

Uniform Department Constitution

Section 1. Departments shall be organized with a headquarters located as authorized by the department convention or an intervening State (Department) Executive Committee (SEC or DEC) 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. This appendix to the AMVETS National constitution shall be the constitution for all departments. Departments shall formulate By Laws to address those aspects of operation not covered in this constitution no later than July 1, 2007.

Section 2. Departments 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.

Section 3. Each 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 alternate 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 VII, Section 4 of this Constitution.

(a) The department convention delegation shall be comprised as prescribed by the Department Bylaws.

(b) Each post shall choose a delegate(s) and an 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) Departments shall specify convention quorum requirements in by laws or convention rules.

(g) No department convention 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) Convention Chairmen shall be chosen in accordance with the Department Bylaws.

(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 4.

(a) The department convention shall elect a department commander, a department first vice commander, a department second vice commander, a department finance officer, a department National Executive Committeeman, a department Alternate National Executive Committeeman, a department provost marshal, a department judge advocate, and any other officers prescribed in the Department Bylaws.

(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) Departments shall specify candidate eligibility certification procedures in the by laws or convention rules. The department commander, with the consent and 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 Bylaws. These appointments shall be made at the post-convention SEC meeting.

Section 5. 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 votes.

Section 6.

(a) An elected officer may be removed from office only by a two-thirds vote of the Department 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 Department Executive Committee. A full hearing shall be held by the Department Executive Committee on charges preferred against an elected department officer. 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 elected officers 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 Bylaws, Appendix B*)

Section 7. 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 Bylaws.

Section 8. 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 9. In the event of a vacancy in the office of the most junior vice commander, department finance officer, department provost marshal 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 bylaws 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 10. 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, 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 vote only in case of a tie, and except that the past department commanders present may be entitled to vote as prescribed in the Department Bylaws. The appointed officers shall be members of the Department Executive Committee but without vote.

Section 11. 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 bylaws.

Section 12. The management of the Department budget as approved at the state 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 Bylaws, 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 bylaws.

(b) The Finance Committee shall meet prior to each SEC meeting, or at other times as set forth in the department bylaws.

(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 Bylaws.

Section 13. 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 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 the 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 14. 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 Bylaws

Section 15. The fiscal year shall be designated in the department bylaws.

Section 16. 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: (1) provide funding from the newly adopted department budget, (2) defer funding pending appropriate planning by the department staff as part of the next fiscal year or (3) 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 13 hereof, the Department Finance Committee shall report such decision to the Department Executive Committee at its next meeting.

Section 17.

(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 Bylaws, 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.

Section 18. As prescribed in the Department Bylaws, the department commander, after notice, may invoke and formulate a trusteeship to take over the operation of a post for good and sufficient reasons and for the well being of the AMVET organization.

Section 19. From among the voting membership of the State Executive Committee, the state commander shall appoint a State Grievance Committee, consisting of three members, to hear grievances and appeals as are provided for in this constitution and bylaws and to report its findings and recommendations to the State Executive Committee. The state commander shall designate the chairman. This committee shall function during the state convention, meetings of the State Executive Committee, and upon the call of the state commander or State Executive Committee. Such appointees shall serve at the pleasure of the state commander with the advice and consent of the State Executive Committee. The state commander and state judge advocate shall serve as ex-officio members of this committee without vote.