

AMVETS DEPARTMENT OF NEW YORK
CONSTITUTION

PREAMBLE

We, the American 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, justice for all; to promote the cause of peace and good will among nations; to maintain inviolate the freedom of our Country; to preserve the fundamentals of democracy; to perpetuate the friendship and associations of the Armed Forces of the United States; and to dedicate ourselves to the cause of mutual assistance; this by the Grace of God.

ARTICLE I
NAME OF ORGANIZATION

The name of this organization shall be NEW YORK AMVETS, Inc., and shall be hereinafter referred to as the Department.

ARTICLE II
THE AIMS AND PURPOSES OF THIS ORGANIZATION

SECTION 1: To serve our country in peace as in war; to build and maintain the welfare of the United States toward lasting prosperity and peace for all inhabitants.

SECTION 2: To encourage, in keeping with policies of our government, the establishment of a concrete plan to secure permanent international peace and to assist in the maintenance of international peace.

SECTION 3: To inspire in our membership a sense of responsibility and to develop leadership for the preservation of our American democratic way of life.

SECTION 4: To help unify divergent groups in overall interest of American democracy.

SECTION 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.

SECTION 6: To cooperate with all duly recognized existing veteran organizations in the furtherance of the aims of American veterans who have served or are serving in the Armed Forces of the United States during and since World War II.

SECTION 7: To ensure the orderly return of the veteran to civilian life by protecting their rights as an individual while he is still in uniform.

SECTION 8: To expedite and assist in the rehabilitation of the veteran by maintenance of employment services, sponsoring educational opportunities, and providing counsel of insurance, housing, recreation, personal problems, hospitalization, and veterans benefits.

SECTION 9: To act as liaison agent between veteran and the government.

SECTION 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.

SECTION 11: To keep the public forever reminded that the 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 for their nation.

ARTICLE III ORGANIZATION

SECTION 1: The Department shall be organized with a Headquarters located as authorized by the Department Convention or an intervening State Executive Committee (SEC) meeting. Local Posts shall be formed, and intermediate administrative groups may be created by the State Executive Committee to function within their respective jurisdiction where such action is deemed advisable.

SECTION 2: The Department shall be composed of state officers, both elected and appointed, and the members of the State Executive Committee. It shall be the duty of the State Officers to advance the cause of AMVETS, to carry out its' aims and purposes, and to provide for realization of the plans and policies established by the mandates of the Department Convention and the State Executive Committee.

ARTICLE IV DEPARTMENT CONVENTION

SECTION1: The Department shall conduct its' Convention, to be held annually between May 15 and June 30, at which time it shall elect Department Officers and its' Delegate and Alternates to the National Convention and its' National Executive Committeeman and Alternate. Elected Department Officers shall assume office not later than July 15. National Executive Committeemen and Alternates shall assume office in accordance with Article IV, Section 2 of this Constitution.

- (a) The Department Convention delegation shall be comprised as prescribed by the Department By-Laws.
- (b) Each Post shall choose a delegate(s) and alternate(s) at a Post meeting.
- (c) The Department Commander shall vote only in the case of a tie.
- (d) Each delegate shall be entitled to one vote. Alternates shall have all the rights and privileges of their delegates except, they shall vote only in their delegate's absence. No delegate or alternate, however, shall be seated at the Department Convention unless the individual's accounts with Department Headquarters are fully paid up.
- (e) No delegate of an accredited Post shall be seated at the Department Convention unless the respective Post shall be fully paid up in all its' accounts with Department Headquarters and Department Districts. No Post delegate or alternate shall be permitted to register as such unless the delegate or alternate shall have been a member in good standing on the Department rolls for at least 30 days prior to the opening of said convention and possesses a membership card or other satisfactory evidence identifying the delegate or alternate as a member of the Post from which the individual is registering.

- (f) The Department shall specify Convention quorum requirements in the By-Laws or Convention rules.
- (g) No bids shall be received on the Convention floor unless they are previously submitted to the Department Finance Committee and/or the State Executive Committee, in accordance with the rules of said committee, and in accordance with the rules and procedures of the State Executive Committee.
- (h) A Convention Chairman shall be chosen in accordance with the Department By-Laws.
- (i) The Convention Rules Committee, after reviewing and making necessary changes, shall present to the State Executive Committee at a regular SEC meeting, for its' approval, the Rules of the Annual Convention following the SEC meeting at which the Rules are considered. The Department Headquarters will then circulate those rules to the Posts at least 30 days prior to the Annual Convention. The Rules of the Convention may be amended by a majority vote of the delegates assembled at the Annual Department Convention.

SECTION 2:

- (a) The Department Convention shall elect a Department Commander, a Department 1st Vice Commander, a Department 2nd Vice Commander, a Department Finance Officer, a Department National Executive Committeeman, a Department Alternate National Executive Committeeman, a Department Provost Marshall, a Department Judge Advocate, and any other officers prescribed in the Department By-Laws.
- (b) No member shall be eligible for any Department Office unless the individual is fully paid up in all accounts with the Department Headquarters 30 days prior to the opening date of the Department Convention.

(c) The Department shall specify candidate eligibility certification procedures in the By-Laws or Convention Rules. The Department Commander, with the consent or approval of the State Executive Committee, shall appoint and have the power to remove a Department Chaplain, a Department Inspector General and such other officers and committee chairmen as specified in the Department By-Laws. These appointments shall be made at the post-convention SEC meeting.

SECTION 3: All elected Department Officers shall be members of the State Executive Committee. The Department appointed officers shall be members of the State Executive Committee, but without a vote.

SECTION 4: Department Officers elected at a Department Convention shall be installed in office at a ceremony held at the Convention. The term of office shall be as prescribed in the Department By-Laws.

ARTICLE V STATE EXECUTIVE COMMITTEE

SECTION 1: In the event of a vacancy in the Office of Department Commander, the Department First Vice Commander shall succeed to that office, except that the Department By-Laws may prescribe election of the Department Commander by the State Executive Committee. In the event of a vacancy in the office of the Department First Vice Commander, the Department Second Vice Commander shall assume the office of Department First Vice Commander. Any additional Vice Commanders specified in the Department By-Laws shall similarly participate in succession.

SECTION 2: In the event of a vacancy in the office of the most Junior Vice Commander, Department Finance Officer, Department Provost Marshall or Department Judge Advocate, or other elected officer, regardless of the reason for such vacancy, the Department Commander shall appoint an AMVET to fill the vacant office for the unexpired term. Such appointment shall be with the approval of the State Executive Committee and the appointee shall be in compliance with all qualifications and restrictions regarding the holding of said office as set forth in any other article of the Constitution and By-Laws of AMVETS, except the requirement of election. On approval of the State Executive Committee, the appointee shall assume all powers and responsibilities pertaining to the office as though elected.

SECTION 3: The administrative power between Department Conventions shall be vested in the State Executive Committee, which shall be composed of the Department Commander, the Department First Vice Commander and the Department Second Vice Commander, and all other elected Department Officers, Past Department Commanders and others as prescribed by the Department By-Laws. Each of the above members shall be entitled to one vote except the Department Commander, who shall only vote in the case of a tie, and except that the Past Department Commanders present may be entitled to vote as prescribed in the Department By-Laws. The appointed officers shall be members of the Department Executive Committee, but without vote.

SECTION 4: Voting members of the State Executive Committee shall be delegates to the Department Convention, each entitled to one vote, providing their respective Posts have complied with all the provisions of the Department Constitution and By-Laws.

ARTICLE VI
FINANCES

SECTION 1: The management of the Department Budget as approved at the Department Convention shall be under the control of the State Executive Committee, which shall delegate sufficient general and specific authority to the Department Finance Committee, as authorized by the Department By-Laws, to carry out the usual duties of such committee. The Department Finance Committee, with the approval of the State Executive Committee, shall have the authority to retain independent investment experts, as needed for consultation in supervising any and all AMVETS funds.

