



AMVETS DEPARTMENT OF OHIO CONSTITUTION AND BY-LAWS

(Revised at State Convention June 2021)



AMVETS DEPARTMENT OF OHIO CONSTITUTION
(Revised June 2021 Department Convention)

In accordance with Article IX, Section 10 of the National Constitution, AMVETS Department of Ohio
Abides by the Uniform Department Constitution and By-Laws (Appendix E of the National
Constitution)

CONSTITUTION

Preamble

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

Section 1 Departments shall be organized with a Headquarters located as authorized by the Department Convention or an intervening SEC (hereinafter referred to as “SEC”) Meeting. Local Posts shall be formed, and intermediate administrative groups may be created by the SEC to function within their respective jurisdiction where such action is deemed advisable. This Appendix of the AMVETS National Constitution shall be the Constitution for all Departments.

Section 2 Departments shall be composed of Department Officers – both elected and appointed – and the members of the SEC. It shall be the duty of the State Officers to advance the cause of AMVETS, to carry out its aims and purposes, and to provide for realization of the plans and policies established by the mandates of the Department Convention and the SEC.

Section 3 Each Department shall conduct its Convention, to be held annually between May 15 and June 30, at which time it shall elect Department Officers and its Delegate and Alternate to the National Convention and its National Executive Committeeman and Alternate. Elected Department Officers shall assume office no later than July 15. National Executive Committeemen and alternate shall assume office in accordance with Article VII, Section 4 of this Constitution.

The Department Convention delegation shall be comprised as prescribed by the Department By- Laws.

1. Each Post shall choose a Delegate(s) and an Alternate(s) at a Post Meeting.

2. The Department Commander shall vote only in the case of a tie.
3. Each Delegate shall be entitled to one vote. Alternates shall have all the rights and privileges of their Delegates except they shall vote only in their Delegate's absence.
4. No Delegate or Alternate, however, shall be seated at the Department Convention unless the individual's accounts with Department Headquarters are fully paid up.
5. No Delegate of an accredited Post shall be seated at the Department Convention unless the respective Post shall be fully paid up in all its accounts with Department Headquarters and Department Districts. No Post Delegate or Alternate shall be permitted to register as such unless the Delegate or Alternate shall have been a member in good standing on the Department rolls for at least 30 days prior to the opening of said Convention and possesses a membership card or other satisfactory evidence identifying the Delegate or Alternate as a member of the Post from which the individual is registering.
6. Departments shall specify Convention quorum requirements in By-Laws and Convention Rules.
 - a. No Department Convention bids shall be received on the Convention floor unless they are previously submitted to the Department Finance Committee and/or the SEC, in accordance with the Rules of said Committee, and in accordance with the Rules and Procedures of the SEC.
 - b. Convention Chairmen shall be chosen in accordance with the Department By-Laws.
 - c. The Convention Rules Committee, after reviewing and making necessary changes, shall present to the SEC at a Regular SEC Meeting, for its approval, the Rules of the Annual Department Convention following the SEC Meeting at which the Rules are considered. The Department Headquarters will then circulate those Rules to the Posts at least Thirty (30) days prior to the Annual Convention. The Rules of the Department Convention may be amended by a majority vote of the Delegates assembled at the Annual Department Convention.

Section 4

- A. The Department Convention shall elect a Department Commander, a Department 1st Vice Commander, a Department 2nd Vice Commander, a Department Finance Officer, a Department National Executive Committeeman, a Department Alternate National Executive Committeeman, a Department Provost Marshal, a Department Judge Advocate, and any other Officer as prescribed in the Department By-Laws.
- B. No member shall be eligible for any Department Office unless the individual is fully paid up in all accounts with the Department Headquarters thirty (30) days prior to the opening date of the Department Convention.

- C. Department shall specify candidates' eligible certification procedures in the By-Laws or Convention Rules. The Department Commander, with the consent and approval of the SEC, shall appoint and have the power to remove a Department Chaplain, a Department Inspector General, and such other Officers and Committee Chairmen as specified in the Department By-Laws. These appointments shall be made at the Post-Convention SEC Meeting.

Section 5 All Elected Department Officers shall be members of the SEC. The Department Appointed Officers shall be members of the SEC, but without a vote.

Section 6

- A. An Elected Officer may be removed from office only by a two-thirds (2/3) vote of the Department Executive Committee after written charges against such Officer shall have been preferred and furnished by certified mail to the Officer concerned and to the members of the Department Executive Committee. A full hearing shall be held by the Department Executive Committee on charges preferred against an Elected Department Officer. Such hearing shall be held not less than thirty (30) days after the charges are preferred and mailed.
- B. The procedure for removal from office of Elected Officers shall be prescribed by the SEC on recommendation of the Department Judge Advocate in accordance with the UNIFORM CODE OF PROCEDURE FOR THE SUSPENSION OR EXPULSION OF A MEMBER (AMVETS National By-Laws, Appendix B).

Section 7 Department Officers elected at a Department Convention shall be installed into Office at a ceremony held at the Convention. The term of Office shall be as prescribed in the Department By-Laws.

Section 8 In the event of a vacancy in the Office of Department Commander, the Department 1st Vice Commander shall succeed to that Office, except that the Department By-Laws may prescribe election of the Department Commander by the SEC. In the event of a vacancy in the Office of the 1st Vice Commander, the Department 2nd Vice Commander shall assume the Office of Department 1st Vice Commander. In the event of a vacancy in the Office of the Department 2nd Vice Commander, the Department 3rd Vice Commander shall assume the Office of Department 2nd Vice Commander.

Section 9 In the event of a vacancy in the Office of the most junior Vice Commander, Department Finance Officer, Department Provost Marshal or Department Judge Advocate, or other Elected Officer, regardless of the reason for such vacancy, the Department Commander shall appoint an AMVET to fill the vacant Office for the unexpired term. Such appointment shall be with the approval of the SEC and the Appointee shall be in compliance with all qualifications and restrictions regarding the holding of said Office as set forth in any other Article of the Constitution and By-Laws of AMVETS, except the requirement of election. On approval of the SEC, the Appointee shall assume all powers and responsibilities pertaining to the Office as though elected.

Section 10 The administrative power between Department Conventions shall be vested in the SEC, which shall be composed of the Department Commander, Department Vice Commanders, all other elected Department Officers, and the Immediate Past Department Commander able and willing to serve. Each of the above members shall be entitled to one (1) vote except the Department Commander, who shall vote only in case of a tie. The Council of Past

Department Commanders, excluding the Immediate Past Department Commander, present and voting shall have but one (1) vote divided equally among them. The Appointed Officers shall be members of the State Executive Committee, without a vote.

Section 11 Voting members of the SEC shall be Delegates to Department Convention, each entitled to one (1) vote, providing their respective Posts have complied with all the provisions of the Department Constitution and By-Laws.

Section 12 The management of the Department Budget as approved at the State Convention shall be under the control of the SEC, which shall delegate sufficient general and specific authority to the Department Finance Committee, as authorized by the Department By-Laws, to carry out the usual duties of such Committee. The Department Finance Committee, with the approval of the SEC, shall have the authority to retain independent investment experts as needed for consultation in supervising any and all AMVETS funds.

1. The Department Finance Committee shall consist of members as prescribed in the Department By-Laws.
2. The Finance Committee shall meet prior to each SEC Meeting, or at other times as set forth in the Department By-Laws.
3. The Finance Committee shall make an Annual Report at the Department Convention. Revenue shall be derived from annual dues and such other sources as may be approved by the SEC.
4. The Finance Committee shall submit a Provisional Annual Report as prescribed in the Department By-Laws.

Section 13 The following provisions shall govern the establishment and administration of the Budget of Department Headquarters:

1. The Finance Committee has the sole fiduciary responsibility to prepare and present a Budget that is fiscally sound.
2. In determining the Budget, revenue shall be based on tangible assumptions and realistic and/or proven income projections to include revenue that provides funding for the operations and programs approved by the Finance Committee, SEC, and Department Convention.
3. In the full execution of approved programs within the Budget, expenses shall be budgeted as realistically as possible to ensure overall spending integrity.
4. A contingency Budget line shall be developed solely to address unexpected expenses during the operating fiscal year and included in the Budget.

