



AMVETS POST CONSTITUTION AND BYLAWS PROTOTYPE

The sample of an AMVETS “Post Constitution and Bylaws” (CBL) which follows is intended as a working copy for AMVET posts. This prototype is to be amended to conform to the particular needs and complexities of each post. If it is perfectly suited to the post, then simply fill in the blanks. However, if a post home, clubroom, kitchen, and other entities are involved, or if functions of the post are not covered in the prototype, then the CBL language needs to be expanded to include all those differences. If the post has elected a Board of Trustees, clear language concerning their duties and terms of office should be included. (A separate CBL may be written for the Board which further defines in detail their goals and objectives and the parameters by which they are to handle monies entrusted to them.)

The post should make the effort to revise the prototype into a comprehensive CBL, and have it adopted by vote at a post meeting. The document then becomes a very specific and valuable reference for both current members and future officers, laying the groundwork and rules for operation of the post, its entities and officers.

The CBL, once adopted by the post body, must then be forwarded to the department judge advocate for approval. He will ensure that the document is not in conflict with the department’s constitution and bylaws. The department judge advocate will either 1) approve the post’s CBL, 2) approve them as amended, or 3) request further review by the national judge advocate. Once approved, the department judge advocate will forward a copy of the post’s CBL to national for file. The document must include the signature of the post judge advocate, post adjutant and state judge advocate. Additionally, the national judge advocate should sign, if his review and assistance were requested.



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POST CONSTITUTION AND BYLAWS - COVER SHEET

TO: NATIONAL JUDGE ADVOCATE
 AMVETS NATIONAL HEADQUARTERS
SUBJECT: CONSTITUTION AND BYLAWS (CBL)
 DEPARTMENT OF _____
 POST NUMBER _____

REGARDING: New CBL
 CBL change/update

Within the scope of my duties and responsibilities as Department Judge Advocate, and on behalf of the above identified Post, I respectfully submit the attached Post Constitution and Bylaws. My recommendations for approval or further review are certified by my signature in the appropriate section identified herein. Sections I and II attest the attached document has been reviewed and is forwarded for placement in the permanent files at AMVETS National Headquarters. Section III requires further review and follow up action.

SECTION I. APPROVED AS SUBMITTED

As Department Judge Advocate, I hereby certify that the above cited Post Constitution and Bylaws is in compliance with the Department and National Constitution and Bylaws.

 Signature of Department Judge Advocate Date

SECTION II. APPROVED AS AMENDED

After initial review with subsequent recommendations and follow up, the Post has incorporated the necessary changes in its Constitution and Bylaws; therefore, I, as Department Judge Advocate, do hereby certify that the above cited Post is not in conflict with the provisions set forth in the Department or National Constitution and Bylaws.

 Signature of Department Judge Advocate Date

SECTION III. REQUEST FURTHER REVIEW BY NATIONAL JUDGE ADVOCATE

I am unable to execute an approval for the attached Post document and respectfully request your able assistance. Please review the following area:

 Signature of Department Judge Advocate Date

6. To cooperate with all duly recognized existing veterans organizations in the furtherance of the aims of the American 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 veterans to civilian life by protecting their rights as individuals while still in uniform.
8. To expedite and assist in the rehabilitation of the veteran by maintenance of employment services, sponsoring educational opportunities, providing counsel of 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 American veterans who have served or are serving in the Armed Forces of the United States during and since World War II fought and served to preserve peace, liberty, and democracy of their Nation.

ARTICLE III. 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 by honorable discharge, honorable separation or general discharge under honorable conditions.
- Section 2. Any American citizen, as an American citizen, who served in the Armed Forces of an allied nation of the United States at any time after September 15, 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—is by honorable discharge or honorable separation.
- Section 3. 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, and 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.
- Section 4. All United States reservists 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—is by honorable discharge or separation.
- Section 5. Honorary membership shall not be granted.
- Section 6. No person shall be a member of more than one post at any one time.
- Section 7. No person expelled from one post shall be eligible for membership in any other post without the consent of the expelling post, or consent of the State Executive Committee (SEC) after hearing an appeal.

- Section 8. This Post shall be the judge of its own membership, subject to the provisions of the Constitution and Bylaws of the national and department organizations.
- Section 9. Membership shall be on a calendar year basis and shall run from January 1 through December 31.
- Section 10. Eligibility for membership and the rights and privileges of members shall be as provided in the Constitution and Bylaws, 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.