- (a) The Department Finance Committee shall consist of members as prescribed in the Department By-Laws.
- (b) The Finance Committee shall meet prior to each SEC meeting, or at other times as set forth in the Department By-Laws.
- (c) The Finance Committee shall make an annual report to the Department Convention. Revenue shall be derived from annual dues and such other sources as may be approved by the State Executive Committee.
- (d) The Finance Committee shall submit a provisional annual budget as prescribed in the Department By-Laws.

SECTION 2: The following provisions shall govern the establishment and administration of the budget of the Department Headquarters:

- (a) The Finance Committee has the sole fiduciary responsibility to prepare and present a budget that is fiscally sound.
- (b) In determining the budget, revenue shall be based on tangible assumptions and realistic and/or proven income projections to include revenue that provides funding for the operations and programs approved by the Finance Committee, State Executive Committee, and the Department Convention.

- (c) In the full execution of approved programs within the budget, expenses shall be budgeted as realistically as possible to ensure overall spending integrity.
- (d) A contingency budget line shall be developed solely to address unexpected expenses during the operating fiscal year and included in the budget.
- (e) In no case shall the Department Finance Committee or any other body of the Department Organization be permitted to adopt or approve a budget in which expenses, provisions for capital expenditures and provisions for debt reduction exceed the income established above. Under no circumstances, however, shall the aggregate budget as approved by the Department Convention be over-expended. Violation of any of the foregoing provisions by any person shall constitute cause for disciplinary action, including removal from office or dismissal from employment.
- (f) Any person who willfully violates any provision of this section shall, in addition to any other disciplinary action taken, be personally financially liable for any amount spent that exceeds the budget appropriations unless such excess had prior approval of the Department Finance Committee. Any salary or expense money due or to become due to such person may be retained by the organization to offset all or any part of the unauthorized over-expenditure.

SECTION 3: The Department Finance Committee shall have the power and authority to designate the depository banks or other financial institutions to receive deposits into various accounts belonging to the Department and to disburse such funds on checks signed by two or more persons designated by the Department By-Laws.

SECTION 4: The Fiscal Year shall be designated in the Department By-Laws.

SECTION 5: Any resolution emanating from a Department Convention involving the expenditure of funds or any financial commitment shall be referred to the Department Finance Committee for approval. In reviewing resolutions adopted at a Department Convention, the Department Finance Committee shall have three options:

- (a) Provide funding from the newly adopted Department Budget.
- (b) Defer funding pending appropriate planning by the Department Staff as part of the next Fiscal Year.
- (c) Deny funding based on current and projected funding levels. If a resolution is denied or deferred because of a want of available funds within the meaning of Section 2, the Department Finance Committee shall report such decision to the Department Executive Committee at its' next meeting.

ARTICLE VII
DEPARTMENT RESPONSIBILITIES

SECTION 1: (a) The department shall be required to revalidate its charter annually prior to July 15. Such charter revalidation shall be evidenced by an appropriate device to be issued by National Headquarters.

The department, aside from any other requirements imposed in this constitution and bylaws, shall ---

- (1) Furnish National Headquarters with a certified list of current department officers;
 - (2) File Internal Revenue Form 990 for the department calendar or fiscal year with the Internal Revenue Service, and indicate on the officer's form that a 990 form has been sent to the IRS;
 - (3) Furnish National Headquarters with a copy of the department's current constitution and bylaws or a certification stating that the copy previously submitted has not been amended;
 - (4) Be fully paid up in all department accounts with National Headquarters; and
 - (5) If required, have complied with Article IX, Section 8 (c) of the AMVETS National Constitution.
- (b) The department shall carry public liability insurance, including personal injury and property damage coverage with a minimum single limit of \$300,000.
- (1) The department shall carry liquor liability insurance.
 - (2) The department shall carry workers' compensation insurance in accordance with the laws of New York State.
 - (3) National Headquarters shall be included in each and every policy as an additional insured and a certificate of said insurance shall be furnished to National Headquarters.

(c) The department shall be incorporated in accordance with the laws of New York State. A filed copy shall be furnished to the National Headquarters.

(d) The department shall not have its representative seated or his expenses paid by National at any meeting of the National Executive Committee or any national convention if it fails to conform to Sections 8(a), (b) and (c) of this article.

(e) The department shall comply with local, state and federal laws and statutes in the operation of said department and its facilities. The department shall certify to National Headquarters yearly that it is in compliance with this section.

ARTICLE VIII DISCIPLINE

SECTION 1:

(a) An elected officer may be removed from office only by a two-thirds vote of the State Executive Committee after written charges against such officer shall have been preferred and furnished by certified mail

to the officer concerned and to the members of the State Executive Committee. The State Executive Committee on charges preferred against an elected Department Officer shall hold a full hearing. Such hearing shall be held not less than 30 days after the charges are referred and mailed.

(b) The procedure for removal from office of an elected officer shall be prescribed by the State Executive Committee on recommendation of the Department Judge Advocate in accordance with the Uniform Code of Procedure for the Suspension or Expulsion of a Member (AMVETS National By-Laws, Appendix B).

SECTION 2:

(a) The State Executive Committee, after notice and hearing, may cancel, suspend or revoke the Charter of any Post for good and sufficient cause. Procedure for any such action shall be as prescribed by AMVETS National By-Laws, Appendix A.

(b) In the event of the cancellation, suspension or revocation of any Charter of any Post, the suspended body shall have the right of appeal to the next Department Convention.

ARTICLE IX
SUBORDINATE ORGANIZATIONS

Section 1.

- (a) All Subordinate Organizations recognized by the Department of New York shall be under the jurisdiction of the Department and are authorized to operate within the State of New York only.

ARTICLE X: LADIES AUXILIARY

Section 1. AMVETS Department of New York recognizes a subordinate organization known as AMVETS Department Ladies Auxiliary.

Section 2.

- (a) Eligibility for membership in the AMVETS Ladies Auxiliary shall be limited to the mothers, wives and grandmothers, regardless of age, and to the daughters, stepdaughters, sisters and granddaughters, not less than 18 years of age, of regular members of AMVETS; and to the mothers and widows, regardless of age, and to the daughters, stepdaughters, sisters and granddaughters, not less than 18 years of age, of deceased veterans who would have been eligible for membership in AMVETS, and 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 eligibility criteria.

The term mother shall be construed to include any female member of the family, or any female guardian of such person or deceased veteran, who has exercised or is exercising the care and responsibility for the rearing of such person or deceased veteran.

- (b) Any member of the Ladies Auxiliary who has been duly recognized as a member of the auxiliary under the provisions of 2(a) herein shall be allowed to remain a member of the Ladies Auxiliary so long as she remains a member in good standing.

Section 3.

- (a) The ladies Auxiliary shall be under the control of the Department Commander and the State Executive Committee, provided that nothing contained in this section shall in any way remove the jurisdiction given to the national organization and to the department.
- (b) The department Ladies Auxiliary shall be under the jurisdiction of the Department of New York and shall be identical in geographical limits and shall be known and identified by the same name.

Section 4.

- (a) Each Ladies Auxiliary shall be affiliated with an AMVETS post and carry the corresponding number of that post.
- (b) No Ladies Auxiliary to any post shall be formed until approved by two-thirds vote of the members present at a stated meeting, with due notice of the proposed formation having been given to the entire membership of said post 15 days prior to such meeting.
- (c) Each local Ladies Auxiliary shall be under the jurisdiction of the post whose number it bears.
- (d) Where no post exists, a Ladies Auxiliary shall not be formed.
- (e) Any Ladies Auxiliary not affiliated with an existing AMVET post shall not be recognized and shall surrender its charter and such properties it may possess to the duly recognized Ladies Auxiliary officer or officers in accordance with the constitution of the National Ladies Auxiliary.

Section 5.

- (a) A post may, by a vote of two-thirds of its members present at a meeting, following a printed or written notice mailed or delivered to each member of the post in good standing at least 10 days before said meeting, vote to disband its Ladies Auxiliary.