5. In no case shall the Department Finance Committee or any other body of the Department Organization be permitted to adopt or approve a Budget in which the expenses, provisions for capital expenditure, and provisions for debt reduction exceeds the income established above. Under no circumstances shall the Aggregate Budget, as approved by the Department Convention, be over-expended. Violation of any of the foregoing provisions by any person shall constitute cause for disciplinary action, including removal from Office or dismissal from employment; and
6. Any person who willfully violates any provision of this Section shall, in addition to any other disciplinary action taken, be personally financially liable for any amount spent that exceeds the Budget appropriations, unless such excess has prior approval of the Department Finance Committee. Any salary or expense money due or to become due to such person may be retained by the Organization to offset all or any part of the unauthorized over-expenditure.

Section 14 The Department Finance Committee shall have the power and authority to designate the depository banks or other financial institutions to receive deposits into various accounts belonging to the Department and to disburse such funds on checks signed by Two (2) or more persons designated by the Department By-Laws.

Section 15 The fiscal year shall be designated in the Department By-Laws.

Section 16 Any Resolution emanating from a Department Convention involving the expenditure of funds or any financial commitment shall be referred to the Department Finance Committee for approval. In reviewing Resolutions adopted at a Department Convention, the Department Finance Committee shall have three (3) options: 1. Provide funding from the newly adopted Department Budget; 2. Defer funding pending appropriate planning by the Department staff as part of the next financial year; or 3. Deny funding based on current and projected funding levels.
If a Resolution is denied or deferred because of a want of available funds within the meaning of Section 13 hereto, the Department Finance Committee shall report such decision to the Department Executive Committee at its next Meeting.

Section 17

- A. The SEC, after notice and hearing, may cancel, suspend or revoke the Charter of any Post for good and sufficient cause. Procedure for any such action shall be as prescribed in the AMVETS National By-Laws, Appendix A.
- B. In the event of the cancellation, suspension or revocation of any Charter of any Post, the suspended body shall have the right of appeal to the next Department Convention.

Section 18 As prescribed in the Department By-Laws, the Department Commander, after notice, may invoke and formulate a trusteeship to take over the operation of a Post for good and sufficient reasons and for the well-being of the AMVETS Organization.

Section 19 From among the voting members of the SEC, the Department Commander shall appoint a Department Grievance Committee, consisting of three (3) members, to hear grievances and appeals as are provided for in this Constitution and By-Laws and to report its findings and recommendations to the SEC.

The Department Commander shall designate the Chairman.

This Committee shall function during the Department Convention, Meetings of the SEC, and upon the call of the Department Commander or SEC.

Such Appointees shall serve at the pleasure of the Department Commander with the advice and consent of the SEC.

The Department Commander and Department Judge Advocate shall serve as ex-officio members of this Committee, without a vote.



BY-LAWS FOR THE DEPARTMENT OF OHIO AMVETS

Article I. Name

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

Article II. Aims

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

Article III. Organization

- Section 1** The American Veterans, Department of Ohio, shall be organized with the Department Headquarters, Districts and Local Posts, or lesser administrative councils, as necessary.
- Section 2** The Department shall be comprised of Officers and representatives selected by Post delegates at a Department Convention. It shall be the duty of the Department to aid in the Organization and maintenance of Local Posts and to carry out the policies and plans to adhere to the provisions of the National and Department Constitutions.
- Section 3** The Department shall be divided into Districts in accordance with By-Laws Article XI, Sections 1 and 2, and shall comply with the minimum requirements of By-Laws Article XI, Section 3 annually no later than May 15.
- Section 4** Each District will submit annually a copy of their standing rules to the Department for certification that the copy previously submitted has not been amended.
- Section 5** Each District is authorized to enact whatever administrative and fiscal policies and procedures as may be necessary to operate efficiently as a District, including the authority to establish dues and assessments from their member Posts, provided such policies are not in conflict with the National or Department Constitution and By-Laws.
- Section 6** All District Officers will be elected at least thirty (30) days prior to the Department Convention and take office in their respective Districts each year by July 1.

Article IV. Restricted Use of Organization

- Section 1** The AMVETS, or any component part thereof, shall not be used to promote the interest of any individual, who is a candidate for public office, or to promote otherwise, any individual, organization, political party or fraction thereof. Any violation of this Provision shall be sufficient cause for suspension or revocation of any Post or component part thereof.

Article V. Department Flower

- Section 1** The Department Flower shall be the Four-Leaf White Clover, meaning “Think of Me.”

Article VI. Uniforms

- Section 1** No uniform or insignia shall be worn by the members of the Posts of the Department of Ohio, except as approved by the SEC.

Article VII. Membership

- Section 1** Any person who served or is currently serving in the Armed Forces of the United States of America at any time after September 15, 1940 is eligible for regular membership in AMVETS provided such service, when terminated by discharge or release from active duty, be it by Honorable Discharge, Honorable Separation, or General Discharge Under Honorable Conditions.
Any American citizen, as an American citizen, who served in the Armed Forces of an

allied nation of the United State at any time after September 14, 1940 and before May 8, 1975, is eligible for regular membership in AMVETS, provided such service, when terminated by discharge or release from active duty, be by Honorable Discharge or Separation. No person who is a member of, or who advocates the principles of, any organization believing in, or working for the overthrow of the United States government by force, no American citizen or permanent resident alien in the United States, one of its territories, possessions or the District of Columbia who refuses to uphold and defend the Constitution of the United States shall be privileged to become, or continue to be, a member of this organization.

All United States Reservist and National Guardsmen who are now serving or have been Honorably Discharged since September 15, 1940 are eligible for regular membership in AMVETS provided such service when terminated by Discharge or release from active duty be by Honorable Discharge or Honorable Separation.

Section 2 Honorary Membership shall not be granted after the adoption of this Amendment. In lieu thereof, certificates of merit may be awarded by a suitable inscribed award given to those rendering distinct service to the community and to the AMERICAN Veterans who have served or are serving in the Armed Forces of the United States during and since World War II. Such awards may be made by Posts, internal administrative groups, Departments, the National Executive Committee, or National Convention. Awards by Posts and internal administrative groups must be approved by the SEC.
No member of AMVETS shall be entitled to receive a certificate of merit.

Section 3 No member shall be a member of more than one post at one and the same time.

Section 4

- A. Any member of AMVETS classified as a Member-At-Large may not hold an Elected or Appointed Office at any level in the AMVETS Organization. No person expelled by one Post shall be eligible for membership in another Post without the consent of the expelling Post or the consent of the State Executive Committee (hereinafter referred to as “SEC”) after hearing an appeal.
- B. No member may be expelled from membership in AMVETS without due process as provided for in the National Constitution and By-Laws Uniform Code for Suspension or Expulsion of a Member.

Section 5 Membership shall run from September 1 through August 31. Eligibility for Membership and the rights and privileges of membership shall be as provided in the Constitution and By-Laws and the terms of membership and requirements for holding office within AMVETS shall not be discriminatory on the basis of race, color, religion, sex, or national origin.

Section 6 There shall be but one form of membership and that shall be active regular membership.

Article VIII. Membership

Section 1 Membership in the AMVETS Department of Ohio is membership in the National Organization of the American Veteran, AMVETS, by affiliation with any chartered Post.

Article IX. Meetings

Section 1

- A. All Meetings and all matters and proceedings not otherwise provided for herein shall be conducted pursuant to Roberts' Rules of Order.
- B. Department Executive Committee and other Department Committee meetings held electronically.

Meetings of the Department Executive Committee or other Department committees may be conducted by telephone when so directed by the Department Commander or Chairman of the committee. In the case of special electronic meetings, Requests for special electronic meetings may be made by email notice to the Department Commander and Executive Director by at least three department executive committee members requesting a special electronic meeting. In the case of other Department Committees, Special electronic meetings may be requested by email notice to the chairperson and Co-chairperson by at least three committee members. Special meeting requests must be made to the Department Commander or Committee Chairperson at least 14 days in advance of the special electronic meeting.

