

**THE MILITARY ORDER OF THE PURPLE HEART
OF THE U.S.A., INC.**



**THE ONLY CONGRESSIONALLY CHARTERED VETERANS ORGANIZATION
EXCLUSIVELY FOR COMBAT WOUNDED VETERANS**

**2021 PROPOSED BYLAWS'
AMENDMENTS**

**88TH NATIONAL CONVENTION
CHARLESTON, WV**

AUGUST 2-5, 2021

2021 PROPOSED BYLAWS' AMENDMENTS

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Committee's Recommendation:

2020-2021 APPROVE

Convention Action:

Passed

RE: Chapter and Department Organization in the event an existing Department has fewer than two (2) subordinate Chapters

WHEREAS: Article I – National Organization, Section 2 – Departments, Paragraph A states a department may be organized where there are two or more active chapters with a combined membership of 100 members and associate members and Paragraph C states all chapters within a state, territory, or country shall be subordinate to the department, AND

WHEREAS: There are no provisions in the bylaws addressing Department organizational requirements or actions to be taken if an existing Department no longer meets the requirements in Article 1, Section 2 and there are no provisions in the bylaws addressing operating requirements for Chapters where a Department does not exist, AND

WHEREAS: Article I – National Organization, Section 3 – Chapters, Paragraph C.3) states in the absence of a Department Commander, the Region Commander may endorse the charter, AND

WHEREAS: Article IX – National Convention, Section 5 – Rules of the National Convention, Paragraph M outline the procedures for chapter voting when no commanders or delegates are present, AND

WHEREAS: Article XI – Duties of National Officers, Section 4 – Region Commanders, Paragraph C states the Region Commander will be directly responsible for organization of new chapters and departments in their respective Regions and Paragraphs E and H allows the appointment of National Region Chiefs of Staff and an unpaid Region Adjutant, AND

WHEREAS: Article XI – Duties of National Officers, Section 19 - National Chiefs of Staff states that in states without a department, the National Chiefs of Staff shall be responsible for the coordination of the activities of existing chapters, AND

WHEREAS: Article XV – To Preserve the Integrity of the Corporation, Section 9 – Surrender of Property, Paragraph A states that when a chapter is declared defunct or its charter is revoked everything (charter, rituals, paraphernalia, and property) is sent to the department and Paragraph B states that when a Department is declared defunct or its charter revoked, everything may be sent to the chapters within the state. In both cases, monies are sent to the National Corporation to be held in trust, AND THEREFORE BE IT

RESOLUTION NO: FF-2021-01

COMMITTEE: Constitution & Bylaws

RESOLVED: Article I – National Organization, Section 2 – Departments, Paragraph B is changed FROM “All chapters within such state, territory, or country shall be subordinate to the department.” TO “All chapters within such state, territory, or country shall be subordinate to the department, if a department exists. If no department does exist, the Chapter shall be subordinate to the Region.”, AND BE IT FURTHER

RESOLVED: Article IX – National Convention, Section 5 – Rules of the National Convention, Paragraph M is changed to add sub-paragraph 2) “In the case where a Chapter is not subordinate to a Department, Chapters not having any commander or delegates present may designate the Region Commander to cast the Chapter delegate votes (refer also to Article IX, Section 5. I).”, AND BE IT FURTHER

RESOLVED: Article XI – Duties of National Officers, Section 20 – Region Chiefs of Staff is changed to ADD subparagraph D as shown below:

“D. In states without a department, shall be:

- 1) Responsible for the coordination of the activities of existing chapters.
- 2) Responsible for the organization of new chapters in the state for the purpose of organizing a department.”

Submitted by: 2020-2021 MOPH National Bylaws Committee

Signed: 
Larry Leighton, Secretary

Date: 6/30/2021

RESOLUTION NO: FF-2021-02

COMMITTEE: Constitution & Bylaws OR Legislative

Committee's Recommendation:
2020-2021 APPROVE

Convention Action:
Passed

RE: Allow Digital Elections at All Levels

WHEREAS: The Article III – CHAPTERS, Section 4- ELECTIONS: sub-section B; Article VI – Departments, Section 5 – VACANCIES: sub-sections D and E; Article IX - NATIONAL CONVENTION, Section 3 – MEETINGS: sub-section C; and Article X - NATIONAL OFFICERS, Section 6 – VOTING: sub-section B. 1) all allow digital voting for elections and/or filling officer vacancies, **AND**

WHEREAS: Article V – Meetings of Chapters, Section 1 – Regular Meetings; Article VI – Departments, Section 1 – Governing Body, sub-section B. MEETINGS; and Article XIX - AMENDMENTS & CONDUCT of MEETINGS, Section 2 all require face to face elections, **AND**

WHEREAS: As a result of the continuing COVID -19 National Pandemic’s impacts on the ability to convene face-to-face meetings, the bylaws need to allow digital elections, as an exception, at the Chapter, Department, and National levels, and the same verbiage should be used throughout the bylaws, **THEREFORE BE IT**

RESOLVED: Article III – CHAPTERS, Section 4- ELECTIONS: B. is changed to read: “In the event a meeting cannot be held because of a government edict (e.g., a time of a war or any other National emergency), or a natural or manmade disaster, or any emergency as determined by the NEC of the Order, a digital vote for the election of officers is to be held not later 30 Apr.”, **AND BE IT FURTHER**

RESOLVED: Article V – MEETINGS OF CHAPTERS, Section 1 – REGULAR MEETINGS is changed to read: “Chapter meetings shall be held monthly, if possible. Digital meetings are allowed. In the event a meeting cannot be held because of a government edict (e.g., a time of a war or any other National emergency), or a natural or manmade disaster, or any emergency as determined by the NEC of the Order, a digital vote for the election of officers is to be held not later 30 May.” **AND BE IT FURTHER**

RESOLVED: Article VI – DEPARTMENTS, Section 1 – GOVERNING BODY is changed to read: “B. MEETINGS - There shall be an annual department convention held between April¹¹ 1 and May 30 of each year. Elections must be held in face to face meetings. In the event a meeting cannot be held because of a government edict (e.g., a time of a war or any other National emergency), or a natural or manmade disaster, or any emergency as determined by the NEC of the Order, a digital vote for the election of officers is to be held not later 30 May.”, **AND BE IT FURTHER**

RESOLUTION NO: 2021-02

RESOLUTION NO: FF-2021-02

COMMITTEE: Constitution & Bylaws OR Legislative

RESOLVED: Article XIX - AMENDMENTS & CONDUCT of MEETINGS, Section 2 - CONDUCT of MEETINGS is changed to read: "A.2) Digital meetings are allowed except for elections. In the event a National Convention cannot be held because of a government edict (e.g., a time of a war or any other National emergency), or a natural or manmade disaster, or any emergency as determined by the NEC of the Order, a digital vote for the election of officers may be held."

