

# DRAFT

Veterans of Foreign Wars of the United States

Office of the Adjutant General

**[BYLAW STUDY GROUP CONSENSUS]**

Draft - Bylaw, Manual of Procedure and Ritual amendments by BLSG April 2021

**Section 101 – Bylaws**  
**Eligibility.**

Any citizen of the United States, and any United States National may be a member of the Veterans of Foreign Wars of the United States who is serving or has served honorably in the Armed Forces of the United States:

An individual is eligible for membership in the corporation only if the individual is serving or has served honorably as a member of the Armed Forces of the United States:

*Reason: This change is consistent with our congressional charter as well as the eligibility requirements for every branch of the military.*

**Section 102 – Bylaws**  
**Applications – Affiliation of New Members.**

**Members-At-Large.** Anyone eligible for membership who is unable to join or does not desire membership in a Post may become a Member-at-Large in a Department upon application to the Adjutant General or the Department Adjutant, proof of eligibility and payment of annual **dues or life member fees**. Annual dues shall be **at least** \$45.00, \$26.00 of which shall be National Organization Dues which shall be transmitted to the Quartermaster General monthly on a consolidated report and \$19.00 of which shall be Department Dues, provided the Department Council of Administration may establish some other amount as Department Dues. **Life member payouts shall be in accordance with Section 111.**

*Reason: This change does not have any monetary effect on dues amounts, but provides clarity within this section.*

**Section 102 – Manual of Procedure**  
**Applications – Affiliation of New Members.**

Every application for membership must be submitted on an approved, signed application outlining the applicant's honorable service, **status as a citizen or national** of the United States, eligibility and other pertinent information. Proof of service to establish eligibility for membership rests with the applicant. The Post is responsible for assuring the eligibility of every member accepted to membership.

*Reason: This change is consistent with our congressional charter as well as the eligibility requirements for every branch of the military.*

**Section 109 – Manual of Procedure**  
**Right of Appeal.**

The aggrieved member, Post, District or Department of the Veterans of Foreign Wars may submit a written appeal to the next higher authority using the following chain of command:

1. Post and/or Post Commander
2. District Commander
3. Department Commander
4. Commander-in-Chief
5. National Council of Administration

**Appeals to the Post:** The first right of appeal of the act or decision of a Post Commander shall be made at a regular or special meeting of the Post.

**Appeals to the District Commander:** Appeals to the District Commander from the acts or decisions of the Post or Post Commander shall be made within thirty (30) days of the act or decision from which the appeal is taken. All appeals shall be made in writing and shall be mailed by registered or certified mail, return receipt requested, to the District Commander at their address of record.

Upon receipt of a proper written appeal, the District Commander shall conduct such inquiry, request such documents and evidence as deemed appropriate, and shall send a copy of the written appeal papers to the Post or County Council (if applicable) whose act or decision is the subject of the appeal. Such Post or County Council (if applicable) may make written response within thirty (30) days. A copy of such response shall be mailed to the member taking the appeal, who shall have ten (10) days from the date of such response to make any further written submission to the District Commander.

The District Commander shall decide the appeal and shall inform the member and Post, County Council (if applicable) or respective Commander in writing that the appeal is denied, or if not denied, the relief granted the member. In the event that no written decision is rendered within thirty (30) days, the appeal shall be considered denied.

The determination of the District Commander shall have full force and effect unless and until reversed by competent authority. The member aggrieved by the acts or decisions of a District Commander shall have the right to appeal to the Department Commander.

**Appeals to the Department Commander:** Appeals to the Department Commander from the acts or decisions of the *Post or* District shall be made within thirty (30) days of the act or decision from which the appeal is taken. All appeals shall be made in writing and shall be mailed by registered or certified mail, return receipt requested, to the Department Commander at Department Headquarters.

*Reason: This change is consistent with findings from the field where Districts generally lack sufficient administrative support to properly and expeditiously adjudicate appeals at their level.*

## **Section 203 – Bylaws**

### **Regular, Special and Committee Meetings; Quorum; Authorized Attendees.**

**Regular Meetings.** Posts shall hold at least one regular meeting each month. Failure to comply can result in immediate revocation of the Post Charter notwithstanding the provisions of Section 211 of the Manual of Procedure.

**Special Meetings.** Special meetings will be called in accordance with the procedures set forth in the Manual of Procedure.

**Committee Meetings.** Meetings called by Post Committee Chairmen, or as authorized by the Post Bylaws, for the purpose of conducting the business of that committee.

