

**NATIONAL BY-LAWS AND MANUAL OF PROCEDURE
ADOPTED AMENDMENTS
FOR
PODIUM EDITION
2012**

The following are the newly adopted amendments that were approved by the VFW 112th National Convention in August 2011, San Antonio, Texas. These amendments are effective 30 days after the close of the convention.

(Note: Only the adopted amendments for By-Laws (B) and Manual of Procedure (M) are shown herein.)

B-1

Recommended by National By-Laws Study Group
Proposed by the Commander-in-Chief

ARTICLE I - MEMBERS

Sec. 105 – Members in Good Standing.

Amend Sec. 105 – Members in Good Standing., National By-Laws, by adding the following third paragraph:

“Subscription Dues. Effective no later than January 2014, a member’s dues will be for a full twelve (12) months based on the actual month that the member paid.”

M-1

Recommended by National By-Laws Study Group
Proposed by the Commander-in-Chief

ARTICLE II - POSTS

Sec. 210 – Surrender of Charter.

Amend Sec. 210 – Surrender of Charter., Manual of Procedure, by deleting the last section titled **“Disposition of Property.”**

B-2

Recommended by National By-Laws Study Group
Proposed by the Commander-in-Chief

ARTICLE II – POSTS

Sec. 212 – Defunct Posts.

Amend Sec. 212 - Defunct Posts., National By-Laws, by deleting the second paragraph and replacing with the following:

“Disposition of Property. In all cases of surrender, revocation or forfeiture of a charter, title to all real and personal property shall immediately pass to the Department who shall take possession and control for disposition as directed by the Department Council of Administration for the purposes set forth in the Congressional Charter. In addition, the books and records of the post shall be recovered by the Department.

In case of surrender or forfeiture of a charter, the Department Council of Administration in the case of trust funds or trust property, or both, shall carry out the intent and purpose of such trust to the extent of such funds or property, or both.

B-5

Proposed by Department of Virginia

ARTICLE II – POSTS

Sec. 220 – Vacancies and Removal of Elective Officers or Committee Members.

Amend Sec. 220 – Vacancies and Removal of Elective Officers or Committee Members., National By-Laws, by substituting with the following after “**Vacancies...**”:

“**Vacancies.** All vacancies occurring in the elective offices of the Post shall be filled in accordance with Section 220 of the Manual of Procedure at the next stated meeting of the Post or special meeting called for such purpose as prescribed in Section 203 of the Manual of Procedure.”

B-6

Recommended by National By-Laws Study Group

Proposed by the Commander-in-Chief

ARTICLE IV – DISTRICTS

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

Amend Sec. 403 – Regular, Special and Committee Meetings; Convention; Quorum; Authorized Attendees., National By-Laws, in the fourth paragraph titled “**Convention.**”, by replacing “seventy-five (75)” with “forty-five (45)”.

B-7

Recommended by National By-Laws Study Group

Proposed by Commander-in-Chief

ARTICLE IV - DISTRICTS

Sec. 404 – Governing Body; Composition

Amend Sec. 404 – Governing Body; Composition. National By-Laws, item 7, by deleting “...Section 421 of the By-Laws.” and replace with “...Section 222 of the Manual of Procedure.”

B-8

Recommended by National By-Laws Study Group

Proposed by the Commander-in-Chief

ARTICLE IV – DISTRICTS

Sec. 410 – Surrender of Charter.

Amend Sec. 410 - Surrender of Charter., National By-Laws, by deleting the section titled “**Disposition of Property.**”

B-9

Recommended by National By-Laws Study Group

Proposed by the Commander-in-Chief

ARTICLE IV - DISTRICTS

Sec. 412 – Defunct Districts.

Amend Sec. 412 – Defunct Districts., National By-Laws, by deleting the second paragraph and adding the following:

"Disposition of Property. In all cases of surrender, revocation or forfeiture of a charter, title to all real and personal property shall immediately pass to the Department who shall take possession and control for disposition as directed by the Department Council of Administration for the purposes set forth in the Congressional Charter. In addition, the books and records of the District shall be recovered by the Department.

