

Post Constitution and Bylaws



**AMVETS Post 35
Collinsville, Virginia
2023**

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CONSTITUTION

PREAMBLE

We, the Americans 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 associations of these veterans, and to dedicate ourselves to the cause of mutual assistance, this by the Grace of God.

ARTICLE I NAME

The name of this organization will be AMVETS, Post 35 in Collinsville, and it will be hereinafter referred to as the Post.

ARTICLE II AIMS

The aims and purposes of this organization are as follows:

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 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 overall 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 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 will not be granted.

Section 6. No person will be a member of more than one post at any one time.

Section 7. No person expelled from one post will be eligible for membership in any other post without the consent of the expelling post, or consent of the Department Executive Committee (DEC) after hearing an appeal.

Section 8. This Post will 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 year will run from September 1 through August 31.

Section 10. Eligibility for membership and the rights and privileges of members will be as provided in the Constitution and Bylaws, and the terms of membership and requirements for holding office within AMVETS will not be discriminatory on the basis of race, color, religion, sex or national origin.

ARTICLE IV OFFICERS

Section 1. Officers of this Post will consist of a Commander, not more than two (2) Vice-Commanders, Adjutant, Finance Officer, Provost Marshal, Judge Advocate, three (3) Trustees and such other officers as may be prescribed by the Bylaws.

Section 2. Nomination and election of officers will be held annually between May 1st and June 30th. Nominations will 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 will constitute the Executive Committee which will be charged with the administrative affairs and property of the Post. The Executive Committee will formulate the policy of the organization for approval by the members.

ARTICLE VI POST ORGANIZATION

Section 1. This Post will 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 will:

- 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 and Department 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 Department or National organization all Post records, property and assets.

Section 3. 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 will be elected by and from among the members of the post to supervise its activities, operations and finances.

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 JAN-DEC same membership year and pay membership dues in concert with the parent organization.

Section 3. All subordinate organizations will be under the jurisdiction of the AMVETS Post whose name it bears and will 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 will 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.

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 LADIES 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) will 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 Sacketts, a fun and honor organization of the AMVETS Auxiliary.

ARTICLE IX SAD 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 will be limited to members in good standing of AMVETS, AMVETS Ladies Auxiliary, and Sons 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 AMVETS RIDERS

Section 1. AMVETS recognizes a subordinate organization known as AMVETS Riders

Section 2. Eligibility for membership in the AMVETS Riders will be limited to members in good standing of AMVETS, AMVETS Ladies Auxiliary and Sons of AMVETS.

ARTICLE XIII AMENDMENTS

This Constitution may be amended by resolution at the annual meeting. Proposed amendments will 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 will be required to amend this Constitution. Copies of all adopted amendments will 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 I QUORUM

Section 1. At all regular and special meetings at least 12 members present will constitute a quorum, providing at least one (1) elected officer is present to preside.

Section 2. A quorum at Executive Committee meetings will consist of five (5) members of the committee.

Section 3. A quorum for the Board of Trustees will consist of five (5) members of the Board.

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, and Americanism. The Post Commander will 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 will meet on the first Monday of every month at a place designated at the previous meeting, unless a special meeting needs to be called.

Section 2. There will 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. Special meetings may be called by the Commander or by written notice of at least three (3) members of the Post Executive Board, provided proper notification has been given to the membership or to the Executive Board, and provided notice is not less than ten (10) days. At special meetings, members can only discuss business that was stated in the notification. If some emergency business is transacted for which no notice was given, that business must be ratified by the organization at a regular meeting or at another special meeting.

Section 4. The order of business shall be prescribed by the Executive Committee, but may be changed when necessary.

Section 5. Nominations for officers will 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. Any member desiring to be considered for election as an officer may submit a written and signed nomination request to the Adjutant prior to the annual meeting.

Section 6. The membership of the Post will be notified in writing of the dates and times for the nomination of officers and the election of officers at least 15 days prior to said nominations and election. Final nominations and the election of officers will be held at the annual meeting of the Post between May 1 and June 30.