Submitted by: 2020-2021 National Bylaws Committee

Signed:  Date: 6/30/2021
Larry Leighton, Secretary

Committee's Recommendation:

2020-2021 APPROVE

Convention Action:

Passed

RE: Change “digital vote(s), voting, and means” to “secure and auditable digital vote(s), voting, and means”

WHEREAS: As we continue to rely more and more often on digital means of communications, voting, elections, and meetings, it is increasingly important to utilize secure electronic means to preserve the integrity of the Corporation, **AND**

WHEREAS: The phrase “digital means” is included in the following Articles:
Article III, Section 4, B, page 6, line 36;
Article XV, Section 13, F, 1), a), (3), page 58, line 6;
Article XV, Section 13, F, 1), b), page 58, lines 7-8;
Article XV, Section 13, F, 1), c), page 58, line 10;
Article XIX, Section 2, C, 2), page 67, line 26, **AND**

WHEREAS: The phrase “digital voting” is included in the following Articles:
Article X, Section 6, B, 1), page 24, line 9;
Article XII, Section 2, I, 1), d. (1), page 39, line 30;
Article XV, Section 13, H, 3), page 58, line 38;
Article XV, Section 13, I, 2), page 59, line 4; **AND**

WHEREAS: The phrase “digital vote(s)” is included in the following Articles:
Article VI, Section 5, D, page 13, line 23 and line 25;
Article IX, Section 3, B, page 19, line 9;
Article IX, Section 3, C, page 19, line 13;
Article XII, Section 2, I, page 39, line 18;
Article XII, Section 2, I, 1), d. (1), page 39, line 29;
Article XII, Section 2, I, 1), d. (2), page 39, line 33;
Article XII, Section 2, I, 1), d. (4), page 39, line 36;
Article XV, Section 8, B, 7), page 49, line 41;
Article XV, Section 8, B, 17), page 51, line 18;
Article XIX, Section 1, A, 3), page 66, line 4;
Article XIX, Section 1, A, 3), (a), page 66, line 6;
Footnote #20, page 68; **THEREFORE, BE IT**

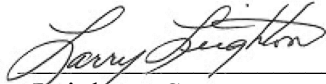
RESOLVED: Each reference to “digital means”, “digital voting”, “digital vote”, and “digital votes” as noted in the above whereas clauses shall be

changed to add “secure and auditable” before the word “digital”, **AND
BE IT FURTHER**

RESOLVED: The sentence following notation, **(Also refer to Article XXI, Conduct of Meetings)** shall be appended to each section and subsection noted in the above whereas clauses.

Submitted by: 2021-2022 National Bylaws Committee

Signed:



Larry Leighton, Secretary

Date: 6/30/2021

Committee's Recommendation:

2020-2021 APPROVE

Convention Action:

Passed

RE: Article III - Chapters, Section 2 - Officers

WHEREAS: Article III – Chapters, Section 2 Officers current reads:

- A. The elective officers of each chapter shall be a Commander, Senior Vice Commander, Junior Vice Commander, Finance Officer, Sergeant-at-Arms, and two (2) Trustees.
- B. The Commander shall appoint an Adjutant and a Chaplain., and

WHEREAS: many smaller chapters have difficulty in filling all possible officer positions, and

WHEREAS: the online Chapter Election Report only requires the Commander, the Finance Officer, and the Adjutant to be filled in order to consider an active Chapter and a valid election report, and

WHEREAS: the hardcopy Chapter Election Report will be accepted by National Headquarters with only the Commander, the Finance Officer, and the Adjutant filled in order to consider an active Chapter and a valid election report, be it

RESOLVED: that Article III – Chapters, Section 2 – Officers will be changed to read:

- A. The required elected officers of each chapter shall be a Commander and Finance Officer.
- B. The required appointed officer of each chapter shall be an Adjutant.
- C. If needed for Chapter operations, a Senior Vice Commander, Junior Vice Commander, Sergeant at Arms, and two (2) Trustees may be elected.
- D. The Commander may appoint a Chaplain.

Submitted by: 2020-2021 Bylaws Committee

Signed: 
Larry Leighton, Secretary

Date: 6/30/2021

Committee's Recommendation:

2020-2021 APPROVE

Convention Action:

Passed

RE: Change ARTICLE VIII – DELEGATES TO CONVENTION

- WHEREAS:** Recently the National HQ has decided to enforce ARTICLE VIII – Delegates to Convention requiring all Chapters and Departments to submit delegate reports; **AND**
- WHEREAS:** Several Chapters and Departments are confused as to how to properly accomplish this, due to lack of clarity; **AND**
- WHEREAS:** Precedence has been set for years by previous administrations by not requiring this and allowing the duly elected officers to cast the delegate votes of those who elected them to do so; **AND**
- WHEREAS:** The reality of chapters struggling to complete already existing reports, adding this new report had caused confusion and undue stress on many members **THEREFORE, BE IT,**
- RESOLVED:** Change ARTICLE VIII – DELEGATES TO CONVENTION to read as follows, by adding Section 1 – REQUIREMENTS and then renumbering the already existing sections appropriately

ARTICLE VIII – DELEGATES TO CONVENTION

Section 1 - REQUIREMENTS

Election of delegates are only required if the Chapter is planning on sending delegates in place of its elected officers to a convention. If delegates are elected then the following sections apply.

Section 2 - DEPARTMENT

A. Delegates to the department convention shall be elected at a chapter meeting at least 30 calendar days prior to the department convention.

B. Delegates may be elected for each twelve (12) members, or major fraction thereof, as recorded by the National Adjutant.

Section 3 - NATIONAL CONVENTION

A. Delegates to the national convention shall be elected at a chapter meeting at least Thirty (30) calendar days prior to the national convention.

B. One delegate may be elected for each twelve (12) members, or major fraction thereof, as recorded by the National Adjutant on June 30.

Section 4 - VOTING 3

A. Delegates may be voted for on the same ticket by the passage of a resolution so ordering. The resolution must be passed before voting begins.

B. The allotted number receiving the highest number of votes shall be declared delegates.

Section 5 - DELEGATE LISTS.

A. Immediately after the election of delegates, the Chapter Adjutant shall forward the list of names to the Department Adjutant or National Adjutant as the case may be.

B. Such lists shall be used by the Credentials Committee in determining duly accredited delegates to Department and National Conventions.

Section 6 - CONVENTION PREREQUISITE

A. Chapters with fewer than the minimum requirement of twelve (12) members shall not be entitled to any delegates at either Department or National Conventions.

B. Chapters must have submitted reports of the chapter's elected and appointed officers (election report) to be entitled to charter and delegates votes at both Department and National Conventions.

C. Departments must have submitted reports of the department's elected and appointed officers (election report) to be entitled to charter and delegates votes at National Conventions.

D. These prerequisites must be met:

1) By the start of a department convention for participation at the department convention.


2) By June 30 for participation at the National Convention.