**Quorum.** The Post Bylaws may specify the minimum number of members required to constitute a quorum for the transaction of business at a regular or special meeting, provided that in no case shall the quorum be less than five (5) members, ~~physically present.~~

**Electronic Attendance.** ~~Provided that the Post has adopted additional procedures pertaining to conduct of its meetings, members may be allowed to participate in meetings using technology that allows all participating members to communicate with each other simultaneously. Any of the above stated meetings may be conducted or attended electronically that allows participating members to communicate with each other simultaneously.~~

*Reason: This change allows for conducting meetings electronically.*

## **Section 403 – Bylaws**

### **Regular, Special and Committee Meetings; Convention; Quorum; Authorized Attendees.**

#### **Quorum.**

The minimum number of delegates required to constitute a quorum for the transaction of business at District ~~meetings and~~ Conventions shall not be less than one (1) delegate each from fifty (50) percent of Posts in the District.

~~The minimum number of delegates required to constitute a quorum for the transaction of business at a regular or special meeting shall not be less than one (1) delegate each from fifty (50) percent of Posts in the District, provided that when using electronic attendance, at least twenty-five (25) percent are physically present.~~

#### **Electronic Attendance.**

~~Provided that the District has adopted additional procedures pertaining to conduct of its meetings,~~ Members may be allowed to participate in meetings using technology that allows ~~all~~ participating members to communicate with each other simultaneously.

*Reason: This change allows for conducting meetings and conventions electronically.*

**Section 418 (12) and Section 518 (9) – Manual of Procedure  
Officers: Duties and Obligations.**

**Section 418:**

- (1) Inspector:** The District Inspector shall ensure that each Post in the District is inspected in accordance with the Department Bylaws or as directed by the State Commander. The requirements of such inspection are:
- a. That all books and records be inspected in accordance with a properly executed Inspection Form.
  - b. The Inspector shall provide a copy of each inspection to the Post Commander, District and Department and set forth therein any constructive criticism and recommendations. The Inspector shall perform such other duties as may be incident to the office or may be from time to time required by the laws and usages of the organization or on lawful orders of proper authority.
- (2) Assistant Inspector:** The District Commander may appoint an Assistant Inspector(s).

**Section 518:**

**Inspector.** The Department Inspector shall:

1. Ensure that each Post in the Department is inspected in accordance with National and Department directives; and in accordance with a properly executed Inspection Form.
2. Provide a copy of each inspection to the Post, District and Department Commander, and set forth therein any constructive criticism and recommendations.
3. Appoint Deputy Inspectors and ensure they are properly trained.
4. Perform such other duties as may be incident to the office or may be from time to time required by the laws and usages of the organization or on lawful orders of proper authority.

**Deputy Inspector:** The Department Inspector may appoint a Deputy Inspector(s).

1. Perform Inspections as directed by the Department Inspector.
2. Ensure each District, County Council (if applicable) and Post are inspected in accordance with Department and National guidelines.
3. Receive from each District Deputy Inspector all completed inspections.
4. Review and forward each report and submit recommendation(s) to the Department Commander Inspector.
5. Shall perform such other duties as may be incident to the office or may be from time to time required by the laws and usages of the organization or on lawful orders of proper authority.

*Reason: This change provides for the Department Inspectors to have charge over inspection teams to ensure better accountability over inspections and consistency in inspection training.*

### **Section 503 - Bylaws**

#### **Regular, Special and Committee Meetings; Convention; Quorum; Authorized Attendees.**

Each Department shall hold one Convention each year, which shall begin no earlier than ninety days prior to the convening of the National Convention and shall be concluded no less than thirty (30) days prior to the conclusion of the National Convention.

The minimum number of delegates required to constitute a quorum for the transaction of business at a Department Convention shall be not less than one delegate each from ten Posts in the Department unless the Department Bylaws may prescribe a different number of delegates required to constitute a quorum for the transaction of business.

Any member in good standing or one on official business may visit a Department Convention; however, such visitor shall have no voice in business discussions unless recognized by the Commander, and shall have no voting privileges. Those on official business shall be recognized by the Commander for the conduct of business.

*The Department Council of Administration or Department Convention may allow delegates to participate in meetings using technology that allows participating members to communicate with each other simultaneously.*

*Reason: This change allows for conducting meetings and conventions electronically subject to the approval of the Department Council of Administration and Department Convention.*

### **Section 603 – Bylaws**

#### **Convention; Quorum; Authorized Attendees.**

The regular meeting of the National Convention shall be held annually between July 1 and September 1, at such time and place as shall have been determined previously by the National Council of Administration, which shall have full power to act in selecting a Convention city. Annual National Convention sites may be designated by the Council of Administration five years in advance of the next annual Convention date.

The minimum number of delegates required to constitute a quorum for the transaction of business shall be accredited delegates from a majority of all Departments.

Unless attendance of other persons is authorized by the Commander-in-Chief or by a vote of the Convention, only members of the National Organization may attend the National Convention.