Rules for Electronic Meetings

1. Call-in time. The Department Executive Director or Committee secretary shall schedule a telephone conference call, using a free service, to begin 15 minutes before the start of each meeting.
2. Form of meeting notice. Notice of a meeting shall be given to all members at least 10 days in advance of the meeting by email or telephone and must include the time of the meeting and the phone number and access code needed to connect to the telephone conference call.
3. Signing in and out. Members shall identify themselves as required to sign in to the Internet meeting service and shall maintain Internet access throughout the meeting whenever present but shall sign out upon any departure prior to adjournment. Members shall also maintain aural participation throughout the meeting (whenever present), either through the use of the member's computer microphone and speakers through the Internet meeting service or through participation in the linked telephone connection.
4. Quorum calls. The presence of a quorum see article XIII sec. 5 shall be established by roll call at the beginning of the meeting and on the demand of any member. Such a demand may be made following the departure of any member or following the taking of any vote for which the announced totals add to less than a quorum.
5. Obtaining the floor. To seek recognition by the chair, a member shall address the chair and state his or her own name.
6. Motions submitted in writing. Members may not submit motions in writing during the meeting but are entitled to make motions orally. Members may, however, submit motions in writing to the executive director or committee secretary at least 7 days before the meeting. The executive director or other department employee at the executive director's order shall send any such pre-submitted motions by e-mail to all members 5 days in advance of the meeting. In the case of other department committees, the Committee secretary shall be responsible for sending email information to its committee members.
7. Display of motions. The Executive Director or Committee secretary shall designate an online area exclusively for the display of the immediately pending question and other relevant pending questions (such as the main motion, or the pertinent part of the main

motion, when an amendment to it is immediately pending); and, to the extent feasible, the Executive Director, Committee secretary, or any assistants appointed by him or her for this purpose, shall cause such questions, or any other documents that are currently before the meeting for action or information, to be displayed therein until disposed of.

8. Voting. Votes shall be taken by the anonymous voting feature of the Internet meeting service unless otherwise ordered by the Commander, Committee Chairperson or required by the rules. When required or ordered, other permissible methods of voting are by electronic roll call or by audible roll call. The chair's announcement of the voting result shall include the number of members voting on each side of the question and the number, if any, who explicitly respond to acknowledge their presence without casting a vote. Business may also be conducted by unanimous consent
9. Technical malfunctions and requirements. Each member is responsible for his or her connection to the telephone conference call; no action shall be invalidated on the grounds that the loss of, or poor quality of, a member's individual connection prevented him or her from participating in the meeting.
10. Forced disconnections. The chair may order the secretary to disconnect or mute a member's connection if it is causing undue interference with the telephone conference call. The chair's decision to do so, which is subject to an undebatable appeal that can be made by any member, shall be announced during the meeting and recorded in the minutes.

Article X. Voting

Section 1 Voting for Elected Officers at the Department Convention shall be by registered Delegates or by written ballot, if two-thirds (2/3) of the Delegates approve same.

Article XI. Election of Department District Commanders

Section 1 Department of Ohio is to be divided into eight (8) geographical Districts for the purpose of electing their own Department District Commander and area of operation for each District.

Section 2 Districts are as follows:

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| 1st District: | Clark, Preble, Butler, Hamilton, Clermont, Brown, Warren, Clinton, Montgomery, Greene, Clark, Miami, Shelby, and Champaign Counties |
| 7th District: | Fayette, Pickaway, Fairfield, Highland, Ross, Adams, Pike, Jackson, Lawrence and Scioto Counties |
| 9th District: | Williams, Defiance, Paulding, Van Wert, Mercer, Auglaize, Allen, Putnam, Henry, Fulton, Logan, Hardin, Hancock, Wood, Seneca, and Lucas Counties |
| 12th District: | Madison, Union, Franklin, Delaware, Marion, Morrow, Crawford, Richland, Knox, Licking and Perry Counties |
| 13th District: | Erie, Huron, Ottawa, Sandusky, Seneca, Ashland and Lorain Counties |
| 19th District: | Columbiana, Mahoning, Trumbull, Stark, Wayne, Tuscarawas and Carroll Counties |
| 20th District: | Cuyahoga, Medina, Lake, Geauga, Ashtabula, Summit, and Portage Counties |

21st District: Lawrence, Gallia, Coshocton, Guernsey, Muskingum, Meigs, Vinton, Athens, Hocking, Morgan, Washington, and Noble Counties

*New Districts will not elect Officers or Commanders until they meet the requirements of the Constitution and By-Laws

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

Article XII. Conferences and Convention

- Section 1** A Department Convention shall be held annually during the month of June, at places fixed by previous Conventions, as follows: The 1953 Department Convention shall select Convention sites for the years 1954 and 1955. Each subsequent Department Convention shall select a site for the Department Convention two (2) years hence.
- Section 2 A.** The members of the Convention shall consist of Post Delegates. The Posts shall elect their Delegates and Alternates at their Meeting held at least three (3) weeks prior to the Department Convention. Each Post Commander, who is serving in the term of office for the current fiscal year, shall be a Delegate to the Department Convention and each Post shall also be entitled to two (2) Delegates and two (2) Alternates for each fifty (50) members or fraction thereof. Delegates will be based upon each Post's membership as recorded at Department Headquarters as of August 15.

- a. No alternates may substitute for the Post Commander.
 - i. All Elected Department Officers shall be Delegates to the Convention, however, no Alternate may be substituted for them nor cast their vote. The Department Commander shall vote only in the event of a tie.
 - ii. A Delegate can cast but one (1) vote, if representing Department or his/her home Post.

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

Section 4 Each Post Commander and Post Adjutant shall be a Delegate to the Mid-Winter Conference, and each Post shall also be entitled to one (1) Delegate and one (1) Alternate for each fifty (50) members or fraction thereof. Delegates will be based upon each Post's membership for the previous year, except for a new Post whose Delegates will be based upon their membership as of August 15. Each Department Elected Officer shall also be an automatic Delegate. Each Post shall elect their Delegates and Alternates at their Meetings held at least three (3) weeks prior to the Department Mid-Winter Conference.

Section 5 Each Delegate shall be entitled to one (1) vote. Alternates shall have all the rights and privileges of the Delegates in the absence of the Delegate.

Section 6 A. Sixty Percent (60%) of the voting Delegates registered shall constitute a quorum.

- A. Pre-Registered Delegates will not be considered registered until they pick up their credentials and log in at the Registration Desk.

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

Section 8 Each Post Commander and Post Adjutant shall be a Delegate to the Fall Conference, and each Post shall also be entitled to one (1) Delegate and one (1) Alternate for each fifty (50) members or fraction thereof. Delegates will be based upon each Post's membership for the previous year, except for a new Post whose Delegates will be based upon their membership as of August 15. Each Department Elected Officer shall also be an automatic Delegate. Each Post shall elect their Delegates and Alternates at their Meetings held at least three (3) weeks prior to the Department Fall Conference.

Section 9 Each Delegate shall be entitled to one (1) vote. Alternates shall have all the rights and privileges of the Delegate in the absence of the Delegate.

Section 10 There shall be absolutely no consumption of alcoholic beverages in any Meeting Room during any formally convened Convention, Conference, or Meeting of the AMVETS Department of Ohio.

Article XIII. State Executive Committee (SEC)

- Section 1** The administrative powers between the State Convention and Conferences shall be vested in the State Executive Committee, which shall be composed of the State Commander, Vice Commanders, State District Commanders, State Finance Officer, State Judge Advocate, State Provost Marshal, National Executive Committeeperson, the Immediate Past State Commander able and willing to serve, and the Council of Past Department Commanders, except those who are full time employees of the AMVETS Department of Ohio.
- Section 2** The Department Elected Officers shall constitute a Steering Committee which shall be responsible for matters of administration only between Meetings of the SEC.
- Section 3** There shall be a Council of Past Department Commanders to be chaired by the immediate past department commander, able and willing to serve. Said council shall meet at the call of the chairman. The Council of Past Department Commanders should be an advisory and overview council to consider all facets of the organization to maintain unity and harmony and develop matters pertaining to the good and welfare of AMVETS, its suggestions and recommendations, and they shall report at an SEC meeting at all Department conferences/conventions for further consideration and action.
- Section 4** The SEC shall meet at all Department Conventions and Conferences. Specific dates shall be set by the SEC members. Special Meetings may be held, upon reasonable notice, at the call of the Department Commander. The Department Commander shall call a Meeting of the SEC upon written request of a majority of the members of the SEC. Electronic meetings may be held when authorized by the Department Commander or members of the SEC. in accordance with Article IX section 1 B.
- Section 5** One third (1/3) of the SEC members shall constitute a quorum of the SEC.
- Section 6** There shall be absolutely no consumption of alcoholic beverages in any Meeting Room during any formally convened Convention, Conference, or Meeting of the AMVETS Department of Ohio.
- Section 7**
- A. The Finance Committee, as established in the Uniform Department Constitution, shall consist of nine (9) voting members as follows:
1. The Department Finance Officer who shall be the Chairman.
 2. The Department Commander.
 3. The Department Judge Advocate.
 4. The most Immediate Past Finance Officer willing and able to serve.
 5. Two (2) members to be elected by the SEC, at the Post-Convention SEC, from among the membership of the SEC as of July 1, following the election.
 6. The Department 1st Vice Commander.
 7. The Department 2nd Vice Commander.
 8. The Department 3rd Vice Commander.
- B. The Finance Committee may after appointment hold electronic meetings as may be called by the Department Commander, Committee Chairperson or Committee members as outlined in Article IX section 1B.