Such notice shall show contemplated action and be certified to and forwarded through the Department of New York AMVETS with proper notice in writing to the National Ladies Auxiliary liaison officer, the Department of New York Ladies Auxiliary president, and to the National Commander, who shall direct the cancellation of the charter of the Ladies Auxiliary only after investigation by him that it is in the best interest of AMVETS to do so.

- (b) In the case of the discontinuance of a post by voluntary surrender of its charter or by a forfeiture or revocation of the charter, its Ladies

Auxiliary, if any, shall continue in being for a period of not more than one year.

- (c) The national commander may direct a suspension or cancellation of the charter of any Ladies Auxiliary on recommendation of the department commander, when it is shown that the Ladies Auxiliary has become a detriment to the post.

Section 6.

In the event of the surrender, cancellation or forfeiture of a Ladies Auxiliary charter to a post, all monies, official records, property and other paraphernalia shall be surrendered to such officer or officers as the rules and regulations of the National Ladies Auxiliary provide. In such case such Ladies Auxiliary is reinstated or reorganized within a period of three years, such monies, papers, etc., originally forfeited by such Ladies Auxiliary, shall be delivered to such reorganized or new Ladies Auxiliary in connection with the charter.

Section 7.

- (a) The department president of the Ladies Auxiliary, within 30 days after the department president's induction to said office, shall transmit to the department commander for the department commander's information and that of the state executive committee, a complete itemized report of the financial standing of the department Ladies Auxiliary.
- (b) All books and records of the department Ladies Auxiliary shall be made available on request to the department commander or state executive committee for either examination or audit.

ARTICLE XI SAD SACKS

Section 1. AMVETS recognizes a subordinate organization known as AMVETS 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. Sad Sacks shall be governed by a constitution and bylaws approved by the National Executive Committee.

Section 3. Membership in Sad Sacks shall be limited to AMVET members in good standing.

ARTICLE XII SERVICE FOUNDATION

Section 1. AMVETS recognizes a subordinate organization known as the AMVETS Department of New York Service Foundation. Said service foundation shall report on its activities at each SEC meeting and convention.

Section 2. The foundation shall adopt a constitution and bylaws, which shall be submitted within 30 days thereafter to the department judge advocate for approval.

Section 3. No service foundation may be created by any post of AMVETS.

ARTICLE XIII DEPARTMENT CONVENTION CORPORATION

Section 1. AMVETS recognizes a subordinate organization known as the AMVETS Department of New York Convention Corporation.

Section 2. A copy of the constitution and bylaws, and any amendments thereto, of said Convention Corporation shall be transmitted to the department judge advocate by September 30 of each year.

ARTICLE XIV JUNIOR AMVETS

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

Section 2. Eligibility for membership in the Junior AMVETS shall be limited to sons and daughters, stepchildren, brothers and sisters, and grandchildren of AMVETS, deceased members of AMVETS, members of the Auxiliary, and members of the Sons of AMVETS, and a service member who died and would have been eligible for AMVETS membership, including all children that they may be legal guardian from the age of 5 to and including 17 years.

Section 3.

- (a) The Junior AMVETS shall be under the control of the national commander and the National Executive Committee, providing that nothing contained in this section shall in any way remove the jurisdiction given to the national organization and to departments over corresponding units of the Junior AMVETS.
- (b) Each department Junior AMVETS shall be under the jurisdiction of the department whose name it bears. Each department Junior AMVETS shall be identical in geographical limits to its respective AMVET department and be known and identified by the same name.

Section 4.

- (a) Each Junior AMVETS shall be affiliated with an AMVET post and carry the corresponding number of that post.
- (b) No Junior AMVETS to any post shall be formed until approved by two-thirds vote of the members present at a stated meeting, with due notice of the proposed formation having been given to the entire membership of said post 15 days prior to such meeting.
- (c) Each local Junior AMVETS shall be under the jurisdiction of the post whose number it bears.
- (d) Where no post exists, Junior AMVETS cannot be formed.
- (e) Any Junior AMVETS not affiliated with an existing AMVET post shall not be recognized and shall surrender its charter and such properties it may possess to the duly recognized Junior AMVETS officer or officers in accordance with the constitution of the National Junior AMVETS. A Junior AMVETS unit organized under a department district at the time of the adoption of this amendment is authorized to continue operating as such.

Section 5.

- (a) A post may, by a vote of two-thirds of its members present at a meeting, following a printed or written notice mailed or delivered to each member of the post in good standing at least 10 days before said meeting, vote to disband its Junior AMVETS. Such notice shall show contemplated action and be certified to and forwarded through the New York State Department of AMVETS with proper notice in writing to the National Junior AMVETS Coordinator, the department Junior AMVETS

- president, and to the national commander, who shall direct the cancellation of the charter of the Junior AMVETS only after investigation by him that it is in the interest of AMVETS to do so.
- (b) In the case of the discontinuance of a post by voluntary surrender of its charter or by a forfeiture or revocation of the charter, its Junior AMVETS, if any, shall continue for a period of not more than one year.
 - (c) The national commander may direct a suspension or cancellation of the charter of any Junior AMVETS on recommendation of the department commander having jurisdiction, when it is shown that the Junior AMVETS has become a detriment to the post.

Section 6. In the event of the surrender, cancellation or forfeiture of a Junior AMVETS charter to a post, all monies, official records, property and other paraphernalia shall be surrendered to such officer or officers as the rules and regulations of the National Junior AMVETS provide.

In case such Junior AMVETS is reinstated or reorganized within a period of three years, such monies, papers, etc., originally forfeited by such Junior AMVETS, shall be delivered to such reorganized or new Junior AMVETS in connection with the charter.

Section 7.

- (a) The Department President of the Department Junior AMVETS, within 30 days after their induction to said office, shall transmit to the department commander for the department commander's information and that of the State Executive Committee a complete itemized report of the financial standing of the Department Junior AMVETS.
- (b) All books and records of the Department Junior AMVETS shall be made available on request to the department commander or state executive committee for either examination or audit.

ARTICLE XV SONS OF AMVETS

Section 1. AMVETS recognizes a subordinate organization known as Sons of AMVETS.

Section 2.

- (a) Eligibility for membership in the Sons of AMVETS shall be limited to all male descendants, grandsons, stepsons, fathers, husbands, widowers and brothers of members of AMVETS, not less than 18 years of age, or of deceased veterans who would have been eligible for membership in AMVETS, and not eligible for membership in the parent organization. In-laws are excluded from membership in the Sons of AMVETS.
- (b) Any member of the Sons of AMVETS who has been duly recognized as a member of the Sons of AMVETS under the provisions of 2(a) herein shall be allowed to remain a member of the Sons of AMVETS so long as the member remains a member in good standing.

Section 3.

- (a) The Sons of AMVETS shall be under the control of the national commander and the National Executive Committee, provided that nothing contained in this section shall in any way remove the jurisdiction given to the national organization and to departments over corresponding units of the Sons of AMVETS.
- (b) Each department Sons of AMVETS shall be under the jurisdiction of the department whose name it bears. Each department Sons of AMVETS shall be identical in geographical limits to its respective AMVET department and be known and identified by the same name.

Section 4.

- (a) Each Sons of AMVETS squadron shall be affiliated with an AMVET post and carry the corresponding number of that post.
- (b) No Sons of AMVETS squadron of any post shall be formed until approval by two-thirds vote of the members present at a stated meeting, with due notice of the proposed formation having been given to the entire membership of said post 15 days prior to such meeting.
- (c) Each local Sons of AMVETS squadron shall be under the jurisdiction of the post whose number it bears.
- (d) Where no post exists, a Sons of AMVETS squadron shall not be formed.
- (e) Any Sons of AMVETS squadron not affiliated with an existing AMVET post shall not be recognized and shall surrender its charter and such properties it may possess to the duly recognized Sons of AMVETS officer

or officers in accordance with the constitution of the National Sons of AMVETS.

Section 5.