*The National Council of Administration or National Convention may allow delegates to participate in meetings using technology that allows participating members to communicate with each other simultaneously.*

*Reason: This change allows for electronic attendance at the National Convention subject to approval by the National Council of Administration or the National Convention.*

**Section 618 (d) (2) – Bylaws**  
**Quartermaster General.**

*Have charge of all employees of the Quartermaster General's staff for the Kansas City and Washington offices and supervise the Quartermaster General's operations at both offices.*

Immediately upon entering into office, appoint Directors who shall be full-time salaried employees of the organization, ~~subject to the approval of a majority vote of the members of the National Council of Administration.~~ The Quartermaster General may employ such other personnel as may be necessary or appropriate.

*Reason: This change is consistent with the duties and responsibilities of the Quartermaster General.*

**Section 618 (d) (10) – Bylaws**  
**Quartermaster General.**

The books and records of the Quartermaster shall be maintained in a legible and uniform format to include reconciliation and verification of all transactions listed on all bank statements to assure the accuracy of National records. Unless authorized by the National Council of Administration to remove such books and records from its facilities, all such books and records shall be kept at the National Headquarters.

Record keeping by electronic means may be used, ~~provided a back-up and a hard copy is maintained~~ *provided a secure back-up system is in place.* Books and records shall be available for inspection by authorized officers and National Council members at all reasonable times.

*Reason: This change provides for the Quartermaster General to maintain a secure electronic back-up system for records.*

**Section 618 (f) (2) – Bylaws**  
**Adjutant General.**

*Have charge of all employees of the Adjutant General's staff for the Kansas City and Washington offices and supervise the Adjutant General's operations at both offices.* Immediately upon entering office, appoint Directors who shall be full time salaried employees of the organization, ~~subject to the approval of a majority vote of the members of the National Council of Administration.~~ The Adjutant General may employ such other personnel as may be necessary or appropriate to fulfill the duties.

*Reason: This change is consistent with the duties and responsibilities of the Adjutant General.*

**Section 619 – Bylaws**  
**National Committees.**

There shall be the following National committees:

- a. National Veterans Service Advisory Committee.
- b. National Committee on Awards and Citations.
- ~~c. Trust Fund Committee.~~

**(c) Trust Fund Committee.**

- ~~(1) Composition: The Trust Fund Committee shall consist of the Commander in Chief, Adjutant General, Quartermaster General and three (3) member selected by the National Council of Administration. One member shall be elected each year for a three-year term. The Quartermaster General will be the Treasurer of the Trust Fund Committee.~~
- ~~(2) The Trust Fund Committee shall have custody of monies contributed by donors for the express purpose of promoting the objectives and purposes of the Veterans of Foreign Wars of the United States. The committee shall have broad administrative powers. It shall invest and reinvest funds in its custody in Class A securities and administer said trust funds in the best interests of the Veterans of Foreign Wars of the United States.~~

*Reason: This change removes obsolete language and is reflective of the current role of the Budget and Finance Committee.*

**Sec. 620 – Manual of Procedure**

**Vacancies and Removal of Elected Officers or Committee Members and Salaried Officers.**

**Vacancies:** In the event of a vacancy in the office of Commander-in-Chief, the Senior Vice Commander-in-Chief shall at once succeed to the title and duties of the office, and the Junior Vice Commander-in-Chief shall become the Senior Vice Commander-in-Chief. In the event of a vacancy in the office of Senior Vice Commander-in-Chief, the Junior Vice Commander-in-Chief shall at once succeed to the title and duties of that office.

Should the vacancy occur in the office of the Quartermaster General, the Assistant Quartermaster General will carry out the duties of the Quartermaster General until such time as an election is held. In the event no Assistant Quartermaster General has been appointed the Commander-in-Chief may appoint a Pro Tempore Quartermaster General to carry out the duties until such time an election is held.

**All other vacancies occurring in the elected offices of the National Convention shall be filled by the National Council of Administration in the following manner:**

- 1. In the event that a regular meeting is scheduled within thirty (30) days of the date the office is vacated, an election will be held to fill such office at that regular meeting. In the event that no regular meeting is scheduled within thirty (30) days of the date the office is vacated, the Commander-in-Chief may call a special meeting of the National Council of Administration pursuant to Section 622 of the Bylaws. Election to office at either a regular or special meeting shall be by majority vote of all votes cast. If there be no election on the first ballot, the name of the candidate receiving the lowest number of votes shall be dropped and so on in successive ballots until an election is made.**
- 2. In lieu of calling a special meeting, the Commander-in-Chief may notify all members of the Council that the vacancy exists, and names of nominees are being accepted. Fifteen**