Section 8 The Department Commander shall name Committees as deemed advisable, subject to ratification by the SEC, at its next Meeting succeeding the appointment.

Section 9 The Department Commander shall appoint, at the first SEC Meeting, subject to approval of the SEC, the following Standing Department Committees: Membership Committee, Veterans Welfare Committee, Programs Committee, Legislative Committee, Family Welfare Committee, Constitution and Resolutions Committee, ROTC Committee, and Grievance or Hearing Committee. The number of members to serve on any Department Committee shall be determined as outlined in Sections 6, 7, and 8.

Section 10

A. The SEC shall consist of all current duly elected Department Officers, each having a vote, as well as the Immediate Past Commander able and willing to serve. The Council Past Department Commanders, excluding the Immediate Past Department Commander, present and voting shall have but one (1) vote divided equally among them. The Department Executive Director shall act as the Recording Secretary of said Committee.

Their duties will be:

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

B. The Department Membership Committee, Veterans Welfare Committee, Programs Committee, Legislative Committee, Family Welfare Committee, Special Olympics Committee, Constitution and Resolutions Committee, and Convention Committee shall consist of such number of members as shall be designated by the Department Commander, with the approval of the SEC, and their duties shall consist of the usual prescribed duties of the Committeeperson as well as any further directives given by the Department Commander and/or the SEC. The above standing Committees may after appointment hold electronic meetings as may be called by the Department Commander, Committee Chairperson or Committee members as outlined in Article IX section 1B.

Section 11 The SEC shall provide for the appointment and employment of such employees as may be needed for the administration of the affairs of AMVETS Department of Ohio and prescribe their duties and compensation.

Section 12 Any Department Officer may receive expenses for activities on behalf of the Organization. The amount of such compensation shall be fixed by the SEC.

Section 13 All questions effecting eligibility for Department Office shall be determined by the SEC. The Department Commander of AMVETS Department of Ohio shall not hold any paid public office and shall resign as Department Commander should the Commander become a candidate for a paid public office. The candidates for Department Commander shall have served at least one year as an Officer on Post or Department level in AMVETS Department of Ohio.

Article XIV. Officers

Section 1 Delegates to the Department Convention shall elect a Department Commander; a Department 1st Vice Commander to be in charge of Membership; a 2nd Vice Commander to be in charge of Veterans Welfare; a third Vice Commander to be in charge of Programs. Department District Commanders, however, shall be elected in their District within thirty (30) days prior to the Department Convention, and they will be sworn in at the Department Convention. Delegates shall also elect a Finance Officer, Judge Advocate and Provost Marshall, one (1) National Executive Committeeman and one (1) Alternate National Executive Committeeman. Elected Officers shall be duly installed into office at the same session at which they are elected and shall assume their office July 1st. No Post shall have more than two (2) Elected Officers in the Department with the exception of the Department Commander. The above Elected Officers, and the Immediate Past Department Commander able and willing to serve, and the Council of Past Department Commanders shall constitute the SEC. hold concurrent Elected Office in the Department. **No one person who is elected as state Commander shall serve no more than two/one-year terms consecutively without a break of at least one term.**

Section 2 A SEC shall appoint the Department Executive Director, subject to the approval of the Delegates at the Convention or one of the regularly scheduled Department Conferences and said Department Executive Director's term of office shall be indefinite.

Section 3 Upon the death, disability, or resignation of the Department Commander, the Department Executive Director shall immediately call into session the SEC who shall, within the maximum of two (2) weeks after such death, disability, or resignation, elect one of the Department Vice Commanders to fill the unexpired term.

Section 4 All Elected Officers shall be members of the SEC, with a vote, but the Commander shall vote only in the event of a tie.

Section 5 The newly elected SEC shall convene immediately following the close of the Department Convention and transact all necessary business, including the adoption of the budget and approval of Appointments for the new fiscal year.

Section 6 The Department Commander, with the consent and approval of the SEC, shall appoint, at the Post-Convention SEC, a Chaplain, Historian, Public Relations Officer, Inspector General, *Training Officer*, and such Committees as deemed necessary.

1. There shall be up to, two (2) Deputy Inspectors General, (vice Deputy Inspector Generals') from within each District. Starting in July, the Department Commander shall appoint up to, two (2) Deputy Inspectors General per District for a term of two

(2) years; In the case of a vacancy in the position of Deputy Inspector General for any reason, including the formation of a new District, the Department Commander shall appoint a Deputy Inspector General to fill the unexpired term, or in the case of a new District, up to, two (2) Deputy Inspectors General for a two (2) year term.

2. The Department Commander, with the consent of the SEC, may remove the *Training Officer*, Inspector General or any one of the Deputy Inspectors Generals.

Section 7 No Elected Officer of the Department shall serve more than one (1) month of his term of Office concurrently as an Elected Department Officer of any other Veterans' Organization.

Section 8 Each District shall elect a Department District Commander by the vote of no more than five (5) Delegates of each Post at a District Meeting within thirty (30) days prior to the Department Convention. This person may come from the same Post as the Department Commander or any of the Department Vice Commanders.

Section 9 An Elected Officer may be removed from office only by a two-thirds (2/3) vote of the SEC, after written charges against such Officer have been preferred and furnished by Certified Mail Return Receipt Requested to the Officer concerned, and to the Executive Director at Department Headquarters. A Hearing shall be held by the SEC, within thirty (30) days of such notice with the results of said Hearing to be presented to the Officer in question within ten (10) days.

- i. Charges may be preferred by a Department Elected Officer or by three (3) members of the SEC based upon dishonesty or conduct unbecoming a member of AMVETS.
- ii. Procedure for the Hearing shall be prescribed by the Department Judge Advocate with the approval of the SEC.
- iii. An Officer who has been removed from office may appeal the ruling of the SEC to the Council of Past Department Commanders Committee, provided the appeal is made within thirty (30) days of notification of removal. The ruling of the Council of Past Department Commanders Committee shall be final.
- iv.

Article XV. Duties of Officers

Section 1 **Department Commander:** The Department Commander shall be the executive head of the American Veterans, AMVETS Department of Ohio, with full power to enforce the provisions of the Department Constitution, Department By-Laws, and the directives of the Department Convention. The Commander shall appoint all necessary Committees, where not otherwise provided, subject to the ratification of the SEC, and shall perform such other duties as are usually incident to the office. The Commander shall be Chairperson of the SEC, Fall Conference, Mid-Winter Conference, and Department Convention.

Section 2 **Department Vice Commanders:**

- A. The Department 1st Vice Commander shall coordinate all District and Post Membership Directors or Vice Commanders in charge of membership. The 1st Vice Commander shall also:
 - i. Coordinate the Convention mandates on membership.
 - ii. Review and re-evaluate the present membership programs and report the

- iii. Endeavor to create and present new membership incentives.
 - iv. Be informed as to membership of the Department and Posts.
 - v. Serve as Chairman of the Department Membership Committee.
- B. The Department 2nd Vice Commander shall coordinate all Veteran Welfare Programs including, but not limited to, VAVS, White Clover, Civil Disaster, Carillon Committee, Family Welfare, POW/MIA, and Veterans' Employment. The 2nd Vice Commander shall also:
- i. Review and re-evaluate the existing Veterans Programs and report the recommendations to the Department Commander and to the SEC.
 - ii. Coordinate all Department Veterans Programs between National, Department, District, and Post levels.
 - iii. Be charged with the responsibility of studying and recommending new Veterans Programs to the Department Commander and SEC for consideration.
 - iv. Be indoctrinated on all VAVS Programs at the VA Hospitals, Clinics, and State Veterans Homes.
 - v. Serve as Chairman of the Department Veterans Welfare Committee.
- C. The Department 3rd Vice Commander shall coordinate all Post and District Program Chairmen. The 3rd Vice Commander shall also:
- i. Review and re-evaluate the existing Programs and report the recommendations to the Department Commander and to the SEC.
 - ii. Coordinate all Department Programs between National, Department, Districts and Post levels.
 - iii. Be charged with the responsibility of studying and recommending new Programs to the Department Commander and SEC for consideration.
 - iv. Be indoctrinated in all Programs of the Department Organization and its subsidiaries, especially those involving contact with the general public
 - v. Serve as Chairman of the Department Programs Committee.
- D. **Department District Commanders:** The Department District Commanders shall act as representatives of the Department Commander in all matters referred to them by the Department Commander and perform such other duties as are usually incident to the office. The Department District Commanders may at times represent the Department Inspector General in all matters referred to them by the Department Commander, or Department Inspector General with the limited authority *as outlined in Article XX Sec. 6Fa of these bylaws.*