ARTICLE IV. OFFICERS

- Section 1. Officers of this Post shall consist of a commander, not more than three vice-commanders, adjutant, finance officer, provost marshal, judge advocate, three trustees and such other officers as may be prescribed by the Bylaws.
- Section 2. Nomination and election of officers shall be held annually between May 1st and June 30th. Nominations shall be made from the floor at a general meeting.

ARTICLE V. EXECUTIVE COMMITTEE

The elected and appointed officers of the Post, and the immediate past post commander shall constitute the Executive Committee which will be charged with the administrative affairs and property of the Post. The Executive Committee shall formulate the policy of the organization for approval by the members.

ARTICLE VI. POST ORGANIZATION

This Post shall be governed by the officers chosen in accordance with this Constitution and Bylaws and will annually revalidate its charter prior to July 15. Such revalidation shall be evidenced by the issuance of a Revalidation Certificate issued by the National Department upon satisfactory completion of all requirements. Aside from any other requirements imposed by the Department or National Constitution and Bylaws, this Post shall:

- (a) Furnish national and its Department Headquarters with a certified list of current Post officers not later than July 15;
 - (b) Provide a written statement to the national organization that the post has/has not filed an IRS Form 990 with the Internal Revenue Service for the fiscal year.
 - (c) Furnish National Headquarters with a copy of the Post's current Constitution and Bylaws or certify on the Change of Officers Form that the copy on file has not been altered, changed or amended.
 - (d) Be fully paid up in all accounts with National Headquarters.
 - (e) Comply with applicable liability insurance and bonding mandates; and
 - (f) Have a minimum of ten (10) members in good standing at all times.
- Section 2. Within 30 days of notice to surrender its charter resulting from disciplinary or voluntary action, the Post will close all bank accounts and deliver to the State Department or National organization all Post records, property and assets.

ARTICLE VII. SUBORDINATE ORGANIZATIONS

- Section 1.
- (a) A subordinate organization of this post may be established only by a provision of the post's Constitution, and in keeping with the National Constitution and Bylaws.
 - (b) All subordinate organizations' membership qualifications must be consistent with the aims and purposes of AMVETS.

- Section 2. All AMVETS subordinate organizations shall follow the same membership year and pay membership dues in concert with the parent organization.
- Section 3. All subordinate organizations shall be under the jurisdiction of the AMVETS Post whose name it bears and shall carry the corresponding number of the Post.
- Section 4. (a) A two-thirds (2/3) vote of the AMVET members present at a stated meeting is required to approve and form a subordinate organization.
 (b) AMVETS Post members must be given written notice of such meeting a minimum of 15 days prior to the proposed formation.
 (c) Where no Post exists, a subordinate organization shall not be formed, nor continue to operate as an independent entity. The subordinate's charter must be surrendered along with any property it may possess to the duly recognized subordinate officer in accordance with the Constitution of the national subordinate organization.
 (d) Wherever a post clubroom is maintained and operated for the convenience and pleasure of its members, and the name of AMVETS or its insignia are displayed or used, a board of trustees shall be elected by and from among the members of the post to supervise its activities, operations and finances.
- Section 5. No fund raising activities can be sponsored by any subordinate organization without the recommendation of the AMVETS Post Executive Committee and the prior approval of the AMVETS Department and National organizations in compliance with National Bylaws Article VII, Section 3 (a).

ARTICLE VIII. AUXILIARY

- Section 1. AMVETS recognizes a subordinate organization known as the AMVETS Ladies Auxiliary.
- Section 2. (a) Membership eligibility in the AMVETS Ladies Auxiliary is limited to the mothers, wives and grandmothers, regardless of age, and to the daughters, sisters and granddaughters not less than 18 years of age of regular members of AMVETS, and to
 (b) Mothers and widows, regardless of age, and daughters, sisters and granddaughters not less than 18 years of age of deceased veterans who would have been eligible for membership in AMVETS.
 (c) Female veterans who served honorably in the Armed Forces of the United States after Sept. 15, 1940, or as an American citizen in the armed forces of Allied countries, after Sept. 15, 1940 and before May 8, 1975, who maintain their AMVET membership unless they meet the established criteria.
 (d) Any Auxiliary member who qualifies and joins as a member under the criteria in Section 2 (a), (b) or (c) shall be allowed to remain an Auxiliary member so long as she remains a member in good standing.
- Section 3. AMVETS recognizes a subordinate organization known as Sackettes, a fun and honor organization of the AMVETS Auxiliary.

ARTICLE IX. SACKS

- Section 1. AMVETS recognizes a subordinate organization known as AMVET Sad Sacks of American veterans 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 in good standing of AMVETS.

