

# AMVETS

301-459-9600

National Headquarters  
4647 Forbes Boulevard  
Lanham, Maryland 20706



## POST CONSTITUTION AND BYLAWS COVER SHEET

TO: National Judge Advocate  
AMVETS National Headquarters

SUBJECT: CONSTITUTION AND BYLAWS  
DEPARTMENT OF \_\_\_\_\_  
POST NUMBER \_\_\_\_\_

REGARDING: (check one) Initial document \_\_\_\_\_  
Document change/update \_\_\_\_\_

Within the scope of my duties and responsibilities as Department Judge Advocate, and on behalf of the above identified Post, I respectfully submit the attached Post Constitution and Bylaws. My recommendations for approval or further review is certified by my signature in the appropriate section identified herein. Sections I and II attest the attached document has been reviewed and is forwarded for placement in the permanent files at AMVETS National Headquarters. Section III requires further review and follow up action.

### SECTION I. APPROVED AS SUBMITTED

As Department Judge Advocate, I hereby certify that the above cited Post Constitution and Bylaws is in compliance with the Department and National Constitution and Bylaws.

\_\_\_\_\_  
Signature of Department Judge Advocate

\_\_\_\_\_  
Date

### SECTION II. APPROVED AS AMENDED

After initial review with subsequent recommendations and follow up, the Post and incorporated the necessary changes in its Constitution and Bylaws; therefore, I, as Department Judge Advocate, do hereby certify that the above cited Post is not in conflict with the provisions set forth in the Department or National Constitution and Bylaws.

\_\_\_\_\_  
Signature of the Department Judge Advocate

\_\_\_\_\_  
Date

### SECTION III. REQUEST FURTHER REVIEW BY NATIONAL JUDGE ADVOCATE

I am unable to execute an approval for the attached Post document and respectfully request your able assistance. Please review the following area:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Department Judge Advocate

\_\_\_\_\_  
Date

## RESOLUTION 98-25C

### PREAMBLE TO NATIONAL CONSTITUTION BE CHANGED

**WHEREAS** the 53<sup>rd</sup> National Convention passed a resolution changing the AMVETS National Insignia that eliminated the wars that the veterans who are eligible for membership in AMVETS, and

**WHEREAS** eligibility for AMVETS dates back to all American veterans who served after 15 September 1940; now therefore

**BE IT RESOLVED** That the Preamble to the National Constitution be changed to read as follows:

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, do associate ourselves for the following purposes: to uphold and defend the Constitution of the United States: to safeguard the principles of freedom, liberty, and justice for all: to promote the cause of peace and goodwill among nations; to maintain inviolate the freedom of our country; to preserve the fundamentals of democracy; to perpetuate the friendship and associations of these veterans, and to dedicate ourselves to the cause of mutual assistance, this by the grace of God.

### ARTICLE I. NAME

The name of this organization shall be AMVET post no. \_\_\_\_\_ in the city of \_\_\_\_\_, and it shall be hereinafter referred to as the Post.

### ARTICLE II. AIMS

The aims and purposes of this organization are as follows:

1. To serve our country in peace as in war; to build and maintain the welfare of the United States of America toward lasting prosperity and peace for all its inhabitants.
2. To encourage, in keeping 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.
3. To inspire in our membership a sense of responsibility and to develop leadership for the preservation of our American democratic way of life.
4. To help unify divergent groups in the overall interest of American democracy.
5. To train our youth to become purposeful citizens in a democracy with full knowledge of the responsibilities as well as the privileges of citizenship.
6. To cooperate with all duly recognized existing veteran organizations in the furtherance of the aims of the veterans of World War II, Korea, Vietnam and those serving in the Armed Forces of the United States thereafter.

7. To ensure the orderly return of the veteran to civilian life by protecting his rights as an individual while he is still in uniform.
8. To expedite and assist in the rehabilitation of the veteran by maintenance of employment services; sponsoring educational opportunities; providing counsel of insurance, housing, recreation, personal problems, hospitalization, and veterans benefits.
9. To act as a liaison agent between the veteran and the Government.
10. To provide an organization to encourage fellowship among all veterans.
11. To keep the public forever reminded that the veterans of World War II, Korea, Vietnam, and those serving in the Armed Forces of the United States thereafter, fought and served to preserve peace, liberty, and democracy for their nation.