Section 3

Department Finance Officer: The Department Finance Officer shall be custodian of the funds of the Department Organization. The Department Commander, the Department Executive Director, and the Department Finance Officer shall be authorized to sign checks disbursing funds. No checks for same shall be valid unless it has the signature of two (2) of these Officers. The Department Executive Director's signature is authorized. The Department Finance Officer shall make reports upon the condition of the Department treasury when called for by the Department Commander or SEC. The Finance Officer shall perform such other duties as are usually incident the office. The Finance Officer shall be bonded with a surety company bond as set forth in Article XVII, Section 4 of the By-Laws.

- Section 4** **Department Judge Advocate:** The Department Judge Advocate shall advise the Department Officers and the SEC on all legal matters, including the construction and interpretation of the Department Constitution and By-Laws, and shall perform such other duties as are usually incident to the office. The Judge Advocate shall advise the legislative counsel on all matters incident to the latter's duties and incident to the drawing of legislative petitions and proposed legislation. The Judge Advocate shall be the Parliamentarian at all Department Conferences and Conventions and advise the Chairman as to rulings on procedure.
- Section 5** **Department Service Officer:** The Department Service Officer shall be an employee of the AMVETS Department of Ohio, and the Welfare Officer of the Department Organization. The Department Service Officer shall be directly concerned with all matters pertaining to the social and material welfare of members and shall particularly be concerned in the assistance of all members in securing all rights and privileges accorded them by law. The Department Service Officer shall act as Liaison Officer between the SEC and Federal and State Agencies charged with Veterans' Affairs and shall also act in direct assistance to Post Service Officers.
- Section 6** **Public Relations Officer:** The Department Public Relations Officer shall keep the public informed relative to the activities of the Department Organization, in order to build and maintain goodwill toward the Organization. The Public Relations Officer's tenure of office shall at all times be subject to the will of the SEC.
- Section 7** **Department Chaplain:** The Department Chaplain shall perform such duties and non-sectarian services as may be necessary, adhering to the appropriate ceremonial rituals.
- Section 8** **Department Historian:** The Department Historian shall compile from year to year all records of historical value and interest to the Department. The Historian shall also assist Post Historians so as to coordinate and unify the work of the Officers and shall perform such other duties as the SEC shall prescribe.
- Section 9** **Department Provost Marshal:** The Department Provost Marshal shall maintain order at all Meetings, Conferences and Conventions. The Provost Marshal shall distribute, collect, and count ballots and shall announce the results of the voting. The Provost Marshal shall perform such other duties as may be requested by the Department Commander.
- Section 10:** **Department Inspector General.** The Department Inspector General shall be the investigating officer of the organization.

By direction of the Department Commander or the SEC, the Department Inspector General shall make any necessary investigations pertaining to grievances, disciplinary cases, fraud or dishonesty within the organization and charges of conduct unbecoming an AMVET and shall be empowered to have access to all records, financial and otherwise, of all Districts, Posts, Post Officers or Members, when necessary for the discharge of the Department Inspector General duties. In making such investigations, the Department Inspector General shall report to the Department Commander, who shall, in turn, review the findings with the Department Judge Advocate and, if warranted, report to the SEC.

When warranted the Inspector General has the authority to remove/suspend or place under Inspector General/Inspectors General TEAM, probation, of any AMVET Post, District/Post Officer or Post member during an investigation.

The Department Inspector General shall serve at the pleasure of the Department commander and the SEC.

Section 11 **Department Executive Director:** The Department Executive Director is an employee of the AMVETS Department of Ohio, and shall be the Administrative Officer of the Department, and shall make and keep the records and correspondence of the Department, its Conventions, Conferences and SEC Meetings. The Executive Director shall perform such other duties as are usually incident to the office.

Article XVI. Local Posts

Section 1 Local Posts may be formed by any ten (10) eligible individuals by making application to Department. If Department approves, a Charter shall be issued. Each Charter shall be signed by the National Commander, National Executive Director, Department Commander and Department Executive Director.

Section 2 Local Posts shall be subject to the jurisdiction of the National and Department Headquarters and Uniform Post Constitution and By-Laws if any provisions of a Local Post Standing Rules conflict with or are contrary to the provisions of the Department and National Constitution shall prevail. Post Standing Rules must be reviewed annually by the Department Judge Advocate to ensure there are no conflicts as stated above.

Section 3 Local Post Delegates to the National Convention shall be elected by each Post in according with the Department and National Constitution.

Section 4 Elections of all Post Officers shall be held annually between May 1 and June 30 and all duly Elected Officers shall be installed and assume office no later than July 1.

Section 5 All Posts shall conduct at least two (2) Veterans Service Programs and one (1) Community Service Program per year and said year shall coincide with the fiscal year (July 1 – June 30) for the Department of Ohio. Each Post shall report directly to the District Commander the activities of the Post's Veterans and Community Service Programs. Failure to comply with the Programs or reporting shall be considered cause for suspension, revocation, or placement into trusteeship of the Post Charter.

Section 6 The SEC may suspend, cancel, revoke, or place under supervised trusteeship, trusteeship of a Post Charter. Any Post whose Charter is revoked or suspended may appeal to the National Executive Committee by notifying the National Executive Director by Certified Mail Return Receipt Requested of its desired appeal within fifteen (15) days after receipt of such notice.

Section 7 Any Post failing to meet the obligations imposed upon it by this Constitution and By-Laws or ceasing to function for six (6) months as a Post of the American Veterans, AMVETS Department of Ohio, or voluntarily ceasing to function as a Post or merging with one or more other Posts or refusing or failing to pay the Department per capita dues, or under such other conditions as might make such action necessary, shall upon order of the SEC, surrender its Charter. Upon failure to surrender such Charter, immediate steps may be taken for its revocation, suspension, or cancellation.

Section 8 Upon revocation, suspension, or cancellation of the Charter of a Post of the American Veteran, AMVETS Department of Ohio, said Post shall immediately cease operations, and upon revocation or cancellation shall turn over its Charter to the Department Commander or SEC. The SEC is authorized, empowered, and directed by and through its duly authorized agent to take possession of, custody of, and control of all the records, property, and assets of said Post. Provided, however, that nothing herein shall be construed as requiring the Department of Ohio to take over or assume any financial responsibility of such property, except that the SEC may, in its discretion, pay off existing liabilities. The SEC may provide for the transfer of members in said Post to other Posts of their choice, subject to the approval of such other Post, or reorganize said Post.

Article XVII. Finance

Section 1 Each Post shall remit annually to Department the sum of ten dollars (\$10.00) for each member of the Post. Fifteen dollars (\$15.00) for each member shall be remitted to National through Department. Posts shall retain the balance of the annual membership fees. The annual membership fee for each member shall not be less than the sum of twenty Dollars (\$25.00). The above dues are effective with the start of the 2015 membership year.

Section 2 Funds received by the Ohio Department of American Veterans, AMVETS, from the sale of a Life Membership, shall be placed in a separate Trust Account. This money shall only be withdrawn in the amount at the beginning of each year, equal to the amount that the Ohio Department of American Veterans, AMVETS, receives from each regular one (1) membership. In the event that any Life Member shall become deceased within the span of years which his or her funds in the Life Membership Trust Account will cover, any balance in this Life Membership Trust Account from his or her membership shall be withdrawn at the beginning of the next year and be wholly placed in the General Fund of the Ohio Department of AMERICAN Veterans, AMVETS.