(a) A post may, by a vote of two-thirds of its members present at a meeting, following a printed or written notice mailed or delivered to each member of the post in good standing at least 10 days before said meeting, vote to disband its Sons of AMVETS squadron.

Such notice shall show contemplated action and be certified to and forwarded through Department of New York AMVETS with proper notice in writing to the National Sons of AMVETS Commander, the Department of New York Sons Commander, and to the national commander, who shall direct the cancellation of the charter of the Sons of AMVETS only after investigation by the national commander that it is in the best interest of AMVETS to do so.

(b) In the case of the discontinuance of a post by voluntary surrender of its charter or by a forfeiture or revocation of the charter, its Sons of AMVETS squadron, if any, shall continue for a period of not more than one year.

(c) The national commander may direct a suspension or cancellation of the charter of any Sons of AMVETS squadron on the recommendation of the department commander having jurisdiction, when it is shown that the Sons of AMVETS squadron has become a detriment to the post.

Section 6. In the event of the surrender, cancellation or forfeiture of a Sons of AMVETS charter to a post, all monies, official records, property and other paraphernalia shall be surrendered to such officer or officers as the rules and regulations of the Sons of AMVETS provide.

In case such Sons of AMVETS squadron is reinstated or reorganized within a period of three years, such monies, papers, etc., originally forfeited by such Sons of AMVETS squadron, shall be delivered to such reorganized or new Sons of AMVETS in connection with the charter.

Section 7.

(a) The department commander of the department Sons of AMVETS, within 30 days after induction to said office, shall transmit to the department commander for the department commander's information and that of

- the state executive committee a complete itemized report of the financial standing of the department Sons of AMVETS.
- (b) All books and records of the department Sons of AMVETS shall be made available on request to the department commander or state executive committee for either examination or audit.

ARTICLE XVI AMVETS RIDERS

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

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

Section 3.

- (a) The AMVETS Riders shall be under the control of the national commander and the National Executive Committee, providing that nothing contained in this section shall in any way remove the jurisdiction given to the national organization and the departments over corresponding chapters of the AMVETS Riders.
- (b) Department AMVETS Riders shall be under the jurisdiction of the department whose name it bears. Approval must be obtained from the Department Executive Committee before an AMVETS Rider chapter can be formed. Each chapter of AMVETS Riders shall be identical in geographical limits to its respective AMVETS department and be known and identified by the same name.
- (c) Department AMVETS Riders shall formulate a Constitution and Bylaws within 30 days of formulation. Said Constitution and Bylaws shall contain no less language than contained in the generic AMVETS Riders Constitution and Bylaws provided by National Headquarters. Once formulated the Constitution and Bylaws shall be forwarded to the department judge advocate for approval and forwarding to the national judge advocate.

Section 4.

- (a) The department AMVETS Rider President, within 30 days after induction into said office, shall transmit to the department commander for the department commander's information and that of the state executive committee a complete itemized report of the financial standing of the Department AMVETS Riders.
- (b) All books and records of the Department AMVETS Riders shall be made available on request to the department commander or state executive committee for either examination or audit.

ARTICLE XVII PUBLICATIONS

Section 1. The Department of New York shall publish a publication known as the Empire AMVET.

Section 2. This publication shall be overseen by an editor that shall be appointed by the Department Commander with the approval of the State Executive Committee on an annual basis.

Section 3. The editor's duties shall include, but is not limited to, proofreading any article published in the Empire AMVET.

Section 4. All articles submitted shall have the name of the submitter appear under the article.

Section 5. No article shall be published that is deemed to be political, racist or demeaning. Or, in anyway violates the principles of AMVETS.

Section 6. A copy of each publication of Empire AMVET shall be forwarded to National Headquarters.

ARTICLE XVIII AMENDMENTS

- (1) This constitution may be amended by a two-thirds vote of the delegates present at any AMVETS Department of New York convention. Proposed amendments for action of the Department Convention must be submitted

to the Department Executive Director at least 30 days prior to the Department Convention, and the Executive Director shall submit such proposal to the posts and members of the State Executive Committee 10 days prior to the Department Convention.

- (2) This constitution may be amended without notice, at the Department Convention, by a unanimous vote of the authorized delegates present.
- (3) No amendment, however, may be adopted unless the same is referred to the Constitution and Bylaws Committee, considered by it and reported on to the Department Convention.
- (4) Amendments to this constitution shall take effect 45 days after adoption pending approval of the National Judge Advocate, unless otherwise specified.

Amended 03 June 2017
Mark S. Phillips PDC
Judge Advocate
Department of New York

DEPARTMENT OF NEW YORK
BY-LAWS

ARTICLE I
STATE EXECUTIVE COMMITTEE

SECTION 1: Immediately following the close of the Department Convention, the State Executive Committee will be convened for the purpose of approving the new Commander's appointments and review of employment status of Department Employees.

SECTION 2: Each Post in the Department of New York during a post meeting shall elect a Post Executive Committeeman to represent the Post at all meetings of the State Executive Committee.

SECTION 3: Each Post, during a post meeting shall also elect and Alternate Post Executive Committeeman. In case of death, removal from office or resignation of a Post Executive Committeeman, the duly elected alternate will serve the unexpired term of the Committeeman.

SECTION 4: In the event of the absence or disability of the Post Executive Committeeman to participate in the proceedings of the State Executive Committee (SEC) meeting, the elected Alternate shall cast the vote for the Post Executive Committeeman.

SECTION 5:

(a) Meetings of the State Executive Committee shall be held as follows:

- (1) In conjunction with the Department Convention the State Executive Committee shall meet in the Fall and Spring at a minimum.
- (2) On reasonable notice, Special Meetings may be held at the call of the Department Commander.
- (3) The Department Commander shall call a meeting of the State Executive Committee upon written request of at least 25 percent of the organized Posts within the Department.
- (4) All SEC meetings will be held in the State of New York.

SECTION 6: A majority of the SEC Committee persons present shall constitute a quorum of the State Executive Committee.

SECTION 7:

- (a) The Department Commander may preauthorize any Department Officer, Committee Chairman, Member of a Committee or other authorized representative to receive reimbursement for authorized activity on behalf of the organization. At each meeting of the State Executive Committee, the Finance Officer shall report all such disbursements since the last meeting of said committee.
- (b) Those persons referred to above and those authorized by the Department Commander and/or SEC must submit completed expense vouchers postmarked not later than 30 days after the end of the fiscal year in which the expenses occurred.

SECTION 8: No member may hold more than one elected Department Office at one time. The National Executive Committee person and National 1st District Commander shall not be deemed to be Department Officers for the Department. The NEC and National 1st District Commander may hold another elected office within the Department.

SECTION 9: The Department Commander shall appoint a Department Grievance Committee from the membership of the State Executive Committee.

- (a) The Committee shall consist of three members, to hear grievances and appeals as are provided for in this Constitution and By-Laws and to report its' findings and recommendations to the proper authority.
- (b) The Department Commander shall designate the Chairman. The committee shall function during the Department Convention and meetings of the State Executive Committee. Such appointees shall serve at the pleasure of the Department Commander.
- (c) The Department Commander and Judge Advocate shall serve as ex-officio members of this committee without a vote.

SECTION 10:

- (a) The AMVETS Department of New York Department Executive Board shall be made up of all elected and appointed Officers of the Department.
- (b) On reasonable notice, Special Meeting of the Department Executive Board may be held at the call of the Department Commander.

ARTICLE II COMMITTEES

SECTION 1: Department Committees

- (a) The Department Commander shall appoint a Chairman, Vice Chairman and such members of AMVETS to each committee as are necessary to accomplish its' objectives.
- (b) The Department Commander shall prescribe the duties and responsibilities of said committees unless otherwise indicated.
- (c) Appointments are effective July 1 and are for a period of one year.