(a) An exception may be made if the chapter or department has extenuating circumstances and requests their election report be accepted.

(b) The Credentials Committee will review the request and make a recommendation to the convention body whether to allow the exception.

(c) The convention body will vote by a division of the assembly.

Submitted by: Department of Georgia

Signed:  _____

Date: 17April2021

RESOLUTION NO: FF-2021-07

COMMITTEE: Constitution & Bylaws OR Legislative

Committee's Recommendation:
2020-2021 APPROVE

Convention Action:
Passed

RE: Clarify Requirements to be National Judge Advocate

WHEREAS: Article XI – Duties of National Officers, Section 8 – National Judge Advocate, states the National Judge Advocate will provide legal counsel, advisory opinions, and advice to the National Commander and other organizations with the Order. The National Judge Advocate does not represent the Order., AND

WHEREAS: Article XI – Duties of National Officers, Section 8 – National Judge Advocate, Paragraph A. states: “The National Judge Advocate shall be an active licensed attorney and in good standing with his/her state bar.”, AND

WHEREAS: “State Bar” and “State Bar Association” are used interchangeably and are considered mandatory or integrated bar associations. Their functions vary from state to state, but often include administration of the state bar examination for admission of attorneys to practice law. Other bar associations are voluntary, such as the American Bar Association. In Virginia, the Virginia State Bar is the mandatory organization and the Virginia Bar Association is voluntary., AND

WHEREAS: As defined by US Legal (uslegal.com), “Member in good standing is the status assigned to a member of an organization when he or she has remained current on organization dues and payments. Staying current with filing of required periodical reports such as registration, license and tax is also generally a criteria for a member to be in good standing. The term, however, must be construed under ordinary rules and with reference to the by-laws and constitution of the organization.”, AND

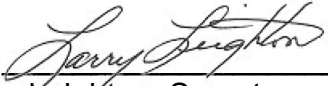
WHEREAS: Some members have questioned the meaning of or requested clarification of the term “with his/her state bar” in Article XI – Duties of National Officers, Section 8 – National Judge Advocate, Paragraph A. THEREFORE BE IT

RESOLVED: Article XI – Duties of National Officers, Section 8 – National Judge Advocate, Paragraph A is deleted and replaced with “The National Judge Advocate shall be an active licensed attorney and in good standing with the state bar association where licensed to practice law.”

RESOLUTION NO: FF-2021-07

COMMITTEE: Constitution & Bylaws OR Legislative

Submitted by: 2020-2021 National Bylaws Committee

Signed: 
Larry Leighton, Secretary

Date: 6/30/2021

RESOLUTION NO: FF-2021-08

COMMITTEE: Constitution & Bylaws OR Legislative

Committee's Recommendation:
2020-2021 APPROVE

Convention Action:
Passed

RE: Correct Section numbering in Article XI – Duties of National Officers

WHEREAS: Sections 1 through 18 are correctly numbered sequentially but the duties of the National Surgeon and the National Chiefs of Staff are both identified as Section 17, and National Historian and Region Chiefs of Staff are both identified as Section 18, and Director Medal Recovery is incorrectly identified as Section 19, AND THEREFORE BE IT

RESOLVED: There will be no change to Section 17 – National Chiefs of Staff and Section 18 – National Historian, AND BE IT FURTHER

RESOLVED: Section 17 – National Chiefs of Staff is changed to be Section 19, Section 18 – Region Chiefs of Staff is changed to be Section 20, and Section 19 – Director Medal Recovery is changed to Section 21.

Submitted by: National Bylaws Committee

Signed: 
Larry Leighton, Secretary

Date: 6/30/2021

Committee's Recommendation:

20210513 APPROVE

Convention Action:

Passed

RE: Amend Article XV Section 12 to Correct a Procedural Flaw

WHEREAS: Article XV Section 12 C (2) (b) currently reads – All concerned parties will be notified that the Judge Advocate has provided a written opinion that the grievance meets the requirements of a formal grievance. The notification will be via USPS Certified Mail Return Receipt Requested.

WHEREAS it has been a long-established requirement that the [Department or National] Judge Advocate shall provide a written opinion that that the grievance meets the requirements of a formal grievance, and

WHEREAS there needs to be a requirement for the Department or National Judge Advocate to provide a written opinion that the grievance does not meet the requirements of a formal grievance, and

WHEREAS approving this change to Article XV Section 12 will alleviate confusion and waiting on whether or not, or how, to proceed caused by no requirement for the Department or National Judge Advocate to provide a written opinion that the grievance failed to meet the requirements of a formal grievance. Therefore, be it

RESOLVED Article XV Section 12 C (2) (b) shall be amended to read: The Department or National Judge Advocate shall provide the Chapter, Department, Region, or National Commander a written opinion that the grievance does or does not meet the requirements of a formal grievance. All parties concerned shall be notified of the opinion by the convening Commander via USPS Certified Mail Return Receipt Requested.

Submitted by: The Department of Arkansas

Signed: Charles W. Adkins, Jr

CHARLES W. (CHUCK) ADKINS, JR.
Commander, Department of Arkansas

Date: 14 April 2021

Committee's Recommendation:

20210513 APPROVE

Convention Action:

Passed

RE: Amend Article XV Section 13 B to Correct Language and Procedural Flaws

WHEREAS Article XV – Section 13 B (1) thru (4) currently reads -

1) Any chapter commander may bring charges on any chapter member if the Department Judge Advocate provided a written opinion that the chapter commander has complied with all the requirements in (Article XV Section 13).

2) Any department commander may bring charges on any member of the department if the Department Judge Advocate provided a written opinion that the department commander has complied with all the requirements in (Article XV Section 13).

3) Any region commander may bring charges on any member of the region if the Nation Judge Advocate provided a written opinion that the commander has complied with all the requirements in (Article XV Section 13).

4) The National Commander may always bring charges on any member of the Order if the Nation Judge Advocate provided a written opinion that the commander has complied with all the requirements in (Article XV Section 13).

WHEREAS it has been a long-established requirement that the appropriate level Judge Advocate shall provide a written opinion that the Chapter, Department, Region, or National Commander has complied with all the requirements in Article XV Section 13, and

WHEREAS there needs to be a requirement for the appropriate level Judge Advocate to provide a written opinion that the Chapter, Department, Region, or National Commander has not complied with the requirements of Article XV Section 13, and

WHEREAS approving this change to Article XV Section 13 will alleviate confusion and waiting on whether or not, and how, to proceed caused by no requirement for the appropriate level Judge Advocate to provide a written opinion that the Chapter, Department, Region, or National Commander failed to meet the requirements of Article 13. Therefore be it

RESOLVED Article XV Section 13 (B) (1) thru (4) be amended to read:

1) Any Chapter Commander may bring charges on any Chapter member if the Department Judge Advocate has provided a written opinion that the Chapter Commander has or has not complied with all the requirements in Article XV Section 13. If the requirements have not been met, the Department Judge Advocate shall so state and the Chapter Commander shall take corrective action if they still plan to pursue the charges.