*(15) days thereafter, the Commander-in-Chief 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 Commander-in-Chief by mail and forward to the Adjutant General. These ballots shall be tallied at a time specified by the Commander by tellers appointed by the Commander in the presence of such National officers as the Commander-in-Chief 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.*

*The Commander-in-Chief shall duly notify all members of the Council that the vacancy exists and fifteen (15) days thereafter shall advise them of the names of comrades presented for the same. Members of the council may vote to fill such vacancy by using sealed envelopes marked "ballot," enclosed in an envelope, and forwarded directly to the Adjutant General. These ballots shall be opened at a time specified by the Commander-in-Chief by tellers appointed by the Commander-in-Chief in the presence of such officers of the National Convention as the Commander-in-Chief may designate. The comrade receiving the highest number of votes shall be declared duly elected to the office designated.*

*Reason: This change removes the requirement of physical ballots in order for the National Council of Administration to fill vacancies.*

#### **Section 622 (b) (2) – Bylaws**

#### **National Council of Administration-Composition, Powers and Duties.**

**Budget:** The National Council of Administration shall, at a regular meeting **not less than thirty (30) days nor not** more than ninety (90) days following the National Convention, approve and adopt an annual budget. The National Council of Administration shall have full power to fix salaries of all officers and employees of the Veterans of Foreign Wars of the United States.

*Reason: This change provides the opportunity for the National Council of Administration to meet and adopt an annual budget within thirty (30) days from the close of the National Convention.*

**Section 711 – Bylaws**  
**Buddy Poppy.**

~~A tax of three A grant in the amount of one and one-half cents of each poppy sold shall be assessed against each and every VFW Buddy Poppy sold under the provisions of this section. Such tax shall be in addition to the cost of producing the poppies and shall be payable to the National Headquarters and be distributed as follows: One and one-half cent to the Veterans Service Fund of the Department having jurisdictions; one cent to the VFW National Home for Children; one cent to the Veterans Service Fund of the National Headquarters, provided that the Council of Administration of each Department shall determine the price at which poppies are sold to the Posts of that Department. Such price shall be sufficient to adequately cover the tax and the cost of manufacture, distribution, and promotion of the poppies. any remaining net proceeds from the sales of Buddy Poppies after the costs of producing and distributing the poppies and the payment of the grant to the National Home for Children has been deducted, shall be allocated to the National Veterans Service Budget.~~

*Reason: Veteran Service Grants are paid to Departments out of the Veteran Services Budget each year. The current veteran service grants total is \$1,886,300. This is projected to increase to \$2,071,000 for FY 2021-22. The amount is far greater than one and one half cents per poppy. For FY 2019-20, one and one half cents per poppy was \$108,926. Buddy poppies are sold to departments for \$100 per thousand, or ten cents per poppy. Of this one cent of each poppy goes to the VFW National Home for Children. The remainder pays the cost of manufacture, distribution, and promotion of the poppies. Each year there is a net revenue amount that stays in the VFW to support programs, including Veteran Service programs and grants.*

*Reducing the three and one half cent grant to one and one half cent, and designating net proceeds to Veteran Service accomplishes several things: 1) Buddy Poppy proceeds are designated for services that help veterans, 2) grants to departments are predictable and stable through the current Veteran Service Grant Program, and 3) the VFW is able to increase the grant to the VFW National Home for Children by 50%.*

**Sec. 714 – Bylaws**  
**Control of Mailing Lists.**

The names and addresses of the members of the Veterans of Foreign Wars of the United States shall be considered confidential and shall not be made available for commercial or political use.

Nothing in this section shall be construed as prohibiting the VFW from soliciting or authorizing solicitation of its membership to benefit the purposes of the organization ~~or soliciting its membership in support of the activities of a political action committee duly authorized and organized by the VFW.~~

*Reason: This change removes obsolete language as there is no longer a political action committee.*

## **Ritual**

### **Memorial Service:**

I place upon our sacred shrine this wreath as a symbol of eternity. Its color bespeaks life everlasting. Thus, do we say that the deeds of our **military service members** ~~soldiers, sailors, airmen and marines~~, on land, on sea and in the air, are immortalized in the hearts of a grateful people.

*Reason: This change provides for all branches of the military.*

### **Memorial Day Service – Auxiliary President**

On behalf of the Veterans of Foreign Wars Auxiliary, I place this emblem of eternity. Its color bespeaks life everlasting. Thus, do we immortalize the brave deeds of our **military service members** ~~soldiers, sailors, airmen and marines~~ who have given their lives on land, on sea and in the air.

(Places flowers on grave. Returns to position. If Auxiliary does not participate Post Adjutant should substitute.)

(Commander then places small Flag of the United States in marker or at head of grave, or appropriate place on monument.)

*Reason: This change provides for all branches of the military.*

### **Additional Comments:**