SECTION 2: List of Committees

- (a) Constitution and By-Laws: To supervise and review annually the Department Constitution and By-Laws. All change requests should be reviewed by the committee and presented to the SEC or Convention through the State Executive Committee. The Department Commander shall appoint the members of this Committee and will be chaired by the Department Judge Advocate. The Committee will also review annually the Rules of the Annual Convention and present the rules with any recommended changes at the Spring State Executive Committee Meeting for approval.
- (b) Honors and Awards Committee: The Committee will consist of all Past Department Commanders present at the SEC or Department Convention.
- (c) Membership Committee: To consider all matters relating to the development of AMVETS through membership activities.

- (d) Finance Committee: The Department Finance Committee shall be charged with the preparation of the annual budget and the handling of funds, subject to the approval of the State Executive Committee and the limitations set forth in the Constitution.
- (e) Resolutions Committee: The Department Commander and Chaired by the Department Judge Advocate will appoint this Committee.
- (f) VAVS Committee.
- (g) Women Veterans Committee
- (h) Legislative Committee
- (i) Audit Committee: The Committee will be appointed by the Department Commander and will audit the Financial Books of the Department and submit a report annually to the Department Convention.
- (j) Zone Directors: The Committee will be appointed by the Department Commander and will assist the Department Commander and Department Executive Director in their respective zone. To assist the Posts in their zone to come into compliance with the requirements of AMVETS Department of New York, and the AMVETS National Organization.
- (k) Grievance Committee:
 - a. The Department Commander will appoint from among the voting membership of the State Executive Committee, a Department Grievance Committee consisting of three members, to hear grievances and appeals as are provided for in this Constitution and By-Laws and to report its' findings and recommendations to the State Executive Committee.
 - b. The Department Commander shall designate the chairman.
 - c. This committee shall function during the Department Convention, meetings of the State Executive Committee, and upon the call of the Department Commander or the State Executive Committee. Such appointees shall serve at the pleasure of the Department Commander with the advice and consent of the State Executive Committee. The Department Commander and Department Judge Advocate shall serve as ex-officio members of this committee without vote.

SECTION 3: Special Committees

- (a) The Department Commander may appoint such special committees as deemed necessary to the proper conduct of organizational affairs, subject to the approval of the State Executive Committee.
- (b) Such appointees shall serve during the term of the administration appointing them and terminate on expiration of the term of the appointing administration.

SECTION 4: Each committee authorized by these Constitution and By-Laws must report its' activities and recommendations at each SEC Meeting and at the Annual Department Convention.

ARTICLE III DUTIES OF OFFICERS

SECTION 1: All elected and appointed officers shall be administered the Oath of Office at the end of the Department Convention and shall take office on July 1, serving until June 30 of the following year.

SECTION 2: Department Commander: The Department Commander shall be the executive head of the Department of New York AMVETS, with full power to enforce the provisions of the Department Constitution, the Department By-Laws and the will of the Department Convention and State Executive Committee. The Department Commander shall serve as an ex-officio member without right to vote on all committees. The Department Commander shall perform such other duties as are usually incident to the office.

SECTION 3: Department Vice Commanders: The Department Vice Commanders shall act as representatives of the Department Commander in all matters referred to them by the Department Commander and, on the Department Commander's request, preside over sessions of the Department Convention or the State Executive Committee.

- (a) Department First Vice Commander: The Department First Vice Commander shall be charged with:
- (1) Coordination of the Department "MAL" membership.
 - (2) Review and re-evaluate membership programs and report recommendations to the Department Commander and the Executive Director.
 - (3) Endeavor to create and present new membership incentives to the Department Commander and Executive Director.
 - (4) Be informed of membership strength of Post, City, County and Regional Groups.
 - (5) Perform such other duties, as the Department Commander or SEC shall direct.
- (b) Department Second and Third Vice Commanders: The Department Commander shall prescribe the Department Second and Third Vice Commanders' duties.

SECTION 4: Department Executive Director

- (a) The Department Executive Director shall be charged with the administration of the policies and mandates of the Department Convention, the State Executive Committee and the Department Commander.
- (b) The Department Executive Director shall issue such directives as may be necessary to Posts.
- (c) Stay in contact with the Department Commander during the Department Commander's absence from Department Headquarters and perform such other duties as are usually incident to the office.
- (d) The Department Executive Director shall serve as the Secretary of the Department.
- (e) The Department Executive Director shall serve at the pleasure of the Department Commander and the State Executive Committee.

SECTION 5: Department Finance Officer:

- (a) The Department Finance Officer shall be custodian of the funds of the Department.
- (b) Two or more persons as designated by the State Executive Committee shall sign all checks disbursing the funds of the Department Organization.
- (c) The Department Finance Officer shall make reports on the condition of the Department Treasury when called for by the Department Commander or State Executive Committee.
- (d) The Department Finance Officer shall perform such other duties as are usually incident to the office.
- (e) The Finance Officer and the Budget Committee will submit a proposed budget to the spring SEC for submission to the Department Convention for final approval.

SECTION 6: Department Judge Advocate:

- (a) The Department Judge Advocate shall advise the State Executive Committee on all legal matters, including the construction and interpretation of the National and Department Constitution and By-Laws.
- (b) The Department Judge Advocate shall perform such other duties as are usually incident to the office.
- (c) The Department Judge Advocate shall review all contracts prior to execution by the organization and serve as ex-officio member without right to vote on all committees.

SECTION 7: Department Chaplain: The Department Chaplain shall perform such religious and nonsectarian services as may be necessary, adhering to the appropriate ceremonial rituals, and discharge of other duties incident to the office.

SECTION 8: Department Provost Marshal: The Department Provost Marshal shall maintain order at the Department Convention, SEC Meetings and such other ceremonies or functions as directed by the Department Commander.

SECTION 9: Department Inspector General:

- (a) The Department Inspector General shall be the investigating officer of the Department. By direction of the Department Commander or the State Executive Committee.
- (b) The Department Inspector General shall make any necessary investigations pertaining to grievances, disciplinary cases, fraud or dishonesty within the Department and charges of conduct unbecoming an AMVET.
- (c) Shall be empowered to have access to all records, financial and otherwise of all Posts, Post Officers or members, and Subordinate Organizations when necessary for the discharge of the Department Inspector General duties.
- (d) The Department Inspector General shall report to the Department Commander, who shall, in turn, review the findings with the Department Judge Advocate and, if warranted, report to the State Executive Committee.
- (e) The Department Inspector General shall serve at the pleasure of the Department Commander and the State Executive Committee.

ARTICLE IV CHARTERS

SECTION 1:

- (a) The State Executive Committee may suspend, cancel or revoke a Post Charter in accordance with the Uniform Code of Procedure for the Revocation, Cancellation or Suspension of Post Charters (National By-Laws, Appendix A).
- (b) A Post Charter that has been thus suspended may be reinstated by action of the State Executive Committee of that Post purged itself of the offense within 60 days of its' suspension. If the delinquency is not cleared to the satisfaction of the State Executive Committee within 60 days, appropriate action shall be taken by the Committee to affect revocation or cancellation of the Charter

SECTION 2: Any Post failing to meet the obligations imposed on it by the Constitution and By-Laws, or ceasing to function for six months as a Post of AMVETS or voluntarily ceasing to function as a Post, or merging with one or more other Posts, or refusing or failing to pay the Department and National per-capita dues within 60 days after collection by the Posts, shall, on order of the State Executive Committee, surrender its' Charter.

SECTION 3: Suspensions or revocation of a Charter may only be made at the National or Department level only.

SECTION 4:

(a) On revocation or cancellation or suspension of the Charter of a Post:

- (1) The Post shall immediately cease operation and, on revocation or cancellation, turn over its' Charter and assets to the Department Commander or State Executive Committee or the Department Commander's representative.
- (2) The State Executive Committee is authorized, empowered and directed by and through its' duly authorized agent to take possession, custody and control of all records, property and assets of said Post.
- (3) So much of the said assets as are required for the purpose shall be applied to any indebtedness of said Post, provided, however, that nothing contained herein shall be construed as requiring the Department of New York to take over or assume any financial responsibility of such Post.
- (4) Assets are to be held in trust for a period of 12 months and in the event the Post Charter is not reissued within the 12 month period, said property; money and effects shall become the absolute property of the Department of New York.