ARTICLE X. JUNIOR AMVETS

- Section 1. AMVETS recognizes a subordinate organization known as Junior AMVETS.
- Section 2. From the age of 5, to and including 17 years, sons and daughters, brothers and sisters, and grandchildren of AMVETS, deceased servicemen who would have been eligible for AMVETS membership, including all children for whom they are legal guardians.

ARTICLE XI. SONS OF AMVETS

- Section 1. AMVETS recognizes a subordinate organization known as Sons of AMVETS.
- Section 2. Membership is limited to all male descendants, grandsons, adopted sons and stepsons, fathers, husbands, widowers and brothers of members of AMVETS and deceased members of AMVETS, or service personnel who died and would have been eligible for membership in the parent AMVETS organization.
- Section 3. The Applicant for the Sons of AMVETS must be at least 18 years of age and cannot be a member of nor be eligible for membership in the parent organization of AMVETS.

ARTICLE XII. AMENDMENTS

This Constitution may be amended by resolution at the annual meeting. Proposed amendments shall be submitted in writing to the Executive Committee for its review and presentation at the next annual meeting. Copies of proposed amendments shall be distributed by mail to all Post members at least ten (10) days prior to the date of the vote. A two-thirds (2/3) vote of the members present shall be required to amend this Constitution. Copies of all adopted amendments shall be forwarded to the Department for review by the department judge advocate within thirty (30) days after their adoption. The department judge advocate will forward the approved copies to the National Headquarters for placement in the permanent Post file.

BYLAWS

ARTICLE 1. QUORUM

- Section 1. At all regular and special meetings at least _____ members present shall constitute a quorum, providing at least one elected officer is present to preside (*Enter number of members as determined by the post membership*).
- Section 2. A Quorum at Executive Committee meetings shall consist of _____ members of the committee. (*Enter number of members as determined by the post membership*).
- Section 3. A quorum for the Board of Trustees shall consist of _____ members of the Board. (*Enter number of members as determined by the post membership*).

ARTICLE II. COMMITTEES

- Section 1. The following standing Committees shall be appointed by the commander, with approval of the Executive Committee: Membership, Finance, Hospital and Welfare, Programs, Legislation, Americanism and VAVS. The post commander shall appoint a chairman and such members of AMVETS to each committee as are necessary to accomplish its objective.

Section 2. Temporary committees may be appointed by the commander to expedite projects for the good and welfare of the Post.

ARTICLE III. MEETINGS

Section 1. This Post shall meet on the _____ of every month at a place designated at the previous meeting, unless a special meeting needs to be called. (*Enter day of meeting as determined by the post membership*).

Section 2. There shall be three types of meetings; the general monthly meeting, special meetings and the annual meeting. Post members will be notified in advance of all meetings.

Section 3. The order of business shall be prescribed by the Executive Committee, but may be changed when necessary.

Section 4. Nominations for officers shall be entertained and an announcement of the business to be considered at the annual meeting will be made at the general meeting one month preceding the annual meeting. Further nominations may be made from the floor of the annual meeting on a majority vote.

Section 5. All business meetings of this Post shall be conducted in accordance with "Robert's Rules of Order, Newly Revised."

ARTICLE IV. ELECTION AND APPOINTMENT OF OFFICERS

Section 1. A commander, not more than three vice-commanders designated as first, second and third vice-commanders, adjutant, finance officer, provost marshal and judge advocate shall be elected annually by members of the Post. A chaplain, historian, service officer, and public relations officer shall be appointed annually by the newly elected commander with the approval of the Executive Committee.

Section 2. The election of officers shall be held at the annual meeting of the Post between May 1 and June 30. The vote shall be taken in the manner prescribed by the post membership. If by written ballot, sufficient paper ballots will be prepared in advance by the adjutant. The provost marshal shall distribute, collect and count the ballots and shall thereafter make the announcement of the results. Only members in good standing in person at the meeting shall be entitled to vote. National and Department Headquarters shall be notified of the election of new officers by the Post adjutant within thirty (30) days after the said elections have been completed.

Section 3. The newly-elected and appointed officers shall be sworn in and shall take office at the next regular meeting of the Post, but in no event sooner than two weeks after such election, nor later than July 15 thereafter.

Section 4. In the event that the office of the commander is vacated, the vice commanders in the order of their numerical designation shall succeed to the office of commander for the unexpired term.

Section 5. Should any other office be vacated, the commander is empowered to appoint a successor for the completion of the term subject to the approval of the Executive Committee.

Section 6. Any elected officer who misses three (3) consecutive regular meetings without prior consent shall be removed from office without any further action, notification or hearing. The vacated position shall be filled within the guidelines prescribed herein.