2) Any Department Commander may bring charges on any member of the Department if the Department Judge Advocate has provided a written opinion that the Department Commander has or has not complied with all the requirements in Article XV Section 13. If the requirements have not been met, the Department Judge Advocate shall so state and the Department Commander shall take corrective action if they still plan to pursue the charges.

3) Any Region Commander may bring charges on any member of the Region if the National Judge Advocate has provided a written opinion that the commander has or has not complied with all the requirements in Article XV Section 13. If the requirements have not been met, the National Judge Advocate shall so state and the Region Commander shall take corrective action if they still plan to pursue the charges.

4) The National Commander may always bring charges on any member of the Order if the National Judge Advocate has provided a written opinion that the commander has or has not complied with all the requirements in Article XV Section 13. If the requirements have not been met, the National Judge Advocate shall so state and the National Commander shall take corrective action if they still plan to pursue the charges.

Submitted by: The Department of Arkansas

Signed: Charles W. Adkins, Jr

CHARLES W. (CHUCK) ADKINS, JR. Date: 14 April 2021
Commander, Department of Arkansas

RESOLUTION NO: FF-2021-11

COMMITTEE: Constitution & Bylaws OR Legislative

Committee's Recommendation:

2020-2021 APPROVE

Convention Action:

Passed

RE: ARTICLE XVII – SERVICE FOUNDATION

WHEREAS: The Service Foundation is a separate entity according to recent court decisions, **AND**

WHEREAS: No other outside entity is mentioned in our Bylaws, **BE IT THEREFORE**

RESOLVED: Remove the current Article XVII – SERVICE FOUNDATION and renumber all other Articles accordingly.

Submitted by: Chapter 1000, Fitzgerald, GA

Signed: JM-1000 Date: 10JULY2021

John Mathews, Chapter Commander



6/30/2021

Larry Leighton, Secretary Bylaws Committee

Committee's Recommendation:

2020-2021 APPROVE

Convention Action:

Passed

RE: Create Article XXI Conduct of Meetings and Delete Article XIX Section 2. Conduct of Meetings

WHEREAS: Currently Article XIX contains both the procedures for bylaw amendments as well as how to conduct meetings within the Order, which are completely unrelated, **AND**

WHEREAS: Article XIX Section 2 Conduct of Meetings does not address the proper procedures for digital voting, **BE IT THEREFORE**

RESOLVED: that Article XXI Conduct of Meetings be created **AND BE IT FURTHER**

RESOLVED: that Article XXI Conduct of Meetings now read:

SECTION 1 – Procedures

A. All Chapter, Department, National, and Committee meetings of the MOPH shall be conducted in accordance with Robert's Rules of Order, Newly Revised, except as otherwise provided for in these Articles.

- 1) Department and National Convention meetings will follow the procedures in Article IX Section - 4.
- 2) Digital meetings are allowed except for elections.
- 3) Chapter meeting agenda is recommended as follows:
 - Opening of the meeting in due form.
 - Roll call of Officers.
 - Reading of Minutes.
 - Finance officers report
 - Reading and Action on Bills Payable
 - Introduction of Guests.
 - Reading of Communications.
 - Reports of Officers, beginning with that of Commander.
 - Reports of Standing Committees.
 - Unfinished Business.

- New Business.
 - o Election of Officers.
 - o Installation of Officers.
- Good of the Order.
- Adjourn.

B. It is recommended that all meetings, observances, and official activities of the MOPH shall be conducted in accordance with the official Ritual and Manual of Ceremonies of the Order.

C. No closed meetings are allowed at Department or National Conventions.

- 1) Failure to notify members of the time and place for a meeting shall be a violation of this restriction.
- 2) Notifications may be in the form of announcements from the floor of a meeting, a posted notice outside a Conventions main meeting room, or digital means.
- 3) Any findings, recommendations, mandates, or other decisions reached in a closed meeting are invalid and will not be propagated.
- 4) Convention caucuses to decide votes of chapters, departments, or regions are exempt from this restriction.
- 5) A Hearing Panels deliberation session on guilt or innocence is exempt from this.

SECTION 2 - Voting

A. No secret votes are allowed.

B. No proxy votes are allowed during any meetings.

C. Votes held at an executive committee meeting or convention may be taken in person, internet meeting service, telephone, or a combination thereof.

D. When voting digitally or in a hybrid (live & online) meeting a roll call vote must be executed for each vote.

E. Each delegate must vote in person, via video, or via audio. Texting will not be allowed.

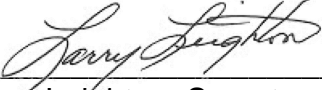
F. Votes held in between Executive Committee meetings may be held via election software, election website, email, or a combination of all.

G. If a vote is held by election software or an election website then tellers must be assigned to oversee the creation and execution of the vote.

- 1) The tellers are to ensure that voting integrity is upheld and that no one can access the vote results until the vote is completed.
- 2) If tellers cannot view the creation of the digital vote in person then the screen of the National Adjutant must be shared using an internet meeting service to show the creation of the vote.

3) If voting results are accessed before a vote is completed then the vote is rendered invalid.

Submitted by: 2021-2022 National Bylaws Committee

Signed:  Date: 6/30/2021
Larry Leighton, Secretary

RESOLUTION NO: FF-2021-13

COMMITTEE: Constitution & Bylaws

Committee's Recommendation:

Convention Action:
Passed

RE: Article XX - Conflict of Interest Policy

WHEREAS: Article XX ~ Conflict of Interest, Section 2) e) states:

The National Judge Advocate will make decisions rather than provide recommendations.

WHEREAS: Article XX ~ Conflict of Interest, Section 2) e) states:

Conflicts of interest will be handled in accordance with Article XV – To Preserve the Integrity of the Corporation, Section 12 – Grievance within 15 days of the possible violation, and

WHEREAS: The penalty that may be imposed for a Conflict-of-Interest Policy violation (suspension of voting rights) is not one of the four possible recommendations for penalty that a Grievance Committee can make per Article XV – To Preserve the Integrity of the Corporation, Section 12 H, and

WHEREAS: Article XV, Section 12 – Grievance requires all grievances to be submitted to a commander in writing, written correspondence between parties, and these procedures cannot be completed within 15 days simply due to postal handling limitations, and

WHEREAS: Robert's Rules of Order (45:4) states "*No member should vote on a question in which he has a direct personal or pecuniary interest not common to other members of the organization.*" and "*However, no member can be compelled to refrain from voting in such circumstances.*", and

WHEREAS: Robert's Rules of Order (45:10) states "*The assembly itself is the judge of all questions arising that are incidental to the voting or the counting of votes.*" Therefore be it:

RESOLVED: Article XX ~ Conflict of Interest be deleted and replaced if ratified by the 2021 National Convention body or added to the MOPH Bylaws if was not ratified by the National Convention body.