Section 7. In cases where face-to-face meetings are not possible due to National or State emergency or a condition of widespread pandemic declared by the President of the United States, or the Governor of a state prevents physical meetings or conventions and AMVETS functions, a national emergency or pandemic Post Executive Committee voting protocol contained herein will be altered per procedures established as Appendix F to AMVETS National Bylaws.

- a) Where face-to-face meeting are not possible due to Section 7, Post Executive Committee and Post meetings may be held via secure online video meeting technology.
- b) Post elections may be held as a write-in or sign-in ballot or by email. Where these means are not available Post officers will retain their position until the next scheduled election.

Section 8. All business meetings of this Post will 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 two (2) Vice-Commanders designated as First and Second Vice-Commanders, Adjutant, Finance Officer, Provost Marshal and Judge Advocate will be elected annually by members of the Post.

Section 2. Annually, the newly elected Commander will appoint and have the power to remove, with the approval of the Executive Committee, a Chaplain, Historian, Service Officer, and Public Relations Officer.

Section 3. The election of officers will be held at the annual meeting of the Post between May 1 and June 30. The vote will 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 will distribute, collect and count the ballots and will thereafter make the announcement of the results. Only members in good standing in person at the meeting will be entitled to vote. National and Department Headquarters will be notified of the election of new officers by the Post Adjutant within thirty (30) days after the said elections have been completed.

Section 4. The newly-elected and appointed officers will be sworn in no later than July 15.

Section 5. In the event that the office of the Commander is vacated, the Vice Commanders in the order of their numerical designation will succeed to the office of Commander for the unexpired term.

Section 6. Should any other office or trustee 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 7. Any elected officer who misses three (3) consecutive regular meetings without prior consent will be removed from office without any further action, notification or hearing. The vacated position will be filled within the guidelines prescribed herein.

Section 8. Any officer shall be removed for just cause by notice, hearing, and a two-thirds vote of the Post Executive Board in accordance with the Uniform Code of Procedure for the Suspension or Expulsion of a Member (National Bylaws, Appendix B).

ARTICLE V DELEGATES TO CONVENTION

At least thirty (30) days prior to the Department and National conventions, delegates and alternates will be chosen by the Commander with the approval of the Executive Board 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 will be set at \$31 of which \$15 per member will be paid to National Headquarters, \$6 to the Department, and the Post will retain \$10. The balance will be deposited in the Post's general funds account. Annual dues can be changed at the annual meeting as needed.

Section 2. Effective September 1, 2023, Life membership dues, will be \$500 for those members age up to and including 55; ages 56 through and including 65, will be \$400; and those 66 and over \$300. Dues are nonrefundable and payable to the Post, of which 50 percent will be forwarded to National Headquarters, 25 percent to the Department, and the Post will retain the remaining 25 percent. The balance will be deposited in the Post's general funds account.

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 will 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 will be subject to inspection and regulation by the Executive Committee at all reasonable times.

Section 5. The Finance Officer will 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 will be the end of June.

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 will be elected from among the members of the Post to supervise its activities, operation and finances. The Post will also secure, at the least, the minimum liability insurance coverage prescribed by the National Constitution and Bylaws 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 over \$5,000 will be properly bonded with a good and solvent bonding and surety company, acceptable to the U.S. Treasury, as surety to cover the average amount of AMVET funds handled by such individual in a single year.

ARTICLE VII BOARD OF TRUSTEES

The Board of Trustees will be comprised of the Post Commander, Immediate Past Post Commander, Adjutant, Finance Officer and Judge Advocate, along with three (3) Trustees elected by the post members. The Board of Trustees will supervise the activities, operation, maintenance, and finances of the Post Clubroom.

ARTICLE VIII RESOLUTIONS

Section 1. All resolutions adopted by this Post will 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, will 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 will be sufficient cause for disciplinary action against the offending member.

ARTICLE X STANDING RULES

Section 1. Standing Rules may be developed by this Post provided such rules are not in conflict with this Constitution and Bylaws, the Department Constitution and Bylaws, or the National Constitution and Bylaws. Post Standing Rules are to be reviewed by the Department Judge Advocate annually or when changes are made.