ARTICLE V. DELEGATES TO CONVENTION

At least thirty (30) days prior to the Department and National conventions, delegates and alternates shall be chosen to attend said conventions. The number of delegates will be in accordance with the National and Department delegate strength guidelines. The Post commander shall constitute one delegate. Other delegates may be elected with instructions governing their representation.

ARTICLE VI. FINANCE

Section 1. The total annual dues of this Post shall be set at \$_____ of which \$13.00 per member shall be paid to National, \$_____ to the Department, and the Post shall retain \$_____. The balance shall be deposited in the Post's general funds account.

Section 2. Life member dues are \$150.00 of which \$75.00 is remitted to National Headquarters, and \$37.50 is forwarded to the Department.

Section 3. All fund-raising activities must be approved in advance by the Post Executive Committee and the Department Judge Advocate. If a fund-raising activity requires entering into a contract or if anticipated gross revenues are expected to exceed \$2,500, a copy of the proposed fund-raising program must be transmitted through the Department to National Headquarters for approval.

Section 4. An annual budget shall be prepared by the finance officer and submitted to the Executive Committee for approval. Accurate books and records of account activities maintained by the finance officer shall be subject to inspection and regulation by the Executive Committee at all reasonable times.

Section 5. The finance officer shall render a report of receipts and disbursements to each meeting of this Post. This office is also responsible for filing an IRS Form 990 with the District Director of the Internal Revenue (or a certificate in lieu thereof where the 990 is not required) on or before the 15th day of the fifth month following the close of the annual accounting period. A statement as to whether a 990 has/has not been filed with the IRS must be given in writing to the Department and National Headquarters. The Post's fiscal end shall be _____.

Section 6. If Post club rooms are maintained and operated for the convenience and pleasure of the members of this Post in the name of AMVETS, or its insignia are displayed or used, a Board of Trustees shall be elected from among the members of the Post to supervise its activities, operation and finances. The Post shall also secure, at the least, the minimum liability insurance coverage prescribed by the National Constitution and By-laws which names the Department and National Headquarters as additional insureds and file a copy of the Certificate of Insurance with the Department and National offices.

Section 7. Post officials handling AMVETS funds shall be properly bonded with a good and solvent bonding surety company, acceptable to the U. S. Treasury, as surety to cover the average amount of AMVET funds handled by said individual in a single year.

ARTICLE VII – BOARD OF TRUSTEES

The Board of Trustees shall be comprised of the post commander, immediate past post commander, adjutant, finance officer and judge advocate, along with three trustees elected by the post members.

ARTICLE VIII. RESOLUTIONS

- Section 1. All resolutions adopted by this Post shall be forwarded to Department Headquarters.
- Section 2. A simple majority vote of members present is required to pass any resolution other than amendments to the Constitution and Bylaws.

ARTICLE IX. RESTRICTED USE OF ORGANIZATION

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, faction or product. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member.

ARTICLE X. DISCIPLINE OF POST MEMBERS

- Section 1. Members of the post may be suspended or expelled for any one or more of the following reasons:
- (a) failure to comply with any obligation imposed on members under the constitution and bylaws;
 - (b) any violation of law that reflects unfavorably on the name of AMVETS;
 - (c) any conduct unbecoming an AMVET;
 - (d) ineligibility for membership at time of acceptance into membership; or
 - (e) procurement of membership by fraud or deception.
- Section 2. Any member of AMVETS may prefer charges against any other member, alleging any of the foregoing causes for suspension or expulsion. Such charges shall be made under oath, setting forth the time and place of the offense or other basis for the charges, as near as may be practicable, and signed by the accuser.
- Section 3. All charges and specifications shall be filed with the post commander of the post to which the member complained about belongs. On receipt of said charges and specifications, the post commander shall, within five days, send a copy thereof by certified mail to the member complained about, together with a notice fixing a date, place and time of a hearing to be held not less than 30 days after said date of mailing.
- Section 4. Said charges and specifications shall be heard by the executive committee of the post, at which said hearing the member complained about shall have the right to be represented by counsel and to cross-examine his accuser or accusers and witnesses presented against him. No member against whom charges have been preferred, or who has preferred charges against another member, shall sit in judgment on any panel hearing or deciding the matter.
- Section 5. The post judge advocate shall prosecute the charges, and the attendance of a court reporter shall be permitted.
- Section 6. The presiding officer of said executive committee shall decide all questions as to the relevancy of evidence and the regularity of the proceedings.
- Section 7. On the conclusion of the hearing, a vote shall be taken first as to whether there is a basis for the charge or charges and, if by the vote hereinafter mentioned, it is determined that