In case of surrender or forfeiture of a charter, the Department Council of Administration in the case of trust funds or trust property, or both, shall carry out the intent and purpose of such trust to the extent of such funds or property, or both.

B-11

Proposed by Department of Virginia

ARTICLE IV – DISTRICTS

Sec. 420 – Vacancies and Removal of Elective Officers or Committee Members.

Amend Sec. 420 – Vacancies and Removal of Elective Officers or Committee Members., National By-Laws, by substituting with the following in the first paragraph titled **"Vacancies..."**:

"Vacancies. All vacancies occurring in the elective offices of the District shall be filled in accordance with Section 420 of the Manual of Procedure at the next stated meeting of the District or special meeting called for such purposes as prescribed in Section 403 of the Manual of Procedure."

M-9

Recommended by National By-Laws Study Group

Proposed by the Commander-in-Chief

ARTICLE V – DEPARTMENTS

Sec. 510 – Surrender of Charter.

Amend Sec. 510 – Surrender of Charter., Manual of Procedure, by deleting the last section titled **"Disposition of Property."**

B- 12

Recommended by National By-Laws Study Group

Proposed by the Commander-in-Chief

ARTICLE V – DEPARTMENTS

Sec. 511 – Suspension and Revocation of Charter.

Amend Sec. 511 - Suspension and Revocation of Charter., National By-Laws, under (d) **Property and Funds.**, by deleting "...510 of the Manual of Procedure." and replacing with "...512 of the By-Laws."

B-13

Recommended by National By-Laws Study Group

Proposed by the Commander-in-Chief

ARTICLE V – DEPARTMENTS

Sec. 512 – Defunct Departments.

Amend Sec. 512 - Defunct Departments., National By-Laws, by deleting the second paragraph and adding the following:

"Disposition of Property. In all cases of surrender, revocation or forfeiture of a charter, title to all real and personal property shall immediately pass to the Veterans of Foreign Wars of the U.S. who shall take possession and control for disposition as directed by the National Council of Administration for the purposes set forth in the Congressional Charter.

In case of surrender or forfeiture of a charter, the National Council of Administration in the case of trust funds or trust property, or both, shall carry out the intent and purpose of such trust to the extent of such funds or property, or both."

"Term of Office. Department Officers shall be elected for a term of one (1) year and shall assume their duties at the close of the National Convention."

M-12

Recommended by National By-Laws Study Group

Proposed by the Commander-in-Chief

ARTICLE V - DEPARTMENTS

Sec. 518 – Officers: Duties and Obligations.

Amend Sec. 518 – Officers: Duties and Obligations., Manual of Procedure, by replacing under (4) **Quartermaster.**, the duties of the Department Quartermaster, section "k." titled "**Budget.**", in its entirety with the following:

"Prepare a tentative balanced budget for the financial operations of the ensuing year. The budget once adopted by the Department Council of Administration shall be forwarded to the Adjutant General within 15 days."

M-13

Proposed by Department of Pacific Areas

ARTICLE V - DEPARTMENTS

Sec. 520 – Vacancies and Removal of Elective Officers or Committee Members.

Amend Sec. 520 – Vacancies and Removal of Elective Officers or Committee Members., Manual of Procedure, under **Vacancies.**, paragraph 3, item 2. by substituting in its entirety with the following:

"In lieu of calling a special meeting, the Department Commander may notify all members of the Council that the vacancy exists and names of nominees are being accepted. Fifteen (15) days thereafter, the Department Commander shall advise the Council of the names of comrades presented for the same. Members of the Council may vote to fill such vacancy by written ballot, submitting as directed by the Department Commander by mail and forward to the Department Adjutant. These ballots shall be tallied at a time specified by the Commander by tellers appointed by him in the presence of such Department officers as the Department Commander may designate. The comrade receiving the highest number of votes cast shall be declared duly elected to the office designated, with results of election being posted in the minutes of the next Council meeting."

B-17

Recommended by National By-Laws Study Group

Proposed by the Commander-in-Chief

ARTICLE V – DEPARTMENTS

Sec. 522 – Council of Administration – Composition, Powers and Duties.