ARTICLE XX Conflict of Interest

Section 1 ~ Conflict of Interest Policy

- A. The Military Order of the Purple Heart shall have a specific policy to prevent duality of interest and conflicts of interest adversely affecting the Order approved and revised as needed by the National Convention.
- B. The Conflict-of-Interest Policy shall pertain to all members, associate members, affiliates, and employees with a vote (Concerned Parties).
- C. A conflict of interest is any duality of interest or direct personal or pecuniary interest not common to other members of the Order on matters being considered by any voting entity of the Corporation.

RESOLUTION NO: FF-2021-13

COMMITTEE: Constitution & Bylaws

Section 2 ~ Implementation of Conflict-of-Interest Policy

- A. Concerned parties shall disclose to the voting body any duality of interest or possible financial interest whenever the possibility exists.
- B. In the event a member's right to vote based on a potential conflict of interest is questioned, the meeting body will suspend further action on the question on the floor until the member's right to vote is resolved or the questioned member abstains from the vote.
 - 1) The member being challenged has a right to explain their situation and speak on their own behalf.
 - 2) The meeting body will decide, by a majority vote of those present, whether or not a conflict of interest exists.
 - 3) The party if found to have a conflict of interest will not be allowed to vote on the issue in question.
- C. Members found in violation of the Conflict-of-Interest policy may be subject to the provisions of Article XV, Section 13 Discipline, Transfer, and Expulsion of Members, Paragraph A, 1).
- D. Members of the National Executive Committee (NEC) will certify they understand the Conflict-of-Interest Policy by signing and returning Section 3 Acknowledgement of the Conflict-of-Interest Policy via USPS or E-mail.

Section 3 ~ Acknowledgement of the Conflict-of-Interest Policy


I hereby certify that I have read and understand Article XX of the Order's Bylaws. I will comply with the Conflict of Interest policies. I further understand I will not be allowed to vote on matters before the NEC unless this acknowledgement is on file with the National Adjutant.

Signature & Date

Member's name & ID #

Christopher Smrt Department Adjutant

Submitted by: Department of Kentucky



CM Smrt, D.KY, Adjutant
25 June 2021, Art.XX

Committee's Recommendation:

2020-2021 APPROVE

Convention Action:

Passed

RE: Amend the Bylaws Through Changes to Articles 1 National Organization and Article II Membership

WHEREAS Article I National Organization Sections 1 thru 6 and Sections 9 and 10 are written to outline and support the structure of the Order

WHEREAS Article I National Organization Section 7 Transfers and Section 8 Disposition of Members as written are misplaced in the Bylaws be it

RESOLVED that the Order's Bylaws be amended by deleting Sections 7 and 8 from Article I National Organization and adding them as Sections 7 Transfers and Sections Disposition of Members in Article II Membership as written

Section 7 - TRANSFERS

- A. Any member may request to transfer his or her membership to another chapter or to an At-Large status by submitting an MOPH Transfer Request form to the National Adjutant.
- B. The National Adjutant will make the transfer and notify the gaining and losing chapters of such action.
- C. The receiving chapter may vote not to accept the transferred member, within 90 calendar days of the notification of the transfer.
- D. A member shall not belong to more than one chapter.


Section 8 - DISPOSITION of MEMBERS

Member(s) of a defunct chapter may be transferred to another chapter nearest to his or her residence or may become a Department Member-at-Large at the member's discretion. The National Adjutant will provide the member(s) with a list of the locations of chapters in the area. Be it further

RESOLVED that Article I Section 9 Revival be renamed Section 7 and Article I Section 10 Bylaws be renamed Section 8.

Submitted by: Bylaws Committee

Signed:


Larry Leighton, Secretary

Date: 6/30/2021

RESOLUTION NO: NFF-2021-15

COMMITTEE: Constitution; Bylaws

Committee's Recommendation:

20210513 APPROVE

Convention Action:

Passed

RE: Resolution 2021-12 Distribution of Life Member Rebates

WHEREAS ARTICLE II - MEMBERSHIP Section 4 - DUES Subsection B currently reads: Life Membership dues shall be invested to perpetuate the Order. 1) Any interest, dividends, or capital gains earned shall be used exclusively for the Life Membership rebated to chapters and departments and

WHEREAS ARTICLE XIII - DUES Section 2 - LIFE MEMBER REBATES Subsection B currently reads: The per capita payment- based on a previous national convention vote-50% to the National Organization and 50% equally split between Departments and Chapters and

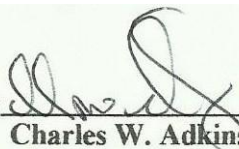
WHEREAS due to circumstances beyond the control of the Military Order of the Purple Heart (the Order) during the last two years, it has had insufficient funding to fully staff the National Headquarters and continue operating the National Service Officer (NSO) program and

WHEREAS to assist the National Headquarters in paying operational, payroll, insurance, legal, and office expenses, be it

RESOLVED that ARTICLE II - MEMBERSHIP Section 4 - DUES Subsection B 1) be amended to read: Any interest, dividends, or capital gains earned shall be used exclusively for the Life Membership rebated to the National Headquarters, Chapters, and Departments and be it further

RESOLVED: that ARTICLE XIII – DUES, Section 2 Life Member Rebates Subsection B be amended to read: B. The per capita payment will be Sixty percent (60%) to the National Headquarters and Twenty percent (20%) to the Chapters and Twenty percent (20%) to Departments and be it further

RESOLVED: that the Life Member Rebate distribution shall return to 50% Departments and 50% Chapters after five years (2026) from the passage of this resolution.

Signed By:  Date 12 April 2021
Charles W. Adkins, Jr.
Commander, Department of Arkansas

Committee's Recommendation:

20210513 APPROVE

Convention Action:

Passed

Whereas ARTICLE II - MEMBERSHIP Section 5 - MEMBERSHIP CODE of CONDUCT currently reads

- A. Patriots will follow all the bylaws, rules, and regulations of the Military Order of the Purple Heart.
- B. Patriots will never commit or allow any injustice or wrong to any Patriot of this Order or his family, if it is in his or her power to prevent it.
- C. Patriots will try to aid any member of the Military Order of the Purple Heart, as much as is in his or her power to do so.
- D. Patriots will uphold and support the Constitution of the United States of America and honor the Flag of our Country and

Whereas during the 05 December 2019 regularly scheduled meeting, members of the 2019-2020 Bylaws Committee agreed that paragraph B is too vague, which could make it difficult to be enforced should there be a need to file a grievance or charges, and that Paragraph C is too vague or broad. The members of the Bylaws Committee had no issues with paragraphs A and D and

Whereas the term "Patriot" does not include associate members or affiliates, therefore be it

Resolved that **ARTICLE II - MEMBERSHIP Section 5 - MEMBERSHIP CODE of CONDUCT** shall be rewritten as follows:

The word **MEMBERS** as used in these bylaws refers to any type of membership as recognized by the Order.