(b) When the Charter of a Post is cancelled or revoked for any reason, said Charter shall be returned to the Department within 30 days.

SECTION 5: On appeal of disciplinary actions, all pertinent documents, including transcripts and other supporting documentation of said hearings, shall be directed to National Headquarters for review by the National Judge Advocate.

ARTICLE V
DISCIPLINE OF POSTS AND POST MEMBERS

SECTION 1: Each Post of AMVETS shall be the judge of its' own membership subject to the provisions of the Constitution and By-Laws of the National and Department Organizations.

- (a) When the conduct of any member of AMVETS is such that it in any way will reflect discredit on, or invite criticism of, the organization, or (any member) who belongs to or joins any group, organization or party that is not compatible with the aims and principles of AMVETS, the Department Commander shall immediately bring the matter to the attention of the Post of which the individual is a member.
- (b) If the Post fails to act and protect the name of AMVETS, the State Executive Committee may, pending a hearing, suspend the Charter of the Post involved, pending final action by the State Executive Committee.

SECTION 2:

- (a) AMVETS members may be suspended or expelled by a Post or the State Executive Committee on proper showing of cause.
 - (1) Written charges, which shall be furnished to the member involved at least 30 days prior to the date set for the hearing.
 - (2) The charges may be based on disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of AMVETS.
- (b) The State Executive Committee or Post shall follow the Uniform Code of Procedure for the Suspension or Expulsion of a Member (National By-Laws, Appendix B). The provisions for appeal of a suspension or expulsion within that procedure (National By-Laws, Appendix A) shall also be followed in case of appeal of Post or Department action.

SECTION 3:

- (a) Any AMVETS member who has been suspended or expelled in accordance with Section 2 hereof has the right of appeal.
- (b) In the event the Post imposes the suspension or expulsion, the appeal shall be to the State Executive Committee.
- (c) In the event the State Executive Committee Imposes the suspension or expulsion, the appeal shall be to the National Executive Committee.
- (d) In the event the National Committee imposes the suspension or expulsion, the appeal shall be to the National Convention.
- (e) The decision of the appellate body shall be final.

ARTICLE VI MEMBERSHIP

SECTION 1: Membership in an AMVETS Post constitutes membership in the Department and National Organization of AMVETS through Post affiliation or membership at large. All AMVETS shall, prior to their acceptance as members, pledge allegiance to the United States of America and its' Constitution, and certify that they have read, or have read to them, the AMVETS declaration of principles, and that they accept and subscribe to same, and that they shall not advocate or belong to any group or organization advocating the overthrow of the United States Government by force.

SECTION 2: To be eligible for AMVETS membership, you must have served any time after September 15, 1940, or currently serving in the U. S. Armed Forces. Additionally, when discharged or released from duty, your separation must have been by honorable discharge, honorable separation or general discharge under honorable conditions. If you are an American citizen, you are also eligible for membership if you served as an American citizen in the armed forces of an Allied Nation, providing you served any time between September 15, 1940 and May 8, 1975, and your service was terminated by honorable discharge or honorable separation.

All members of the National Guard or Reserves, currently serving or honorably discharged since September 15, 1940 are also eligible for AMVETS membership, providing termination by release from duty was by honorable discharge or honorable separation. Membership eligibility was extended to include wartime merchant marines who are eligible for veteran's benefits and have secured a DD-214 from either the Navy or the Coast Guard.

(2a) No person who is working to overthrow the U.S. Government or who is a member of an organization trying to do so shall be privileged to become or continue to be a member of this organization. Honorary membership shall not be granted. In lieu of this, certificates of merit may be awarded to those rendering distinct service to the community and the American veterans who have served or are serving in the Armed Forces of the United States during and since World War II. Posts, intermediate administrative groups, departments, the NEC, the national headquarters or the national convention body may make such awards. Awards requested by posts and intermediate administrative groups must be approved by the departments' executive committees. No AMVET is entitled to receive a certificate of merit. Membership is based on the fiscal year, September 1 to August 31, and no member may be affiliated with more than one post at a time.

(2b) An eligible veteran may join AMVETS as a member-at-large (MAL). This means the veteran will become a member of an AMVETS department, without affiliation to a local post. Any AMVETS member classified as a member-at-large cannot hold an elective or appointive office at any level in the organization.

ARTICLE VII LOCAL POSTS

SECTION 1: Local Posts may be formed by ten (10) eligible individuals, by making application to the Department Headquarters for approval. The application shall be forwarded to National Headquarters and a Charter shall be issued. The Department Commander and the Department Executive Director shall countersign each Charter.

SECTION 2:

- (a) Posts shall be governed locally by their own officers chosen according to their own Constitution and By-Laws, except that election of officers shall be held annually between April 1st and May 20th. All Posts must be revalidated 10 days prior to the Department Convention.
- (b) Officers shall be installed and assume office no later than July 1st thereafter.
- (c) Posts shall be subject and subordinate, however, to the jurisdiction of the National and Department Headquarters.
- (d) Any provisions of a Post Constitution and By-Laws found to be in conflict with or contrary to the provisions of this Department Constitution and By-Laws or the National Constitution shall be null and void.
- (e) Officers of Posts shall use the equivalent titles provided for Department Officers in this Constitution and By-Laws.

SECTION 3:

- (a) Each Post in the Department of New York must file two (2) copies of the National Charter Revalidation Form with the Department Executive Director at least 10 days prior to the Department Convention each year as the accrediting procedure to be seated at the Department Convention.
- (b) An appropriate device to be issued by the National Headquarters shall evidence Charter renewal. In order to renew such Charter and to receive a revalidated Charter, each Post, aside from other requirements imposed in the Constitution and By-Laws shall:
 - (1) Furnish National and Department Headquarters with a certified list of current Post Officers.
 - (2) File a current Internal Revenue Form 990 for the Post calendar or fiscal year with the United States Internal Revenue Service.
 - (3) Furnish National and Department Headquarters with a copy of the Post's current Constitution and By-Laws or a certification stating that the copy previously submitted has not been amended.
 - (4) Be fully paid up in all its' accounts with National and Department Headquarters.

ARTICLE VIII
POST TRANSFERS

SECTION 1: Any member in good standing may change his/her Post and may join a new Post without repaying the current annual dues.

SECTION 2: Such transfers shall be subject to the approval of the Posts and Department involved. No transfer shall be denied by the Post or Department from which transfer is requested without just cause.

SECTION 3: To be considered a Delegate to the Department Convention, an individual who has transferred must have a minimum of six months residency with the Post that the individual has transferred to.

ARTICLE IX
MONIES AND COLLECTIONS

SECTION 1: All Department and Post officials handling AMVETS funds shall 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 AMVETS funds handled by such individual in a single year.

SECTION 2:

- (a) No contracts involving expenditures in excess of \$2,000 of Department of New York AMVETS funds shall be negotiated without inviting competitive written bids.
- (b) All contracts to be executed by the Department of New York AMVETS shall be approved by the State Executive Committee and signed by the Department Commander after the Department Judge Advocate has reviewed said contract with the exception of contracts executed by the NYS Service Foundation of which the Department Commander and Department Judge Advocate are members.