Amend Sec. 522 – Council of Administration – Composition, Powers and Duties., National By-Laws, under (c) **Budget.** by deleting the first sentence and replace with the following:

"The Council of Administration shall approve an annual budget by October 31 covering the financial operations of the Department for the ensuing year."

B-18

Recommended by National By-Laws Study Group
Proposed by the Commander-in-Chief

ARTICLE VI – NATIONAL

Sec. 604 – Governing Body; Composition.

Amend Sec. 604 – Governing Body; Composition., National By-Laws, under item 2., by deleting the second word “Regional”.

B-19

Recommended by National By-Laws Study Group
Proposed by the Commander-in-Chief

ARTICLE VI – NATIONAL

Sec. 615 – Eligibility to Office.

Amend Sec. 615 – Eligibility to Office., National By-Laws, by deleting the first word in the third sentence, “Regional”.

B-20

Recommended by National By-Laws Study Group
Proposed by the Commander-in-Chief

ARTICLE VI – NATIONAL

Sec. 617 – Nomination, Election, Installation and Term of Office.

Amend Sec. 617 – Nomination, Election, Installation and Term of Office., National By-Laws, by adding the following third paragraph:

“Officers shall be elected for a term of one (1) year. National Officers shall assume their duties at the close of the National Convention.”

M-14

Recommended by National By-Laws Study Group
Proposed by the Commander-in-Chief

Article VI – National

Sec. 617 – Nomination, Election, Installation and Term of Office.

Amend sec. 617 – Nomination, election, Installation and Term of Office., Manual of Procedure, under the section titled “**Installation.**”, by deleting the second sentence and replacing with “The Commander-in-Chief elect shall select a Past Commander-in-Chief as the installing officer.” Delete the section titled “**Term of Office.**”

B-21

Recommended by National By-Laws Study Group
Proposed by the Commander-in-Chief

ARTICLE VI – NATIONAL

Sec. 619 – National Committees.

Amend Sec. 619 – National Committees., National By-Laws, by deleting “**d. Political Action Committee.**” in the first paragraph and deleting section (d) **Political Action Committee** in its entirety.

B-22

Recommended by National By-Laws Study Group
Proposed by the Commander-in-Chief

ARTICLE VI – NATIONAL

Sec. 622 – National Council of Administration-Composition, Powers and Duties.

Amend Sec. 622 – National Council of Administration-Composition, Powers and Duties., National By-Laws, by replacing sections **(a) Composition:** and **(b)(12) Voting:** with the following new sections:

“(a) Composition: There will be a National Council of Administration which shall consist of all elective National Officers, the Adjutant General, Chief of Staff, Inspector General, the immediate past Commander-in-Chief and members elected by departments as prescribed in Section 623 of the By-Laws.”

and

“(12) Voting: Each member of the National Council of Administration present at a meeting shall be entitled to one vote. If requested by at least 15 members of the council, a roll call vote shall be taken. Each council member shall receive a pro-rata share of votes based on one per 25,000 members or fraction thereof, based on the Quartermaster General’s records as of June 30. On matters requiring action by the National Council of Administration between stated meetings, the Commander-in-Chief may direct the Adjutant General to conduct mail ballots, the results of such mail ballots shall be reported for the record at the next stated meeting.”

B-23

Recommended by National By-Laws Study Group
Proposed by the Commander-in-Chief

ARTICLE VI – NATIONAL

Sec. 623 – Regional National Council of Administration Members-How Elected.

Amend Sec. 623 – Regional National Council of Administration Members-How Elected., National By-Laws, by replacing the title and the entire section to read as follows:

“Sec. 623 - National Council of Administration, Department Members Election, Vacancies and Removal.

At the close of the 113th National Convention, each Department of the Veterans of Foreign Wars of the United States shall be entitled to a member on the National Council of Administration.

Election: Following the completion of the transitional rule in Section 624, members will be elected to a four year term. Said member shall be elected at the Department Convention preceding the National Convention at which the term is to commence, in the same manner and at the same time as Department officers are elected and shall be installed into office at the National Convention.