Section 2. Standing Rules are adopted motions which shall have a continuing effect until amended or rescinded. Standing Rules are not a part of the Constitution or Bylaws, nor are they subject to all of the same rules regarding adoption, amendment or resolution.

Section 3. Standing Rules are considered main motions. They do not need previous notice to be adopted by a majority vote. Standing Rules may be amended, suspended, or rescinded by a two-thirds vote in general meetings, or by a majority vote with prior notice. Prior notice for a change to the Standing Rules shall be submitted to the membership. Standing Rules can be suspended for the duration of a meeting. These rules remain in effect until the assembly rescinds them or by the initial adopted expiration date.

Section 4. When Standing Rules are adopted, the Adjutant will add them to a book entitled “Standing Rules.” Each motion should be recorded in its final version as adopted and the date it took effect along with any expiration date. If the rule is later rescinded, the Adjutant will strike it out and make a notation when it was rescinded.

ARTICLE XI 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 and notarized.

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 (5) 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 their accuser or accusers and witnesses presented against them. 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 there is none, the charges may be dismissed. If the charges are not dismissed, then a vote shall be taken on the guilt or innocence of each of the charges and each of the specifications. A two-thirds (2/3) vote of the members of the Executive Committee hearing the charges and specifications shall be required to sustain any charge or specification. Voting herein provided for shall be secret or open as said Executive Committee may, be majority vote thereof, determine.

Section 8. In any charge or specification is sustained, then the member shall be deemed to be guilty thereof and the officer presiding at the hearing shall then put the question of the degree of punishment as to: whether there shall be a suspension from the benefits of membership and, if so, for how long; or, whether there shall be an expulsion from membership.

Section 9. Any member whose membership is suspended or forfeited may appeal to the next highest level applicable from that which heard the charges and specifications, i.e., from Post Executive Committee to State Executive Committee, from Department Executive Committee to National Executive Committee. Notice of appeal must be filed in writing with the appellate body not later than 15 days after the imposition of the penalty.

Section 10. The decision of the appellate body at either level shall be binding and final.

Section 11. The procedure for the handling of any appeal to be heard by the National Executive Committee or the National Convention shall be prescribed by the National Judge Advocate. The procedure for the hearing of an appeal by the Department Executive Committee shall be prescribed by the Department Judge Advocate, and the procedure for the handling of any appeal to be heard by the Post Executive Committee shall be prescribed by the Post Judge Advocate. No such procedure at any level, however, shall be inconsistent or in conflict with the National, Department or Post Constitution and Bylaws or this code.

ARTICLE XII AMENDMENTS

These Bylaws may be amended by the majority vote of the members present at annual meetings. Proposed amendments must be submitted in writing to the Executive Committee for recommendation. The Committee will instruct the Adjutant to notify the membership, by mail, with copies of proposed changes at least ten (10) days before the meeting to vote on the amendment. Copies of all adopted amendments will be forwarded to the Department Judge Advocate for review and recommended approval. The Department Judge Advocate will forward a copy of the approved Bylaws to the National Headquarters for filing.

CERTIFICATION

This document is a true copy which was adopted by the membership of this Post on MAY 0 1 2023

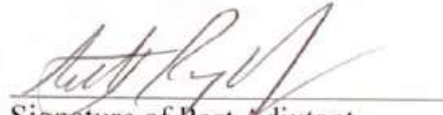
MAY 0 1 2023

Date


Signature of Post Judge Advocate

MAY 0 1 2023

Date


Signature of Post Adjutant

AMVETS

National Headquarters
4647 Forbes Boulevard
Lanham, Maryland 20706
(301)459-9600



POST CONSTITUTION AND BYLAWS - COVER SHEET

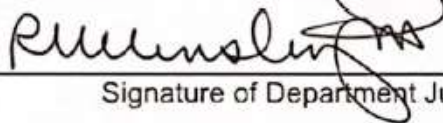
TO: MEMBERSHIP PROCESSING
AMVETS NATIONAL HEADQUARTERS
SUBJECT: CONSTITUTION AND BYLAWS (CBL)
DEPARTMENT OF Virginia
POST NUMBER 35 Collinsville

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 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

1 May 2023
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