SECTION 3:

- (a) Public Fund Raising shall be in accordance with the National Organizations' guidelines.
- (b) Whenever a Post Clubroom is maintained and operated for the convenience and pleasure of its' members and the name of AMVETS or its' insignia is displayed or used, a Board of Trustees shall be elected by and from among the members of the Post to supervise its' activities, operation and finances.
- (c) Any Post operating a Clubroom as mentioned in Section 3(b) hereof shall be required to carry Workers' Compensation Insurance in accordance with the laws of the State of New York and Public Liability Insurance, including product liability and personal injury coverage, with a minimum single limit of \$500,000. Posts that maintain a building primarily for meeting purposes shall be required to carry Public Liability Insurance, including product liability and personal injury coverage with a minimum single limit coverage of \$300,000 or the minimum local amount prescribed by State Law. The Department of New York AMVETS and the National Organization shall be included as an additional insured in all policies and a Certificate of Insurance shall be furnished to the Department and National Headquarters.
- (d) Upon renewal of insurance policies which either incorporate liquor liability coverage within general liability coverage or have standalone liquor liability coverage, a copy of the new policy will be forwarded to Department of New York AMVETS within 30 days of the renewal date. If a renewal confirmation is not received within 45 days of the renewal date, the Post becomes suspended until such time as the confirmation is received.
- (e) Any Post operating a clubroom as stated in Section 3(b) hereof shall be mandated to incorporate under a business not-for-profit corporation law, in accordance with existing New York State statutes. All Post Clubrooms desiring to be included in the AMVETS group tax-exempt status under Internal Revenue Service Code as a 501(c)(19) organization shall provide on incorporation, a point of contact,

employer identification number, mailing address and letter of authorization to the Department of New York AMVETS and the AMVETS National Headquarters.

- (f) Any Post sharing the confines of another Veterans Organization, or any other activity shall have the AMVETS Logo prominently displayed within the building.
- (g) Any Post failing to comply with these provisions shall be deemed to have violated the Department of New York AMVETS By-Laws and the Charter of said Post shall, in accordance with adopted procedure, be subjected to suspension or revocation.

SECTION 4: All Posts and Department accounts shall be kept in accordance with generally accepted accounting procedures.

SECTION 5: The minimum annual membership dues shall be \$22.00 payable to the Post, of which the sum of \$14.00 shall be forwarded to National Headquarters and \$8.00 to the Department of New York. The Post forth here shall fix dues above the minimum set. Members-at-large will remit the minimum dues to Department Headquarters, from which the sum due to National will be forwarded by Department Headquarters.

SECTION 6: Life Membership dues shall be not less than \$250.00, nonrefundable and payable to the Post, of which \$187.50 shall be forwarded to National Headquarters. Of which \$125 goes to National and \$62.50 goes to the Department and the post keeps \$62.50.

SECTION 7: Annual members who paid their annual dues between September 1 and August 31 may convert to Life Membership and receive credit for their prepaid annual dues at any time during that period.

ARTICLE X
CITY, COUNTY OR REGIONAL GROUPS

SECTION 1: Any three (3) local Posts making application to the State Executive Committee for approval may organize a City, County or Regional Group.

SECTION 2: A written request to form a group must be submitted to the State Executive Committee no later than fifteen (15) days prior to a State Executive Committee Meeting or Department Convention. A copy of its' Constitution and By-Laws must accompany the written request.

SECTION 3: City, County or Regional Groups shall be subject to the jurisdiction of the National and Department Headquarters and their respective Constitution and By-Laws.

SECTION 4: The Group Constitution and By-Laws cannot be in conflict with the National and Department Constitution and By-Laws. Any changes, amendments or revisions to the Group Constitution and By-Laws must be submitted to the Department Judge Advocate prior to approval.

ARTICLE XII MEETINGS

Section 1. At all levels of AMVETS, all meetings and all matters and proceedings not otherwise provided for herein shall be conducted pursuant to the current edition of Robert's Rules of Order.

Section 2. At all meetings of the AMVETS Department of New York Convention or the Department of New York State Executive Committee, or of duly constituted committees thereof, voting electronic, mechanical, or written methods shall be prohibited.

ARTICLE XIII POLICY

Section 1.

(a) The policy of AMVETS shall be determined by:

(1) The national convention, as reflected in the resolutions adopted;

- (2) The National Executive Committee, when not in conflict with national convention mandates; and
 - (3) The compilation of the results of periodic polls of posts on current issues.
- (b) Departments, posts, subordinates and auxiliaries shall be notified by National Headquarters of policy so adopted.

Section 2. No member of AMVETS shall represent or purport to represent any department, post, or subordinate of AMVETS in opposition to, other than in complete consonance with, policy so determined and notified.

Section 3. AMVETS shall not be discriminatory on the basis of race, color, religion, gender, sexual orientation or national origin.

ARTICLE XIV RESOLUTIONS

Each department is responsible for submitting national resolutions to the AMVETS National Headquarters after the department state convention.

Resolutions may also be submitted by a department executive committee, and National Committees as authorized by the Constitution and Bylaws, or the National Executive Committee.

National Headquarters shall also send out resolutions, emanating from national headquarters, on national issues of concern to be considered at state conventions by May 1. When a legislative resolution is passed by the body at the annual national convention, it becomes AMVETS legislative agenda for two years (from September 1 to August 31).

All resolutions shall bear the name of the originator.

ARTICLE XV

RESTRICTED USE OF ORGANIZATION

The Department of New York AMVETS, or any component part thereof, shall not be used to promote the interest of any individual who is a candidate for public office or to promote otherwise any individual, political party, or faction. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member or Post.

ARTICLE XVI AMENDMENTS

SECTION 1: These Bylaws may be amended at any Department Convention by a majority vote of the delegates present at any Department Convention. Proposed amendments for action of the Department Convention must be submitted by mail, postmarked at least 30 days prior to the opening date of the next Department Convention.

SECTION 2: These Bylaws may be amended by any Convention without notice by a two-thirds vote.

SECTION 3: No amendment, may be adopted unless the same is referred to the Constitution and Bylaws Committee, considered by it and reported on at the Department Convention.

SECTION 4: Amendments to these By-Laws shall take effect 45 days after adoption, unless otherwise specified by the adopted resolution.

Amended 03 June 2017
Mark S. Phillips PDC
Judge Advocate
AMVETS Department of New York

Revised 05 June 2016

DEPARTMENT CONVENTION

ARTICLE 1 CONVENTION RULES

SECTION 1: The following rules are adopted for the AMVETS Department of New York Conventions.

SECTION 2:

- (a) A Department Convention shall be held annually between May 15 and June 30, at a time and place selected in advance, by the delegates present and voting at the Department Convention.
- (b) The Convention body may select a convention site in advance for more than one year, but not more than three years.
- (c) In the absence of a selection of a convention site by the Convention Body, or in the event the date and place selected by a Convention Body becomes unavailable, then the State Executive Committee shall select the time and place of the Convention.
- (d) The Department Convention shall constitute the legislative body of New York AMVETS.

SECTION 3: Discussion of personal, Post, or Department grievances or claims concerning an individual shall not be permitted before the Convention. Such grievances shall be submitted, and if it is deemed necessary by this committee, a report will be made to the Convention for its' decision

SECTION 4: The Department Commander in accordance with the published agenda of the Convention shall determine the order of business.

ARTICLE II

DELEGATES AND REGISTRATION

SECTION 1: The members of the Convention shall consist of Post Delegates. The Post shall choose its' delegates at its' meetings held at least three weeks prior to the Department Convention. Each Post shall have one (1) Delegate and one (1) Alternate for each twenty-five (25) members or major fraction thereof. In no event shall a Post have less than one (1) Delegate and one (1) Alternate.

- (a) The number of Delegates and Alternates to which each Post is entitled shall be computed by the Department Executive Director as of May 1st each year and reported to the Posts as soon as possible. Posts must be chartered prior to April 1st to be eligible to vote at the Department Convention.
- (b) Challenges to the Post Delegate Strength must be accomplished prior to May 15 each year.
- (c) Each Delegate shall be entitled to one (1) vote. Alternates shall have the rights and privileges of their delegates, except they shall vote only in the delegate's absence.
- (d) Each Post delegation shall elect or appoint a Chairperson to speak on its' behalf. This Chairperson shall be the primary point of contact during the Convention.

SECTION 2: At least fifty (50) percent of the Delegates registered at the Department Convention must be present on the floor of the Convention to constitute a quorum.

SECTION 3: When a Delegate desires to make a motion or address the Convention, they will rise and address the Chair as Mr. Commander, and state the name and number of their Post before proceeding.