Section 3 There shall be an Audit by an accredited CPA at the close of each Annual Department Convention, to be completed no later than October 1 of each year. Upon completion of the Audit, the Department Finance Officer, with the assistance of the Department Executive Director, shall have a sufficient number of copies of the Financial Report prepared so that each Post shall receive one (1) copy of said Report at Fall Conference.

Section 4 The Department Finance Officer shall be bonded for not less than two hundred thousand dollars (\$200,000.00) or at least twice the sum of the Department Treasury, whichever is greater. The Department Commander and Department Executive Director shall be bonded for one hundred thousand dollars (\$100,000.00) each. The Department Executive Director shall have Headquarters Staff bonded for fifty thousand dollars (\$50,000.00), or at least twice the sum of funds they may handle in any one fiscal year.

Section 5 The Fiscal Year shall be July 1 through June 30.

Article XVIII. Discipline

Section 1 All members and Local Posts shall conform to this Constitution and By-Laws and regulations adopted there under, with Post Standing Rules verified by the Department Judge Advocate.

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

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

Article XIX. Guidelines for Post

Trusteeship Section 1 Uniform Procedure for Trusteeship

- i. The Department Commander, Department Executive Director, Department Inspector General, and Department District Commander with the unanimous confirmation and approval of the Hearing Committee may declare a Post in Trusteeship.
- ii. Positions for three (3) Trustees shall be appointed by the Commander (substitutions may be necessary due to conflicts of interest).
 - a. District Commander
 - b. District Adjutant
 - c. District Finance Officer
- iii. The Trustee Oversight Committee shall consist of:
 - a. Department Commander
 - b. Department Executive Director
 - c. Department Inspector General
- iv. Department Appointed Trustees are to submit written reports on at least a weekly basis to the Trustee Oversight Committee.

Section 2 Elections

Post Officers will hold Office until the next succeeding Post Meeting at which time new Post Officers must be selected in accordance with the Post Constitution and By-Laws to carry on the work of the Post Notice of said selection of Post Officers shall be given in writing to all Post members in good standing.

Section 3 Trustee Duties and Responsibilities

- i. Review and Audit all financial records.
- ii. Property and Inventory. The Trusteeship shall encompass all inventory, all equipment and the building of the Post and the Post Club Room. The Trusteeship shall be subject to the provisions of the National Constitution and By-Laws Article IV, Sections 1, 2, and 3.
- iii. The Trustees shall supervise all Post/Club Room Functions.
- iv. At least one (1) Trusteeship signatory shall be required in addition to one (1) authorized Post/Trustee signatory on all Post and Club Room accounts.
- v. The Trustees shall supervise the payment of any/all expenditures for purchases.
- vi. The Trustees shall review all licenses, permits, contracts, agreements, and transactions of the Post and Club room prior to execution and in accordance with AMVETS Constitution and By-Laws
- vii. The Trustees shall conduct all Post Meetings until election of new Post Officers.
- viii. Said Trustees shall be bonded – Department shall pay for the bond and be reimbursed

by the Post, if funds are available. Said bond shall be no less than the amount of Post assets.

Section 4 Posts

- i. The Post will continue to operate and function as a Post and will operate and function as prior to Trusteeship but will be subject to the Department Appointed Trustees.
- ii. The Post will continue Programs, Membership Drives, VAVS Fundraising, and any other programs incident to the Post, subject to the approval of the Department Appointed Trustees.
- iii. The Trusteeship shall be in effect and reviewed at all SEC Meeting, Conferences and Conventions and said Trusteeship is not to be removed until good and responsible management is shown and until all accounts are current. This shall include all taxing authority liabilities and reports being current.

Upon removing the Department imposed Trusteeship, the Department Inspector General or the authorized representative will conduct a minimum of two (2) unannounced inspections within the first calendar year thereafter.

Article XX. Discipline of Posts' and Post Members

Section 1 Each Post of the American Veteran, AMVETS Department of Ohio shall be the judge of its own membership, subject to the restrictions of the Uniform Post Constitution and By-Laws, Constitution and By-Laws of the Department Organization, and the Constitution and By-Laws of the National Organization.

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

Section 3 Members of a subordinate organization may file letter of complaint against a Veteran with the Post commander. The Commander shall investigate and take appropriate actions as provided for in the constitution and bylaws. If the said letter of complaint is not already cosigned by a Veteran, The Commander and Executive Board after completing their investigation deems the incident worthy of adjudication by a majority vote, shall direct the post Judge Advocate to cosign the letter of complaint previously signed by the subordinate.

Section 4 Any member whose membership is suspended or forfeited may appeal to the next highest level applicable from that which heard the charges and specifications, i.e., from Post Executive Committee to District Commander and District Judge Advocate; from District to State Commander (see Chain of Command). Notice of Appeal must be filed with the appellate body no later than fifteen (15) days after the imposition of the penalty. Said Notice must be in writing. *Attached to the Notice of Appeal from the appellant must be the name of witnesses that will be present, the order that they are to be called, notarized statements of witnesses that will not be in attendance and any other evidence or documents. The notice must include the specific grounds on which the appeal is predicated. These grounds typically include errors following the Constitution and Bylaws, procedural errors, or due process. Appeal requests not submitted with a post mark within the established time period as stated above will not be considered. Requested appeals must further conform to National Uniform Code of Procedure for the Suspension or Expulsion of a Member.*

Section 5 Any member whose dues for the year have not been paid before the expiration date mentioned on the National Membership Card shall be dropped from the membership roll unless an extension is granted by the National Executive Committee.

Section 6 A member resigning, being suspended, or whose membership is revoked, shall have their name directed to the Department and National Headquarters.

Section 6 A. AMVETS Clubs

- i. All AMVETS Clubs or Homes shall be incorporated within the Laws of the State of Ohio.
- ii. Any applications for incorporation must be approved by the AMVETS Department of Ohio and such approval to be enclosed with the application and signed by the Department Executive Director.
- iii. Any new Post chartered by AMVETS Department of Ohio, within its first five (5) years of operation, is required to submit any and all contracts, written or verbal, concerning the management of Post Club Rooms to the SEC for approval of said Committee. Any contracts, as stated in this Section are not approved by the SEC shall be considered null and void.

B. Permit Applications

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

C. Post Control

Any Post having Club Rooms shall adhere to the following practices:

- i. A monthly Club financial statement shall be presented to the Post in duplicate for its approval.

- ii. Club Room Rules shall be drafted by the Board of Trustees and submitted to the Post for approval.
- iii. Club Room Rules shall be posted in a conspicuous place in the Club Room.
- iv. Minutes of all Board of Trustee Meetings shall be maintained and shall be submitted with the Financial Statement at a Regular Post Meeting for the Post approval.
- v. All records pertaining to the management and operation of the Club or Post shall be kept on the Post premises.
- vi. The compensated Club Manager, Steward, Bar Manager, or any Club Employee, etc. may not be a member of the Post Board of Trustees, as this would present a conflict of interest.

D. Post Finance

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

E. Administration

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

F. Enforcement

a. The Dept. District Commander with cause or by direction of the Dept. Commander, Inspector General or shall be empowered to:

- 1. Temporarily suspend any elected or appointed post officer or post trustee from office only until such time as the Inspector / Deputy Inspector General can investigate the matter which caused the suspension.***
- 2. Temporarily suspend any post officer, post trustee, post member, subordinate member, or guest from re-entering a post only until such time as the Inspector / Deputy Inspector General can investigate the matter.***
- 3. all Actions taken in a post by the Department District Commander under the afore mentioned subsections and the reason(s) the action was taken will be documented in a report format and sent to the Department Commander, Department Executive Director, Department Inspector General and Post Commander or acting Post Commander within 3 days of the actions' implementation.***

- b. *The SEC Committee shall be empowered to:***
- 1. *Conduct Hearing upon a ten (10) day notice, to an offending Post, Officer, or member relative to any infringement or breach of the rules established herein.***
 - 2. *To recommend the suspension, revocation, or placement under supervised trusteeship or trusteeship of any membership or Post Charter in accordance with procedures set forth in the Department Constitution after one (1) warning, to be sent by Certified Mail Return Receipt Requested.***
 - 3. *Place any Post on a probationary status (supervised trusteeship). Probationary status is a disciplinary set prior to trusteeship. While under probation, the District Commander and District Officers, the Department Inspector General or I.G. Deputies through the Department, shall assist and advise the Post as to the operation of the Post and Club Room.***

Article XXI. Subordinate Organizations

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

Article XXII. Sad Sacks

- Section 1** AMVETS recognizes a subordinate organization known as "AMVETS Sad Sacks who have served or are serving in the Armed Forces of the United States during and since World War II.
- Section 2** Membership in Sad Sacks shall be limited to members who have done outstanding work for and are in good standing in AMVETS.
- Section 3** No Department fundraising activities can be sponsored by the Sad Sacks or any of its subordinates without prior approval of the AMVETS SEC.
- Section 4** The Department Saddest Sad Sack shall, within thirty (30) days after induction into said Office, transmit to the Department Commander a complete itemized report of the financial standing of the Sad Sacks for the information of the Commander and the SEC, if requested.