These members shall be initially elected for terms of one, two, three and four years beginning in 2012 and thereafter shall be elected to four-year terms.

Transition Schedule:

| <u>One Year Term</u> | <u>Two Year Term</u> | <u>Three Year Term</u> | <u>Four Year Term</u> |
|----------------------|----------------------|------------------------|-----------------------|
| Connecticut | Alabama | Illinois | Alaska |
| Delaware | Arkansas | Indiana | Arizona |
| Dist. of Col. | Florida | Iowa | California |
| Europe | Georgia | Michigan | Colorado |

| | | | |
|---------------|----------------|--------------|------------------|
| Maine | Kentucky | Minnesota | Hawaii |
| Maryland | Louisiana | Missouri | Idaho |
| Massachusetts | Mississippi | Nebraska | Kansas |
| New Hampshire | North Carolina | Ohio | Latin Amer/Carib |
| New Jersey | Oklahoma | South Dakota | Montana |
| New York | South Carolina | Wisconsin | Nevada |
| Pennsylvania | Tennessee | | New Mexico |
| Rhode Island | Texas | | North Dakota |
| Vermont | Virginia | | Oregon |
| | West Virginia | | Pacific Areas |
| | | | Utah |
| | | | Washington |
| | | | Wyoming |

Removal: The Department Commander may, with the concurrence of two-thirds of the Department Council of Administration, remove their elected National Council of Administration member who fails to fulfill the duties of his office as required by Section 622, provided that such member has been given seven (7) days written notice that removal will be sought, including the reasons for removal, and the member is provided an opportunity to be heard by the Department Council at a regular meeting or special meeting called for that purpose, prior to such removal.

Any National Council of Administration member removed by the Department Commander for reason of failure to pay current dues or under the provisions of this section, shall not be eligible to serve in any National office in the same administrative year in which the officer is removed.

Notification of Removal: Such actions and reasons therefore, shall be in the form of a Special Order, and delivered personally or by certified or registered mail at the removed member's last known address. The special order shall advise the member of his rights to appeal under these By-Laws.

Vacancies: All other vacancies occurring in the office of National Council of Administration, shall be filled by the Department Council of Administration in accordance with section 520 of the Manual of Procedure."

B-24

Recommended by National By-Laws Study Group

Proposed by the Commander-in-Chief

ARTICLE VI – NATIONAL

Add Sec. 624 – Transitional Rule., National By-Laws as follows:

"Sec. 624 – Transitional Rule.

To accommodate the transition period, the 2011-2012 council shall be comprised of members as follows:

- | | |
|--|---|
| 1. Maine, New Hampshire | 15. New Mexico, Arizona |
| 2. Vermont, Massachusetts | 16. Latin America/Caribbean, Pacific Areas, Alaska, Hawaii |
| 3. Maryland, New Jersey | 17. Utah, Nevada, Oregon |
| 4. District of Columbia, Delaware, Europe | 18. Connecticut, Rhode Island |
| 5. Indiana, Missouri | 19. Louisiana, Mississippi |
| 6. Virginia, West Virginia | 21. Minnesota, Nebraska |
| 7. Tennessee, Kentucky | 23. Michigan, South Dakota |
| 8. Georgia, Alabama | A. Pennsylvania |
| 9. South Carolina, North Carolina | B. Illinois |
| 10. Oklahoma, Arkansas | C. New York |
| | 11. Wisconsin, Iowa |
| | D. Ohio |

- | | |
|--------------------------------|---------------|
| 12. North Dakota, Wyoming | G. California |
| 13. Kansas, Colorado | H. Texas |
| 14. Montana, Washington, Idaho | J. Florida" |

B-25

Recommended by National By-Laws Study Group

Proposed by the Commander-in-Chief

ARTICLE VII – MISCELLANEOUS PROVISIONS

Sec. 702 – Politics.

Amend Sec. 702 – Politics., National By-Laws., by changing "Section 3" to "Section 230102" in last paragraph.