ARTICLE III PRESIDING OFFICER

SECTION 1: The Department Commander shall be the Presiding Officer at the Convention. The Department Commander may designate another Department Officer to preside in his/her absence.

SECTION 2:

- (a) It shall be the duty of the Department Commander to preserve order.
- (b) The Department Commander may call upon the Provost Marshall to assist if necessary.

- (c) The Department Commander shall require adherence to the rules of the Convention and shall decide questions of rules, order and procedure, subject to a majority vote of the delegates present on the floor of the Convention.
- (d) The Department Commander may appoint a Department Parliamentarian to advise on questions of procedure arising during the Convention in the absence of the Judge Advocate.

ARTICLE IV RESOLUTIONS

SECTION 1:

- (a) All resolutions to come before the Convention must be submitted to the Department Executive Director for numbering and then refer them to the proper committee for consideration and action.
- (b) No resolution shall be discussed on the floor of the Convention unless it has been presented to the appropriate Convention Reporting Committee or by a petition submitted to the Department Commander in writing signed by at least five (5) Delegates from not less than three (3) different Posts. The petition shall be read to the Convention as soon as practical after receipt.

SECTION 2:

- (a) All resolutions and petitions shall be written in duplicate and bear the name of the Post or Posts submitting them and be signed by a Post Officer or Delegate.
- (b) Each Committee shall give consideration only to resolutions in which the subject matter pertains to the duties or functions of that particular committee.
- (c) Resolutions which any committee does not consider will be referred back to the Resolutions Committee for further disposition.
- (d) A Committee may originate such resolutions, as it may desire pertaining to the subject with which that committee is charged with.
- (e) All resolutions shall be numbered in numerical order by the Department Executive Director as they are received and before their submission to a Committee or presentation on the Convention floor.
- (f) All resolutions shall be reported to the floor and the Committee will report either approval, disapproval or without recommendation.

- (g) If a resolution is presented on the floor and its' recommendation by the Committee is not unanimous, time will be allotted to the minority to state its' case prior to voting by the body.

SECTION 3:

- (a) Debate shall be limited to three (3) minutes for each speaker.
- (b) No more than five (5) speakers on each side of a question shall be permitted to speak on the same subject, except by unanimous consent of the Convention.
- (c) No speaker shall speak twice on the same subject, except the individual making the motion or resolution and shall have two (2) minutes for rebuttal.

SECTION 4: Total debate on any one subject shall be limited to thirty (30) minutes, however, debate on a resolution may be extended to a greater time limit by a majority vote of the Delegates present on the floor of the Convention. The times so allotted shall be evenly divided between the proponents and opponents of the resolution.

SECTION 5: The Department Commander shall appoint a timekeeper whose duty it will be to advise the speaker when time is up.

ARTICLE V

SECTION 1:

- (a) Voting shall be by voice vote or a show of hands vote within the discretion of the Department Commander.
- (b) The Department Commander or a request of any five (5) Posts may call for a "Roll Call" vote.
- (c) The election of Department Officers shall be by "Roll Call" vote of Posts in numerical order unless there is no contest.
- (d) The Department Executive Director shall conduct all "Roll Call" voting.

SECTION 2:

(a) Each Post shall select a Chairperson who shall announce the vote of its' delegation.

(b) Any voting Delegate of the Convention may demand a count of any delegation casting its' vote, for the sole purpose of determining that the vote so announced is equal to the voting strength of that delegation.

SECTION 3: Department Officers are entitled to all privileges of delegates, but must vote as a Department Officer or a member of their Post Delegation.

SECTION 4: Unit rule and proxy voting shall not be permitted.

ARTICLE VI NOMINATIONS

SECTION 1:

(a) Nominations for Department Officers shall be made from the floor on a "Roll Call" of the Posts.

(b) Any Post may yield its' position in the roll call to another Post. In that event the "Roll Call" shall be suspended while the Post yielded to presents its' nomination. Upon conclusion of such nomination the "Roll Call" shall resume.

(c) Each Post may present as many candidates as it chooses.

SECTION 2: Nominating speeches and the election of Officers will be in order as follows:

(a) Trustee to the Service Foundation (3 year term) (not Department Officer).

(b) NEC (not Department Officer)

(c) Provost Marshall

(d) Judge Advocate

(e) Finance Officer

(f) Third Vice Commander

(g) Second Vice Commander

(h) First Vice Commander

(i) Commander

SECTION 3:

- (a) Nominating and seconding speeches for positions other than Department Commander shall be limited to two (2) minutes each.
- (b) Nominating speeches for Department Commander shall be limited to five (5) minutes each.
- (c) No more than two seconding speeches shall be made for a candidate for Department Commander, and only one for all other officers.
- (d) Any candidate for elected office may address the body for a period of two (2) minutes.

ARTICLE VII ELECTION OF OFFICERS

SECTION 1: Election of all Department Officers shall be by a majority vote of the votes cast by the delegates present on the floor of the Convention. After the second ballot for any office, the candidate receiving the lowest number of votes will be eliminated from the ballot and balloting will continue in this manner until one of the candidates receives a majority of the votes cast.

SECTION 2: Any candidate elected to a Department Office and accepting that office shall be ineligible for or elected to, any other elected Department Office.

SECTION 3:

- (a) Department Conventions shall elect a National Executive Committeeperson and Alternate National Executive Committeeperson to represent the Department at the National level and serve for a period of two years.
- (b) The National Executive Committeeperson and Alternate National Executive Committeeperson shall not be deemed to be Department Officers for the Department.
- (c) A NEC or an ANEC may hold another elected office within the Department.

SECTION 4:

- (a) In the event of the death, resignation or removal of the NEC the Alternate shall succeed for the unexpired balance of the term.
- (b) The Department Commander shall appoint a successor Alternate NEC who shall serve until the next Department Convention.

ARTICLE VIII
COMMITTEES

SECTION 1: The Department Commander shall appoint the following Committees with responsibilities so stated. Any questions regarding the Convention should be referred to the proper committee.

- (a) RULES COMMITTEE: To formulate the rules in accordance with the established procedures for conducting the business of the Convention.
- (b) CONVENTION COMMITTEE: The Department Executive Director in conjunction with the Convention Committee Co-Chair shall:
 - (1) Determine the number of delegates and alternates to which each Post is entitled.
 - (2) Require proper credentials for each delegate and alternate and insure each is properly registered.
 - (3) Shall report orally at the beginning of each daily session of the Convention.
 - (4) Provide a written report at the close of the Convention.
 - (5) Ensure that Registration is closed one hour prior to the Election of Officers on Election Day.
 - (6) Be responsible for the proper running of the Convention with reference to accommodations, department, etc., under the direction of the Department Commander and Department Executive Director.
 - (7) Present to the Convention a proper Convention Journal and arrange a suitable program for conducting the business of the Convention under the direction of the Department Commander and Department Executive Director.
 - (8) Greet and assist all official guests of the Convention.
 - (9) Insure the Hospitality Room is properly staffed and stocked.

ARTICLE IX
CONDUCT OF DELEGATES

SECTION 1: The Department Provost Marshall shall be the Sergeant-at-Arms for the Convention.

SECTION 2: Instances of disorder or misconduct by any AMVET shall be reported to the Provost Marshall who shall report them to the Department Commander. Upon request of the Department Commander, the Provost Marshall shall investigate the matter and refer the offender or offenders to the Convention floor for dismissal from the Convention.

ARTICLE X AUTHORITY

SECTION 1: With the exception of all Articles above “Roberts Rules of Order Newly Revised” shall govern the Convention.

SECTION 2: The consent of 2/3 of the number of delegates present on the floor shall be necessary for suspension of any rules of the Convention.

ARTICLE XI AMENDMENTS

SECTION 1: These rules shall be reviewed annually and approved at the Spring SEC.

SECTION 2: Any Post wishing to amend these rules must submit their amendments to the Department Commander and Department Executive Director at least thirty (30) days prior to the Department Convention. The amendments submitted, if any, shall be presented to the Rules Committee who will in turn present them on the Convention floor.