### **ARTICLE III. MEMBERSHIP**

- Section 1. Any person who served, or is currently serving in the Armed Forces of the United States of America at any time after September 15, 1940 is eligible for regular membership in AMVETS, provided such service, when terminated by discharge, or release from active duty, is by honorable discharge, honorable separation or general discharge under honorable conditions.
- Section 2. Any American citizen, as an American citizen, who served in the Armed Forces of an allied nation of the United States at any time after September 15, 1940 and before May 8, 1975, is eligible for regular membership in AMVETS provided such service when terminated by discharge or release from active duty is by honorable discharge.
- Section 3. No person who is a member of, or who advocates the principles of any organization believing in, or working for, the overthrow of the United States Government by force, and no American citizen or permanent resident alien in the United States, or one of its territories, possessions, or the District of Columbia, who refuses to uphold and defend the Constitution of the United States, shall be privileged to become, or continue to be a member of this organization
- Section 4. All United States reservists and national guardsmen who are now serving, or have been honorably discharged since September 15, 1940, are eligible for regular membership in AMVETS provided such service, when terminated by discharge or release, is by honorable discharge or honorable release.
- Section 5. Honorary memberships shall not be granted.
- Section 6. This Post shall be the judge of its own membership, subject to the provisions of the Constitution and Bylaws of the National and Department organizations
- Section 7. Membership shall be on a calendar year basis and shall run from January 1, thru December 31 of the current year.

- Section 8. Eligibility for membership and the rights and privileges of members shall be as provided in the Constitution and bylaws, and the terms of membership and requirements for holding office within the AMVETS shall not be discriminatory on the basis of race, religion, sex or national origin.

#### **ARTICLE IV. OFFICERS**

- Section 1. Officers of this Post shall consist of a Commander, not more than three vice Commanders, Adjutant, Finance Officer, Provost Marshal, Judge Advocate, three Trustees and such other officers as may be prescribed by the bylaws.
- Section 2. Nomination and election of officers shall be held annually at a date fixed by the Bylaws. Nominations shall be made from the floor at a general meeting.

#### **ARTICLE V. EXECUTIVE COMMITTEE**

The elected and appointed officers of the Post, and the immediate past Post Commander shall constitute the Executive Committee which will be charged with the administrative affairs and property of the Post. The Executive Committee shall formulate the policy of the organization for approval by the members.

#### **ARTICLE VI. POST ORGANIZATION**

- Section 1. This Post shall be governed by the officers chosen in accordance with this Constitution and bylaws and will annually revalidate its charter prior to July 15. Such revalidation shall be evidenced by the issuance from the national Membership department of a certificate of satisfactory completion of all requirements. Aside from any other requirements imposed by the department of national Constitution and bylaws, this post shall:
- (a) Furnish national and its department headquarters with a certified list of current post officers not later than July 15 annually.
  - (b) File IRS form 990 for the Post calendar or fiscal year with the Internal Revenue Service, if required;
  - (c) Furnish National Headquarters with a copy of the Post's current Constitution and bylaws, or certify on the change of officer's form the the copy on file has not been altered, changed or amended;
  - (d) Be fully paid up in all accounts with National Headquarters;
  - (e) Comply with applicable liability, bonding mandates, and incorporation paperwork and send a copy to National;
  - (f) Have a minimum of ten(10) members in good standing at all times.
- Section 2. Within 30 days of notice to surrender its charter resulting from disciplinary or voluntary action, the Post will close all bank accounts and deliver to the state department or national organization all Post records, property and assets.

#### **ARTICLE VII. SUBORDINATE ORGANIZATIONS**

- Section 1. (a) A subordinate organization of AMVETS may be established only by a provision of the Constitution.

- (b) All subordinate organizations' membership qualifications must be consistent with the aims and purposes of AMVETS.
- Section 2. All AMVETS subordinate organizations shall follow the same membership year and pay membership dues in concert with the parent organization.
- Section 3. All subordinate organizations shall be under the jurisdiction of the AMVETS Post whose name it bears and shall carry the corresponding number of the Post.
- Section 4.
  - (a) A two-thirds (2/3) vote of the AMVETS members present at a stated meeting is required to approve and form a subordinate organization.
  - (b) AMVETS Post members must be given written notice of such meeting a minimum of 15 days prior to the proposed formation.
  - (c) Where no Post exists, a subordinate organization shall not be formed, nor continue to operate as an independent entity. The subordinate charter must be surrendered along with any property it may possess to the duly recognized subordinate officer in accordance with the constitution of the national subordinate organization.
- Section 5. No fund raising activities can be sponsored by any subordinate organization without the recommendation of the AMVETS Post executive committee and the prior approval of the AMVETS department and national subordinate organization in compliance with National Bylaws, Article VII, Section 3 (a).

