blue jacket, light blue shirt, gray pants, tie, and cover. The covers will be worn as follows:

- a. All duly elected and appointed Officers on the National Department Level shall wear the gray cover with the gold braid.
- b. The National Commander shall wear a gray cover with a gold braid and white center. He is the only member permitted to wear this cover and only during his term of office. The National Commander-elect may wear this cover from the Installation Ceremony until the end of the National Convention weekend.
- c. All duly elected and appointed Officers on the State Department Level, to include District Commanders, shall wear the gray cover with the black braid.
- d. All Squadron members and District Officers, other than the District Commander, shall wear the gray cover with the red braid. No other cover may be worn unless he is elected or appointed to the State or National Level.
- e. No other covers may be worn without permission from the National Executive Committee.
- f. Past Officers shall be permitted to wear the highest color braid to which they are entitled provided that the cover is inscribed with their office and year(s) of service in said office.
- g. For the purpose of Congressional Visits, memorial services and similar events, pins on the official Sons of AMVETS Uniform shall be limited to two (2) appropriate and tasteful pins on the lapel of the jacket. Said pin limit shall not be construed to include one (1) American Flag Pin, one (1) current or Past Squadron Commander Pin, one (1) current or past Department Commander Pin, one (1) current or Past National Commander Pin. It shall also not include official Sons of AMVETS Collar Pins or Squadron number pins worn on the collar tabs of uniform shirts.
- h. For the purpose of Congressional Visits, memorial services and similar events, pins on the official Sons of AMVETS Cover shall be limited to two (2) appropriate and tasteful pins. Said pin limit shall not be construed to include one (1) religious pin (such as a Christian Cross or Star of David), or bar pins denoting the members current office.

#### **SECTION 3 – POCKET PLATES:**

- a. All duly elected and appointed Officers on the National Level shall wear the brushed gold pocket plate with black letters.

- b. All duly elected and appointed Officers on the State Department Level shall wear the brushed gray pocket plate with black letters.
- c. All duly elected and appointed Officers on the District Level shall wear the blue pocket plate with white letters.
- d. All Squadron members shall wear the white pocket plates with black letters, unless he is elected or appointed to the State, District, or National Levels.
- e. Past Officers shall be permitted to wear the pocket plate of the highest office that they have held, provided that the pocket plate is inscribed with the word "Past" immediately prior to their position or their years of service in said office.

**SECTION 4:**

- a. Fund Raising activities for the current National Sons Commander shall not extend beyond his term in office.

**ARTICLE IV - SLOGAN**

The national slogan of the Sons of AMVETS shall be *Sons Serving Veterans*.

**ARTICLE V - NATIONAL EXECUTIVE COMMITTEEMEN**

**SECTION 1 – EXPENSES AND TRAVEL**

Providing that funds are available within the approved budget, expenses for a meeting of the National Executive Committeemen shall be reimbursed as follows:

- a. Lodging to be paid at the established AMVET rate for scheduled meetings, established hotel rate for special meetings (Travel expense in lieu of lodging may be reimbursed, not to exceed the amount of the lodging reimbursement).
- b. Per diem at the same approved rate as for the National Officers.
- c. Lodging and per diems to be reimbursed based on the following meeting schedule:
  - 1. Fall NEC meeting – two (2) nights lodging, two (2) days per diem
  - 2. Spring NEC meeting – four (4) nights lodging, four (4) days per diem
  - 3. National Convention – four (4) nights lodging, four (4) days per diem
  - 4. Special meetings – two (2) nights lodging, two (2) days per diem
- d. Voucher procedures shall be as established in Standing Rules Article I, Section 2.
- e. Newly Chartered Departments shall have flight and/or mileage expenses up to \$500 per meeting reimbursed by the National Department for one year after the Charter date of the Department. This shall include a Fall NEC, Spring NEC and National Convention but shall not include any special meetings. Once one year has passed, National will no longer reimburse for travel expenses. If a Department is reestablishing their charter, the terms of this subsection shall not apply.

**ARTICLE VI - COUNCIL OF PAST NATIONAL COMMANDERS**

**SECTION 1 – EXPENSES AND TRAVEL**

Providing that funds are available within the approved budget, expenses for a meeting of the Council of Past National Commanders shall be reimbursed as follows:

- a. Lodging to be paid at the established AMVET rate for scheduled meetings, established hotel rate for special meetings. Travel expense in lieu of lodging may be reimbursed, not to exceed the amount of the lodging reimbursement.
- b. Per diem at the same approved rate as for the National Officers
- c. Lodging and per diems to be reimbursed based on the following meeting schedule:
  - 1. Spring NEC meeting - four (4) nights lodging, four (4) days per diem
  - 2. National Convention - four (4) nights lodging, four (4) days per diem
- d. Voucher procedures shall be as established in Standing Rules Article I, Section 2

**ARTICLE VII - EMPLOYEES**

**SECTION 1 – EXPENSES AND TRAVEL**

Providing that funds are available within the approved budget, expenses for scheduled or specially called meetings, or invited travel, employees shall be reimbursed as follows:

- a. Lodging to be paid at the established AMVET rate for scheduled meetings, the established hotel rate for special meetings.
- b. Per Diem at the same approved rate as for the National Officers.
- c. Mileage rate at the same rate and approved cap amount as for National Officers.
- d. All reimbursements to be paid based on the approved fiscal budget.
- e. Any and all expenses for lodging, per diem, or mileage, which may be incurred above the established rates, caps or the approved budget, may be approved by the National Commander with any excess expenses being paid from the Commander’s approved budget.
- f. Requests for approval of excess expenses must be approved by the Commander, not later than thirty (30) days prior to any proposed excess expenses.
- g. Voucher procedures as in Standing Rules Article I, Section 2

**ARTICLE VIII - MASTER ACCOUNTS**

**SECTION 1 – LODGING**

- a. It shall be permitted for the National Commander, Finance Officer, or Administrative Assistant, to establish a lodging master account with hotels or other lodging facilities, for the purpose of scheduled NEC meetings, the National Convention, or other special meetings applicable for the conducting of Sons of AMVETS business.
- b. Any such master account shall be based on a lodging list of Officers, Coordinators, and employees of the Sons National Department, as approved by the National Commander and Finance Officer.
- c. Only those persons on the approved lodging list may appear on any established master account. The lodging list must be supplied to the Commander and Finance Officer prior to any meeting or visitation.
- d. Only the Commander and Finance Officer are permitted to add any person to the master account.
- e. No incidental charges such as lodging prior to, or beyond the approved schedule of the meeting event will be allowed. No room service or entertainment charges will be allowed. If any such charges appear and is verified by the lodging establishment, the person involved with the charges must reimburse the National Department within thirty (30) days of the end of the event.
- f. All master accounts must be reviewed by the National Commander and Finance Officer upon receiving a statement of charges from the lodging facility. Any unauthorized charges must be noted and notification must be provided to the person or persons involved.
- g. All unauthorized unpaid expenses not paid within the specified time shall be deducted from the next voucher submitted by the person who incurred the charges.

## ADDENDUM

NOTE: The following resolution was passed at the National Convention held in Louisville Kentucky in 2019. This resolution was voted to go into effect and be added to the National Constitution & By-Laws effective September 1, 2021.

### Resolution #2019-02

**Subject:** 990 Filings

**Source:** National Executive Board

**WHEREAS,** Every Squadron, District and/or Department is required to file a tax return of some kind at least once every 3 years with the IRS to maintain their tax-exempt status; and

**WHEREAS,** This has not been monitored effectively by either the National or State Departments as a group, with a large majority of Squadrons, Districts and Departments are no longer exempt from Federal taxes; and

**WHEREAS,** The AMVETS have notified us that this needs to be fixed as soon as possible, as this may affect their own tax exempt status ; and

**WHEREAS,** It is well known that the more often we do something, the more likely it will get done on a regular basis; therefore be it

**RESOLVED,** That all Squadrons, Districts, Departments and the National Department shall be required to file the appropriate 990 form every year, regardless of how often the IRS requires it; and therefore be it further

**RESOLVED,** Such tax filing shall be part of the annual revalidation process; and therefore be it further

**RESOLVED,** That the National Constitution, Article VI, Section 6b shall be amended to read “No Department shall be seated at the National Convention without filing an annual Revalidation/ Officers form on or before July 15<sup>th</sup>. **Every Department shall be required to file annually a Form 990 with the IRS. All Departments must furnish a copy of their most up to date filed 990 along with their Change of Officers form.** After proper notification to the AMVETS or to the Sons of AMVETS, the Department concerned must be paid in full before they may be seated at the National Convention.”; and therefore be it further

**RESOLVED,** That the National Constitution, Article VI, Section 6e shall be amended to read “No Squadron may be seated at their respective State Department Convention without **submitting their annual revalidation** seven (7) days prior to opening date of said Convention. **Such revalidation shall include their Change of Officers form and their up to date Form 990 filed with the IRS. Every Squadron shall be required to file annually a 990 with the IRS.** Squadrons may be approved by the Executive Board to be seated and vote at said Convention after receipt of said **Revalidation.**”; and therefore be it further

**RESOLVED,** That the National Constitution, Article VIII, Section 4 shall be amended to read “No Squadron shall be seated at the National Convention without **completing their annual Revalidation/Officers Form on or before July 15<sup>th</sup>. Every Squadron shall be required to file annually a Form 990 with the IRS. All Squadrons must furnish a copy of their most up to date filed 990 along with their Change of Officers form.** After proper notification, all indebtedness to AMVETS or Sons of



AMVETS must be paid in full before the Squadron concerned may be seated at the National Convention.”; and therefore be it further

**RESOLVED**, that the following verbiage shall be added to the National Constitution as Article VII, Section 2c, with the current 2c being renumbered as 2d: **“Each State District shall revalidate with their State Department by July 15<sup>th</sup> each year. Such revalidation shall include an updated Change of Officers form and the State District’s most recently filed Form 990. Each State District shall be required to file a Form 990 annually with the IRS. Any State District that has not completely revalidated by July 15<sup>th</sup> shall be considered in bad standing until they have completed all required documentation.”;**