- A. Members of the Order will follow all the bylaws, rules, and regulations of the MOPH.
- B. Members of the Order will never commit any injustice or wrong to any Member of this Order or their family.
- C. Members of the Order will try to aid any member of the MOPH.
- D. Members of the Order will uphold and support the Constitution of the United States of America and honor the Flag of our Country.

Submitted by: National Bylaw Committee

Signed: 
Larry Leighton, Secretary

Date: 6/30/2021

Committee's Recommendation:
2020-2021 APPROVE

Convention Action:
Passed

RE: Chapter and Department Officer Terms of Office

WHEREAS: ARTICLE III - Chapters, Section 5 – Term of Office, Paragraph C states:

“Chapters can establish term limits of elected officers by a **majority vote of all Chapter members** and by notifying the National Adjutant through the Department Commander and Region Commander of the term limits, i.e., two (2), three (3) or more years.

- 1) Term limits become effective upon submission of the next Election Report and upon the approval of the National Adjutant.
- 2) **A majority vote of all Chapter members** is required to change or remove the term limits previously established and approved. Chapters with approved term limits will notate the term limits on their **annual** Election Report.”; **AND**

WHEREAS: ARTICLE VI – DEPARTMENT, Section 4 – Term of Office, Paragraph E states:

“Department may establish term limits of elected officers by a **majority vote of the votes cast** at a Department Convention. The National Adjutant will be notified through the Region Commander of the term limits, i.e. two (2), three (3) or more years.

- 1) Term limits become effective upon submission of the next Election Report submitted to the National Adjutant.
- 2) A two-thirds (2/3) vote **of the votes cast** by a subsequent Department Convention is required to change or remove the term limits previously established and approved.
- 3) Department with approved term limits will notate the term limits on their **annual** “Department Election Report Form” to the National Headquarters.”; **AND**

WHEREAS: given today’s reality, having a majority of **all [emphasis added]** Chapter members at a meeting to vote on changing elected officer term limits is not likely to happen; **AND**

WHEREAS: The Chapter and Department Election Reports include the following:

RESOLUTION NO: NFF-2021-17

COMMITTEE: Bylaws

“ANNUAL [emphasis added] ELECTIONS ARE REQUIRED!” and therefore annotating approved term limits on the election report are superfluous; **AND**

WHEREAS: ARTICLE III - Chapters, Section 5 – Term of Office, Paragraph C is the only article which specifies the “majority vote of all members” rather than a “majority vote of the votes cast” or a “majority vote of those present”; **THEREFORE, BE IT**

RESOLVED: ARTICLE III - Chapters, Section 5 – Term of Office, Paragraph C, including sub-paragraphs is deleted and replaced by:

“Chapters may establish term limits for elected officers by defining Term Limits in their Chapter bylaws. **AND BE IT FURTHER**

RESOLVED: ARTICLE VI – DEPARTMENT, Section 4 – Term of Office, Paragraph E, including sub-paragraphs is deleted and replaced by:

“Departments may establish term limits for elected officers by defining Term Limits in their Department bylaws.

Submitted by: 2020-2021 Bylaws Committee

Signed:  Date: ___ May 30, 2021 ___

Larry Leighton, Secretary 2020-2021 Bylaws Committee

RESOLUTION NFF-2021-18
COMMITTEE Bylaws

ARTICLE III ~ Section 8, B. & others

Committee's Recommendation:
2020-2021 APPROVE

Convention's Actions:
Passed

RE: Change to the use of the terms:
(US Postal Service mail [USPS])
USPS

WHEREAS: **ARTICLE III Chapter Section 8, B states:**
A notice (US Postal Service mail [USPS] return receipt requested or e-mail) is required to be given the delinquent officer.

WHEREAS: MOPH Bylaws refer to the United States Postal Service once and uses the abbreviation USPS ten times.

WHEREAS: When the bylaws were initially written the United States Postal Service was the only method of delivering notices where a signed receipt verifying delivery was available, and


WHEREAS: Now there are some other entities besides the USPS that can deliver notices and obtain signed receipt verification, and

WHEREAS: Some of the other communication companies with signed receipt verification can deliver faster service than the USPS, therefore be it

RESOLVED: That wherever in the Bylaws the term "USPS" will be deleted and the following words added: "**any shipping service entity**" therefore it be further

RESOLVED: That "**via any shipping service entity**" be substituted for **(US Postal Service mail [USPS])**

Submitted by: National Bylaws Committee

Signed: 
Larry Leighton, Secretary

Date: 6/30/2021

RESOLUTION: NFF-2021-19

COMMITTEE **Bylaws**

Committee's Recommendation:

2020-2021 APPROVE

Convention Action:

Passed

RE: Amend Article VIII Dues Section 3 Exceptions

WHEREAS ARTICLE VIII – DUES SECTIONS 3 - EXCEPTIONS Paragraph A currently reads: Residents of a Soldiers Home or Department of Veterans Affairs (DVA) or Military Hospital, of six months' duration, who have been awarded the Purple Heart may become members at one-half the life membership dues. An affidavit by an official of such Soldiers Home or DVA or Military Hospital certifying to the applicant's period of residency shall also accompany each such application and

WHEREAS Naval and Soldiers Homes are now called Armed Forces Retirement Homes and

WHEREAS there is no mention of a Veterans Home operated by a state agency and

WHEREAS ARTICLE VIII – DUES SECTIONS 3 - EXCEPTIONS Paragraph B. currently reads: Holders of the Medal of Honor, who also have been awarded the Purple Heart, will be given Life Membership at no cost and


WHEREAS it is more appropriate to call those who have been awarded the Medal of Honor "Recipients" and be it

RESOLVED that **ARTICLE VIII – DUES SECTIONS 3 - EXCEPTIONS Paragraph A** be amended to read: Residents of an Armed Forces Retirement Home (AFRH), a nursing home or residential assisted living facility operated by the US Department Veterans Affairs (DVA Home) or a state government Veterans agency (State Veterans Home) or, a Military Hospital, of at least six months duration, who have been awarded the Purple Heart may become members at one-half the life membership dues. An affidavit signed by an official of such AFRH, or DVA Home, State Veterans Home or, Military Hospital certifying to the applicant's period of residency shall also accompany each such application and be it further

RESOLVED That **ARTICLE VIII – DUES SECTIONS 3 - EXCEPTIONS Paragraph B** be amended to read: Recipients of the Medal of Honor, who also have been awarded the Purple Heart, shall be given Life Membership at no cost.