Article XXIII. Service Foundation

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

Article XXIV. Ladies Auxiliary

- Section 1** The American Veterans, AMVETS Department of Ohio recognizes the subordinate

organization known as the AMVETS Ladies Auxiliary Department of Ohio.

- Section 2 A.** Eligibility for membership in AMVETS Ladies Auxiliary is limited to mothers, wives, and grandmothers, regardless of age; sisters, daughters and granddaughters not less than eighteen (18) years of age, of Regular members of AMVETS; and mothers and widows regardless of age and sisters, daughters and granddaughters not less than eighteen (18) years of age of deceased veterans who would have been eligible for membership in AMVETS and female veterans who served honorably in the Armed Forces of the United States, Reserves, National Guard or of allied countries any time after September 15, 1940, who maintain their AMVETS membership unless they meet the established eligibility criteria. The term mother shall be construed so as to include any member of the family of, or any female guardian of such person or deceased Veteran who has exercised or is exercising the care and responsibility for the rearing of such person or deceased Veteran, or a step-daughter not less than eighteen (18) years of age who has lived with an AMVET for not less than one (1) year.
- B. Any member of the Ladies Auxiliary who has been duly recognized as a member of the Auxiliary under the provisions of Section 2(1) herein shall be allowed to remain a member of the Ladies Auxiliary so long as she remains a member in good standing.

Section 3 Membership in the Ladies Auxiliary shall be in accordance with the National Constitution and By-Laws. The AMVETS Ladies Auxiliary Department of Ohio shall be under the jurisdiction of the AMVETS Department of Ohio. The Ladies Auxiliary Department of Ohio shall be identical in geographical limits as the AMVETS Department of Ohio and be known and identified by the same name. AMVETS Department of Ohio recognizes AMVETS Department of Ohio Ladies Auxiliary Districts with said District Officers, provided the AMVETS of said AMVET Districts approve by majority vote.

- Section 4** Each Local Ladies Auxiliary shall be governed in each Post by such rules and regulations as may be prescribed by the SEC of the Parent Organization and approved by such Post.
- i. Each Local Ladies Auxiliary shall be affiliated with an AMVETS Post and carry the corresponding number of that Post.
 - ii. No Local Ladies Auxiliary to any Post shall be formed until approved by a two-thirds (2/3) vote of the members present at a stated Meeting, with due notice of the proposed information having been given to the entire membership of said Post fifteen (15) days prior to such Meeting.
 - iii. Each Local Ladies Auxiliary shall be under the jurisdiction of the Post under whose number it bears.
 - iv. Where no Post exists, a Local Ladies Auxiliary shall not be formed.
 - v. Any Local Ladies Auxiliary not affiliated with an existing AMVETS Post shall not be recognized and shall surrender its Charter and such properties it may possess to the duly recognized Ladies Auxiliary Officer or Officers in accordance with the Constitution of the National Ladies Auxiliary.

Section 5 A. A Post may, by a vote of two-thirds (2/3) of its members present at a Meeting, following a printed or written notice mailed or delivered to each member of the Post in good standing at least ten (10) days before said Meeting, vote to disband its Local Ladies Auxiliary. Such notice shall show contemplated action and be certified to and forward through the AMVETS Department of Ohio with proper notice in writing to the National AMVETS Ladies Auxiliary Liaison Officer, the AMVETS Ladies Auxiliary Department of Ohio President, and to the

AMVETS National Commander, who shall direct the cancellation of the Charter of the Ladies Auxiliary only after investigation by the Commander that it is in the best interest of AMVETS to do so.

- B. In the case of discontinuance of a Post by voluntary surrender of its Charter or by a forfeiture or revocation of the Charter, its Ladies Auxiliary, if any, shall continue in being for a period of not more than one (1) year.
- C. The National Commander may direct a suspension or cancellation of the Charter of any Ladies Auxiliary on recommendation of the Department Commander when it is shown that the Ladies Auxiliary has become a detriment to the Post.

Section 6 In the event of the surrender, cancellation or forfeiture of a Ladies Auxiliary Charter to a Post, all monies, official records, property and other paraphernalia shall be surrendered to such Officer or Officers as the rules and regulations of AMVETS National Ladies Auxiliary provide. In case such Ladies Auxiliary is reinstated or reorganized within a period of three (3) years, such monies, papers, etc., originally forfeited by such Ladies Auxiliary shall be delivered to such reorganized or new Ladies Auxiliary in connection with the Charter.

Section 7 A. The Department Ladies Auxiliary President shall, within Thirty (30) days after induction into said Office, transmit to the Department Commander a complete itemized report of the financial standing of the Ladies Auxiliary for the information of the Commander and the SEC, if requested.

- B. All books and records of the AMVETS Ladies Auxiliary Department of Ohio shall be made available on request to the Department Commander or SEC for either examination or audit.

Section 8 No Department fundraising activities can be sponsored by the Department Ladies Auxiliary or any of its subsidiaries without prior approval of the AMVETS SEC.

Article XXV. Sackettes

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

Section 2 No Department fundraising activities can be sponsored by the Sackettes or any of its subordinates without prior approval of the AMVETS SEC.

Article XXVI. Junior AMVETS

Section 1 AMVETS Department of Ohio recognizes the subordinate organization known as Junior AMVETS Department of Ohio.

Section 2 Eligibility for membership in the Junior AMVETS shall be limited to the sons, daughters, brothers and sisters, and grandchildren of AMVETS, deceased members of AMVETS, and members of the Auxiliary and servicemen who died and who would have been eligible for membership in the AMVETS, including all children that they may be legal guardian of, from the ages of five (5) to and including seventeen (17) years of age. A Local organization may be formed by ten (10) eligible individuals, approved by both the Local AMVETS Post and the Department of OHIO AMVETS. Charters will be issued by the National Junior

AMVETS.

- Section 3** Membership in the Junior AMVETS shall be in accordance with the National Constitution and By-Laws. The Junior AMVETS Department of Ohio shall be under the jurisdiction of the AMVETS Department of Ohio. The Junior AMVETS Department of Ohio shall be identical in geographical limits to its respective AMVETS Department and be known and identified by the same name.
- Section 4** The Junior AMVETS shall be governed in each Post by such rules and regulations as may be prescribed by the SEC of the Parent Organization and approved by such Post.
- i. Each Junior AMVETS shall be affiliated with an AMVETS Post and carry the corresponding number of that Post.
 - ii. No Junior AMVETS to any Post shall be formed until approval by two-thirds (2/3) vote of the members present at a stated Meeting, with due notice of the proposed information having been given the entire membership of said Post fifteen (15) days prior to such Meeting.
 - iii. Each Local Junior AMVETS shall be under the jurisdiction of the Post whose number it bears.
 - iv. Where no Post exists, a Junior AMVETS shall not be formed.
 - v. Any Junior AMVETS not affiliated with an existing AMVETS Post shall not be recognized and shall surrender its Charter and such properties it may possess to the duly recognized National Junior AMVETS Coordinator in accordance with the Constitution of the National Junior AMVETS.
- Section 5 A.** A Post may, by a vote of two-thirds (2/3) of its members present at a Meeting, following the printing or written notice mailed or delivered to each member of the Post in good standing at least ten (10) days before said Meeting, vote to disband its Junior AMVETS. Such notice shall show contemplated act ion and be certified to and forward through the AMVETS Department of Ohio with proper notice in writing to the National Junior AMVETS Coordinator, the Department of Ohio Junior AMVETS President, and to the Department Commander, who shall direct the cancellation of the Charter of the Junior AMVETS, only after investigation by him/her that it is in the best interest of AMVETS to do so.
- B. In the case of the discontinuance of a Post by voluntary surrender of its Charter or by forfeiture or revocation of the Charter, its Junior AMVETS, if any, shall cease.
- C. The National Commander may direct a suspension or cancellation of the Charter of any Junior AMVETS on recommendation of the Post Commander having jurisdiction, when it is shown that the Junior AMVETS has become a detriment to the Post.
- Section 6** In the event of the surrender, cancellation or forfeiture of a Junior AMVETS Charter to a Post, all monies, official records, property and other paraphernalia shall be surrendered to such Officer or Officers as the rules and regulations of the National Junior AMVETS provides. In case such Junior AMVETS is reinstated or reorganized within a period of one (1) year, such monies, papers, etc., originally forfeited by such Junior AMVETS shall be delivered to such reorganized Junior AMVETS in connection with the Charter.
- Section 7 A.** The Department President of the Junior AMVETS, within Thirty (30) days after induction to said office, shall transmit to the Department Commander for the Commander's information and that of the SEC, a complete itemized report of the financial standing of the Department

Junior AMVETS.