#### **ARTICLE VIII. AUXILIARY**

- Section 1. AMVETS recognizes a subordinate organization known as the AMVETS Ladies Auxiliary.
- Section 2.
  - (a) Membership eligibility in the AMVETS ladies Auxiliary is limited to the mothers, wives and grandmothers, regardless of age, and to the daughters, sisters and granddaughters not less than 18 years of age of regular members of AMVETS.
  - (b) Mothers and widows, regardless of age, and daughters, sisters and granddaughters not less than 18 years of age of deceased veterans who would have been eligible for membership in AMVETS.
  - (c) Female veterans who are members of AMVETS.
  - (d) Any auxiliary member who qualifies and joins as a member under the criteria in Section 2 (a), (b) or (c) shall be allowed to remain an Auxiliary member so long as she remains a member in good standing.
- Section 3. AMVETS recognizes a subordinate organization to be known as Sackettes, a fun and honor organization of the AMVETS Ladies Auxiliary.

#### **ARTICLE IX. SACKS**

- Section 1. AMVETS recognizes a subordinate organization known as AMVETS Sad Sacks.
- Section 2. Membership in Sad Sacks shall be limited to AMVETS members in good standing.

## **ARTICLE X. JUNIOR AMVETS**

- Section 1. AMVETS recognizes a subordinate organization known as Junior AMVETS.
- Section 2. Eligibility: From the age of 7, to and including 17 years, sons and daughters, brothers and sisters, and grandchildren of AMVETS, deceased members of AMVETS, members of the auxiliary and deceased servicemen who would have been eligible for AMVETS membership, including all children for whom they are the legal guardians.

## **ARTICLE XI. SONS OF AMVETS**

- Section 1. AMVETS recognizes a subordinate organization known as Sons of AMVETS.
- Section 2. Eligibility: Limited to all male descendants, grandsons, adopted sons and step-sons, fathers, husbands, widowers and brothers of members of AMVETS and deceased members of AMVETS, or service personnel who died and would have been eligible for membership in the parent AMVETS organization, and are at least eighteen (18) years of age and are not eligible for membership in the parent organization. This is not to include in-laws of any type

## **ARTICLE XII AMENDMENTS**

This constitution may be amended by resolution at the annual meeting. Proposed amendments shall be submitted in writing to the Executive Committee for its review and presentation at the next annual meeting. Copies of proposed amendments shall be distributed by mail to all Post members at least ten (10) days prior to the date of the vote. A two-thirds (2/3) vote of the members present shall be required to amend this Constitution. Copies of all adopted amendments shall be forwarded to the Department for review by the department Judge Advocate within thirty (30) days after their adoption. The Department Judge Advocate will forward the approved copies to the National Headquarters for placement in the permanent Post file.

## **BYLAWS**

### **ARTICLE I. QUORUM**

- Section 1. At all regular and special meetings, at least ten (10) members present shall constitute a quorum, providing at least one elected officer is present to preside.
- Section 2. A quorum at Executive Committee meetings shall consist of five members of the committee.

### **ARTICLE II. COMMITTEES**

- Section 1. The following standing committees shall be appointed by the Commander, with approval of the Executive Committee: Membership, Finance, Hospital and Welfare, Programs and Legislative. The Post Commander shall appoint a chairman and such members of AMVETS to each committee as are necessary to accomplish its objective.

- Section 2. Temporary committees may be appointed by the Commander to expedite projects for the good and welfare of the Post.

### **ARTICLE III. MEETINGS**

- Section 1. This Post shall meet on the \_\_\_\_\_ of every month at a place designated at the previous meeting, unless a special meeting needs to be called.
- Section 2. There shall be three types of meetings: the general monthly meeting, special meetings and the annual meeting. Posst members will be notified in advance of all meetings.
- Section 3. The order of business shall be prescribed by the Executive Committee, but may be changed when necessary.
- Section 4. Nominations for officers shall be entertained and an announcement of the business to be considered at the annual meeting will be made at the general meeting one month preceding the annual meeting. Further nominations may be made from the floor of the annual meeting on a majority vote.
- Section 5. All business meetings of this Post shall be conducted in accordance with "Robert's Rules of Order, Newly Revised."