Submitted by: Bylaws Committee

Signed:


Larry Leighton, Secretary

Date: 6/30/2021

COMMITTEE Bylaws

Committee Recommendation:

2020-2021 APPROVE

Convention Actions:

Failed

RE: Change to ARTICLE XII, Section 1, A ~ NATIONAL EXECUTIVE COMMITTEE

WHEREAS: ARTICLE XII - NATIONAL COMMITTEES states

Section 1 - NATIONAL EXECUTIVE COMMITTEE

A. The National Commander, *Past National Commanders, National Senior Vice Commander, National Junior Vice Commander, six Region Commanders, National Finance Officer, National Judge Advocate, National Inspector, National Sergeant-at-Arms, Department Commanders, National Finance Committeemen, and National Publications Committeemen* who shall all have a voice and a vote.

3) *Past National Commanders (PNC) WILL retain their NEC vote. However, after 5 years of PNC Status they will no longer be reimbursed for travel to or from any NEC meeting. All Current PNC's 5 years will start immediately following the 2018 MOPH National Convention.*

WHEREAS: All of the sixty-eight members of the NEC listed above in blue are a current **elected** officer, and

WHEREAS: There are an additional nineteen (19) unelected Past National Commanders, and

WHEREAS: The unelected PNCs make up 21.8% of the 87 members of the NEC, and

WHEREAS: In a March 2021 NEC vote 53 votes were cast with seven abstentions, and

WHEREAS: Twelve of the PNCs return their ballots which represented 20% of the votes and abstentions, and

WHEREAS: Three of the PNCs abstained, which means that nine voting PNCs represented 16.9% or 1/6 of the votes cast, and

WHEREAS: The PNCs had contributed their time and talents for the good of the Order when they served their terms as National Commander but now do not have the constituency they had when they were in office, therefore be it

RESOLVED: That ARTICLE XII Section 1A be amended to add the words **(three most recent)** as shown below;

Section 1 - NATIONAL EXECUTIVE COMMITTEE

A. The National Commander, Past National Commanders **(three most recent)**, National Senior Vice Commander, National Junior Vice Commander, six Region Commanders, National Finance Officer, National Judge Advocate, National Inspector, National Sergeant-at-Arms,

RESOLUTION: NFF-2021-20

Department Commanders, National Finance Committeemen, and National Publications Committeemen who shall all have a voice and a vote.

Therefore be it further

RESOLVED: That ARTICLE XII Section 1 A 3) be deleted

~~3) Past National Commanders (PNC) will retain their NEC vote. However, after 5 years of PNC status they will no longer be reimbursed for travel to or from any NEC meeting.~~

Submitted by the Department of Kentucky



CM Smrt, D.KY, Adjutant
28 May 2021, Art.XII, Sec.1

RESOLUTION: NFF-2021-21

COMMITTEE **Bylaws**

Committee's Recommendation:

2020-2021 APPROVE

Convention Action:

Passed

RE: Amend ARTICLE XV - TO PRESERVE the INTEGRITY of the CORPORATION SECTION 12 GRIEVANCE Paragraph 1)

WHEREAS ARTICLE XV TO PRESERVE the INTEGRITY of the CORPORATION SECTION 12 GRIEVANCE Paragraph 1) currently reads: A recorder (who has no vote) will be obtained to provide a written transcript of the proceedings.

WHEREAS in the word "will" should be changed to "shall" to make it a legally mandated requirement. Therefore be it

RESOLVED that ARTICLE XV TO PRESERVE the INTEGRITY of the CORPORATION SECTION 12 GRIEVANCE Paragraph 1) shall be amended to read: A recorder (who has no vote) shall be obtained to provide a written transcript of the proceedings.

Submitted by: Bylaws Committee

Signed:



Larry Leighton, Secretary

Date: 6/30/2021

RESOLUTION NO: NFF-2021-22

COMMITTEE: Constitution & Bylaws OR Legislative

Committee's Recommendation:
2020-2021 APPROVE

Convention Action:
Passed

RE: Holding more than one Chapter office

WHEREAS: National Bylaws, Article XV, Section 2, Paragraph A 3) specifies that " No person shall hold more than one elective office in: A Chapter."

WHEREAS: From April 1975 to September 2001 there were 1,394 Purple Heart medals awarded

WHEREAS: The Military Order of the Purple Heart. Has lost hundreds of Chapters in the period between 1975 and 2021 due to lack of membership.

WHEREAS: It is easier to retain a Chapter than create one. THEREFORE BE IT

RESOLVED: National Bylaws, Article XV, Section 2, Paragraph A 3) be deleted AND BE IT FURTHER

RESOLVED: That the following shall be added as Article XV, Section 2, Paragraph D:
"There is no limit to the number of Chapter elective and/or appointed offices that can be held by a single person simultaneously provided.

- 1) The Commander shall not be the Finance Officer.
- 2) The Finance Officer should not be the Adjutant."

Submitted by: Department of Nevada

Signed: David K Hugo
Department Judge Advocate

Date: 6/9/21

RESOLUTION: NFF-2021-23

COMMITTEE Bylaws

Committee's Recommendation:

Convention Action:

Withdrawn

RE: Amend ARTICLE XV- TO PRESERVE the INTEGRITY of the CORPORATION SECTION 5 INSPECTION

WHEREAS: ARTICLE XV- TO PRESERVE the INTEGRITY of the CORPORATION SECTION 5 INSPECTION currently reads:

- A. The Department Commander may require the inspection of any department or chapter in his or her respective jurisdiction, whenever the best interests of the Order require it.
- B. The Region Commander may require an inspection by a Department Inspector of any department or chapter in his or her respective jurisdiction, whenever the best interests of the Order require it.
- C. The National Commander may require the inspection by the National Inspector of any Officer of the Order or Office, whenever the best interests of the Order require it AND

WHEREAS: in Paragraph A no Department Commander may require the inspection of any other Department, AND

WHEREAS: Paragraph C should include Departments and Chapters. Therefore, be it

RESOLVED: That **ARTICLE XV- TO PRESERVE the INTEGRITY of the CORPORATION SECTION 5 INSPECTION** be amended to read:

- A. A Department Commander may require the inspection of his or her Department or any Chapter within his or her Department, whenever the best interests of the Order require it.
- B. A Region Commander may require an inspection by a Department Inspector of any Department or Chapter within his or her Region, whenever the best interests of the Order require it.
- C. The National Commander may require an inspection by the National Inspector of any Officer of the Order, National Headquarters Office, Department or, Chapter, whenever the best interests of the Order require it.

Submitted by: Department of Arkansas

Signed: Charles W. Adkins, Jr Date: 14 April 2021
Commander, Department of Arkansas

RESOLUTION NFF-2021-24

COMMITTEE: Bylaws

ARTICLE XV ~ Section 8 A

Committee's Recommendation:
2020-2021 APPROVE

Convention's Actions:
Passed

RE: Change to **ARTICLE XV, Section 8, A**

WHEREAS: ARTICLE XV Section 8 (§) A states: “The chapter’s charter may be suspended or revoked for failure to follow lawful order(s) and directive(s) as authorized by the Constitution and/or Bylaws”, and

WHEREAS: ARTICLE I - NATIONAL ORGANIZATION Sections 6 & 3, D states:

§ 6 - No charter shall be surrendered by any **active** chapter that has at least 12 living members.