- B. The Department Commander may direct a suspension or cancellation of the Charter of any Junior AMVETS on recommendation of the Post Commander having jurisdiction, when it is shown that the Junior AMVETS has become a detriment to the Post.

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

Section 9 No Department Fundraising activities can be sponsored by Department Junior AMVETS without prior approval of the SEC.

Article XXVII. Sons of AMVETS

Section 1 AMVETS Department of Ohio recognizes the subordinate organization known as the Sons of AMVETS Department of Ohio. The Sons of AMVETS Department of Ohio shall be identical in geographical limits as the AMVETS Department of Ohio and be known and identified by the same name. AMVETS Department of Ohio recognizes AMVETS Department of Ohio Sons of AMVETS Districts, with said District Officers, provided the AMVETS of said AMVET Districts approve by majority vote.

Section 2 A. Eligibility for membership in the Sons of AMVETS shall be limited to all male descendants, adopted son, step-sons, fathers, husbands, widowers and brothers of AMVETS members, deceased AMVETS members or deceased service personnel who would have been eligible for membership in the Parent Organization, and is at least eighteen (18) years of age. This is not to include in-laws of any type. All Charters for Sons of AMVETS shall be issued by Sons of AMVETS National Headquarters, at the direction of the Sons of AMVETS National Commander.

- B. Any member of the Sons of AMVETS who has been duly recognized as a member of the Sons of AMVETS under the provisions of Section 2(A) herein shall be allowed to remain a member of the Sons of AMVETS so long as he remains a member in good standing.

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

Section 4 The Sons of AMVETS shall be governed in each Post by such rules and regulations as may be prescribed by the SEC of the Parent Organization and approved by such Post.

- i. Each Sons of AMVETS shall be affiliated with an AMVETS Post and carry the corresponding number of that Post.
- ii. No Sons of AMVETS to any Post shall be formed until approved by two-thirds (2/3) vote of the members present at a stated Meeting, with due notice of the proposed information having been given the entire membership of said Post fifteen (15) days prior to such Meeting.

- iii. Each Local Sons of AMVETS shall be under the jurisdiction of the Post whose number it bears.
- iv. Where no Post exists, a Sons of AMVETS shall not be formed.
- v. Any Sons of AMVETS not affiliated with an existing AMVETS Post shall not be recognized and shall surrender its Charter and such properties it may possess to the duly recognized National Sons of AMVETS Officer or Officers in accordance with the Constitution of the National Sons of AMVETS.

- Section 5 A.** A Post may, by a vote of two-thirds (2/3) of its members present at a Meeting, following the printing or written notice mailed or delivered to each member of the Post in good standing at least ten (10) days before said Meeting, vote to disband its Sons of AMVETS. Such notice shall show contemplated act ion and be certified to and forward through the AMVETS Department of Ohio with proper notice in writing to the National Sons of AMVETS Liaison Officer, the Department of Ohio Sons of AMVETS Commander, and to the Department Commander, who shall direct the cancellation of the Charter of the Sons of AMVETS, only after investigation by him/her that it is in the best interest of AMVETS to do so.
- B. In the case of the discontinuance of a Post by voluntary surrender of its Charter or by forfeiture or revocation of the Charter, its Sons of AMVETS, if any, shall cease.
 - C. The Department Commander may direct a suspension or cancellation of the Charter of any Sons of AMVETS on recommendation of the Post Commander having jurisdiction, when it is shown that the Sons of AMVETS has become a detriment to the Post.

Section 6 In the event of the surrender, cancellation, or forfeiture of a Sons of AMVETS Charter to a Post, all monies, official records, property, and other paraphernalia shall be surrendered to such Officer or Officers as the rules and regulations of the National Junior AMVETS provides. In case such Sons AMVETS is reinstated or reorganized within a period of one (1) year, such monies, papers, etc., originally forfeited by such Sons AMVETS shall be delivered to such reorganized Sons of AMVETS in connection with the Charter.

- Section 7 A.** The Department Commander of the Sons of AMVETS, within thirty (30) days after induction to said office, shall transmit to the Department Commander for the Commander's information and that of the SEC, a complete itemized report of the financial standing of the Department of Ohio Sons of AMVETS.
- B. The Department Commander may direct a suspension or cancellation of the Charter of any Sons of AMVETS on recommendation of the Post Commander having jurisdiction, when it is shown that the Sons of AMVETS has become a detriment to the Post.

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

Section 9 No Department Fundraising activities can be sponsored by Department of Ohio Sons AMVETS without prior approval of the SEC.

Article XXVIII: AMVETS Riders

- Section 1** AMVETS Department of Ohio recognizes the subordinate organization known as AMVETS Riders.
- Section 2** Eligibility for membership in the AMVETS Riders shall be limited to members in good standing of AMVETS, AMVETS Ladies Auxiliary and Sons of AMVETS.
- Section 3**
- A. The AMVETS Riders shall be under the control of the national commander and the National Executive Committee, provided that nothing contained in this section shall in any way remove the jurisdiction given to the national organization and the departments over corresponding chapters of the AMVETS Riders.
 - B. Each AMVETS Riders chapter shall be under the jurisdiction of the department whose name it bears. Approval must be obtained from the Department Executive Committee before an AMVETS Riders chapter can be formed. Each chapter of AMVETS Riders shall be identical in geographical limits to its respective AMVETS department and be known and identified by the same name. AMVETS Department of Ohio recognizes AMVETS Department of Ohio AMVETS Riders Districts with said District Officers.
 - C. Where no AMVETS department exists, an AMVETS Riders chapter may be formed by a Post under the jurisdiction of the National Headquarters.
 - D. Each AMVETS Riders chapter shall formulate a Constitution and Bylaws within 30 days of formation. Said Constitution and Bylaws shall contain no less language than contained in the generic AMVETS Riders Constitution and Bylaws provided by National Headquarters.
- Section 4** All books and records of the AMVETS Riders shall be made available on request to the corresponding department commander or State Executive Committee for either examination or audit.

Article XXIX. Transfer of Posts

- Section 1** Posts of AMVETS which may transfer from one place to another and are organized under a Department may transfer to the Department of Ohio in a manner similar to the transfer of individuals from one Post to another.

Article XXX. Definitions

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

Article XXXI. Amendments to the By-Laws

- Section 1** These By-Laws may be amended at any AMVETS Department of Ohio Convention or Conference by a majority vote of the Delegates present at any Department Convention or Conference. Proposed Amendment for action of the Department Convention or Conference must be submitted by a Post, the SEC, Department Headquarters, or a Standing Department Committee to the Department Commander no later than 60 days before the Convention or Conference in which amendments is to be presented and by the Department Commander and/or the proposing body to the several Posts and members of the SEC, by mail, postmarked at least thirty (30) days prior to the opening date of the next Department Convention or Conference in which amendment is to be proposed.
- Section 2** These By-Laws, however, may be amended by any Department Convention or Conference without notice by a two-thirds (2/3) vote.
- Section 3** Any amendment however passed (by 2/3) vote must be reviewed by the constitution and resolutions committee for the CBL prior to adoption. If the adopted amendment is not approved by the constitution and resolution committee the amendment will not go into effect until it is reported on by the committee at the next conference or convention where after the amendment will be re-voted.
- Section 4** Amendments to these By-Laws shall take effect immediately upon adoption, unless otherwise specified by the adopted Resolution.