### **ARTICLE IV. ELECTION AND APPOINTMENT OF OFFICERS**

- Section 1. A Commander, not more than three (3) vice-Commanders designated as first, second and third vice-Commander, Adjutant, Finance Officer, Provost Marshal, and Judge Advocate shall be elected annually by members of the Post. A Chaplain, Historian, Service Officer, and Public Affairs Officer shall be appointed annually by the newly elected Commander with the approval of the Executive Committee.
- Section 2. The election of officers shall be held at the annual meeting og the Post between may 1 and June 30. Sufficient written ballots will be prepared in advance by the Adjutant. The Provost Marshal shall distribute, collect and count the ballots and shall thereafter make the announcement of the results. Only members in good standing in person at the meeting shall be entitled to vote. National and Department Headquarters shall be notified of the election of new officers by the Post adjutant within thirty (30) days after the said elections have been completed.
- Section 3. The newly-elected and appointed officers shall be sworn in and shall take office at the next regular meeting of the Post, but in no event sooner than two weeks after such election, not later than July 15 thereafter.
- Section 4. In the event that the office of the Commander is vacated, the vice-Commanders, in the order of their numerical designation, shall succeed to the office of Commander for the unexpired term.

- Section 5. Should any other office be vacated, the Commander is empowered to appoint a successor for the completion of the term subject to the approval of the Executive Committee.
- Section 6. Any elected officer who misses two (2) consecutive regular meetings without prior consent shall be removed from office without any further action, notification or hearing. The vacated position shall be filled within the guidelines prescribed herein.

#### **ARTICLE V. DELEGATES TO CONVENTION**

At least thirty (30) days prior to the department and national conventions, delegates and alternates shall be chosen to attend said conventions. The number of delegates will be in accordance with the national and department delegate strength guidelines. The Post Commander shall constitute one delegate. Other delegates may be elected with instructions governing their representation.

#### **ARTICLE VI. FINANCE**

- Section 1. The total annual dues of the Post shall be set at \$\_\_\_\_\_ of which \$11.00 per member shall be paid to National, \$\_\_\_\_\_ to the Department, and the Post shall retain \$\_\_\_\_\_. The balance shall be deposited in the Post general funds account.
- Section 2. Life member dues are \$150.00 of which \$75.00 is remitted to National Headquarters, \$37.50 is forwarded to the Department and \$37.50 placed in the Post's life member escrow account. Only interest income from the life member dues may be used for expenses incurred by the Post. Members who paid their annual dues between September 1 to August 31 of the current membership year, may convert to life membership and receive credit for their prepaid dues.
- Section 3. All fund-raising activities must be approved in advance by the Post Executive Committee and the department Judge Advocate. Any fund-raising activity which requires entering into a contract, or if anticipated gross revenues are expected to exceed \$2,500.00, a copy of the proposed fund raising program must be transmitted through the Department to National Headquarters for approval.
- Section 4. An annual budget shall be prepared by the Finance Officer and submitted to the Executive Committee for approval. Accurate books and records of account activities maintained by the Finance Officer shall be subject to inspection and regulation by the Executive Committee at all reasonable times.
- Section 5. The Finance Officer shall render a report of receipts and disbursements to each meeting of the Post. This office is also responsible for filing IRS form 990 with the district Director of the Internal Revenue Service, (or a certificate in lieu thereof where the 990 is not required), on or before the 15<sup>th</sup> day of the fifth month following the close of the annual accounting period. A copy of the 990 must be sent to the national Headquarters and Department office. The Post's fiscal end shall be \_\_\_\_\_.



Section 6. If the Post maintains and operates a club room for the convenience and pleasure of its members in the name of AMVETS, or its insignia are displayed or used, a Board of Trustees shall be elected from among the members of the Post to supervise its activities, operation and finances. The Post shall also secure the minimum liability insurance coverage prescribed by the National Constitution and Bylaws, which names the Department and National Headquarters as additional insured and file a copy of the certificate of insurance with the Department and National offices.

Section 7. Post officials handling AMVETS funds shall be properly bonded with a good and solvent bonding surety company, acceptable to the U. S. Treasury, as surety to cover the average amount of AMVETS funds handled by said individuals in a single year.

**ARTICLE VII. RESOLUTIONS**

Section 1. All resolutions adopted by the Post shall be forwarded to the Department headquarters.

Section 2. A simple majority vote of members present is required to pass any resolution other than amendments to the Constitution and Bylaws.

**ARTICLE VIII. RESTRICTED USE OF ORGANIZATION**

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, organization, political party, faction or product. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member.

**ARTICLE IX. AMENDMENTS**

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

**CERTIFICATION**

This document is a true copy which was adopted by the membership of this Post.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Post Judge Advocate

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Post Adjutant