§ 3,D “**Active**” is defined as a department that has submitted a current election report, and

WHEREAS: The provision for revoking a chapter’s charter for “failure to follow lawful order(s)” is dealing with **active** and functioning chapter’s, and

WHEREAS: There are over 220 chapters nation wide that have not submitted election reports in over two years making them **inactive** chapters, and

WHEREAS: The procedures under Article XV § 8 are lengthy (2 pages), expensive, and time consuming requiring the coordination of a number of officers, and

WHEREAS: There needs to be a way to streamline getting Patriots from inactive charters to functioning chapters, therefore be it

RESOLVED: Article XV Section 8 revised by adding a new paragraph A and making current A & B (B&C):

Article XV Section 8

A. Chapters that have not submitted election reports for two consecutive years or more may be declared defunct using the following procedures:

- 1) The Department Commander or his designee contact the last known commander directly regarding the chapter’s status.
 - a) The Commander will request the last known E-mail address of the chapter’s Patriots.
 - b) A written report will be made of this contact. The members of the Department Executive Committee will be made aware of the commanders findings.

RESOLUTION NFF-2021-24

- 2) A notice will be sent an E-mail (if an E-mail address is not available via the United States Post Office) unless 12 members object within 30 days, the chapter will be closed.
 - a) The members of the chapter will be reassigned to the nearest geographic chapter.
 - b) A member may request assignment to another chapter.
- 3) If after thirty (30) days there are not enough Patriots wanting to the keep the chapter open the Adjutant will prepare a list reassigning the member to another chapter.
- 4) The DEC will be given the assignment list with seven (7) days to suggest any changes to the assignment list.
- 5) After the seven (7) days, the DEC will vote “YES” or “NO” to the closing of the chapter and to the reassignment list.
- 6) The information concerning the closing of the chapter and the reassignment of the members will be sent to the National Headquarters.

Christoper Smrt
Department Adjutant

Submitted by: Department of Kentucky



CM Smrt, D.KY, Adjutant
28 May 2021, Art.XV, Sec8.A.

RESOLUTION NO: NFF-2021-25

COMMITTEE: Constitution & Bylaws

Committee's Recommendation:
2020-2021 APPROVE

Convention Action:
Passed

**RE: Article XV TO PRESERVE THE INTEGRITY OF THE CORPORATION, Section 9
SURRENDER OF PROPERTY**

WHEREAS: Currently Article **XV**, Section 9 requires all defunct Chapters to turn over all monies to the National Headquarters for a period of twelve (12) months; **AND**

WHEREAS: The current procedures do not take into consideration Donor Intent for these monies raised by the Chapter from their local Area of Operation, and are causing more Chapters to empty their accounts before the Chapter closes or goes defunct. Current procedures may also be limiting Departments in assisting Veterans and their Families relief funds in the Area of Operation of the defunct Chapter ; **AND**

WHEREAS: Currently this section does not outline procedures for what happens to the all property and monies of a defunct Chapter in the case of no active chapters remaining in that geographical area; **AND**

WHEREAS: The outlined procedures for Departments and Chapters are intermingled and difficult to clearly follow; **AND**

WHEREAS: To take into consideration Donor Intent, allow Departments to access monies to better assist Veterans and their Families in Distress, and make this section easier to follow ; **THEREFORE, BE IT**

RESOLVED: To Change ARTICLE XV, Section 9 – SURRENDER OF PROPERTY to read as follows;

Section 9 – SURRENDER OF PROPERTY

DEPARTMENT

When a Department is declared defunct or its charter is revoked the rituals, paraphernalia, and property may be sent to the Chapters within the state. The Charter and all monies will be sent to the National Corporation to be held in trust for a period of twelve (12) months.

RESOLUTION NO: NFF-2021-25

COMMITTEE: Constitution & Bylaws OR Legislative

A. If a Department charter is revoked or declared defunct and is not reinstated within a period of twelve (12) months, all monies from that Department shall be distributed to all remaining Chapter(s) in good standing within the state.

1) The distribution of funds will be distributed evenly among the Chapters within the state.

2) To receive these funds the Chapters must have a current election report, confirmation of 990 filing and Finance Report on file with the National Adjutant.

B. If there are no active Chapters within the jurisdiction of the defunct Department than all monies and properties shall become the absolute property of the National Organization after the twelve (12) month period.

CHAPTER

When a Chapter is declared defunct or its charter is revoked the charter, rituals, paraphernalia, and all property must be sent to the department. The Department is responsible for sending the chapter charter to the National HQ. All monies shall be sent to the Department to be held in trust for a period of twelve (12) months.

1) If a Chapter is not chartered in the Area of Operation of the defunct Chapter within twelve (12) months all monies and properties shall become absolute property of the Department to be used as necessary.

2) During the (12) month holding period, the Department can use the monies for the purpose of emergency relief to a veteran or their family who meets the following:

- a. Lives within the Area of Operation of the defunct Chapter
- b. The Veteran or Family Member applies to the Department.

3) If a Chapter is established with the (12) months in the Area of Operation of the defunct Chapter, the Department will transfer any monies not used as outlined in Article XV, Section 9 Chapter paragraph 2..

4) If the defunct chapter is in a state without a Department all monies and properties will be turned over to the National Headquarters' to hold in trust for a period of twelve (12) months after which if no Chapter has been reestablished than the monies and properties become absolute property of the National Organization.

Submitted by: Department of Georgia

Signed: 

Date: 17April2021

Department Commander

RESOLUTION NO: NFF-2021-26

COMMITTEE: Constitution & Bylaws OR Legislative

Committee's Recommendation:

2020-2021 APPROVE

Convention Action:

Failed

RE: Allow Associate Members to Serve as Adjutant

WHEREAS: With dwindling participation in the Military Order of the Purple Heart at every level it is hard to fill all the Officer billets in the organization, **AND**

WHEREAS: Associate Members can already hold every other Appointed Officer position, **AND**

WHEREAS: Associate Members will not gain a vote since neither they nor the position of Adjutant carry a vote at any level, **BE IT THEREFORE**

RESOLVED: that Article XVIII – Associate Members Section 4 – Participation C. be changed to read: Be eligible to hold any appointed position.

Submitted by:

Signed: *Andrew M. Del Gaudio*
Andrew M. Del Gaudio (Apr 19, 2021 19:23 CDT)

Andrew Del Gaudio
Commander
Department of Florida

Date: 19 April 2021

Signed: *Matt Bridges*

Matt Bridges
Commander
Department of Georgia

Date: 19 April 2021