



**Constitution of**  
**AMVETS**  
**DEPARTMENT OF VIRGINIA**

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## **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, 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 AMVETS Department of Virginia, and it shall be hereinafter referred to as Department.

## **Article II: Aims**

The aims and purposes of this organization are as follows:

- (1) To serve our country in peace as in war; to build and maintain the welfare of the United States of America toward lasting prosperity and peace for all its inhabitants;
- (2) To encourage, in keeping the policies of our Government, the establishment of a concrete plan to secure permanent international peace and to assist in the maintenance of international peace;
- (3) To inspire in our membership a sense of responsibility and to develop leadership for the preservation of our American democratic way of life;
- (4) To help unify divergent groups in the overall interest of American democracy;
- (5) To train our youth to become purposeful citizens in a democracy with full knowledge of the responsibilities as well as the privileges of citizenship;
- (6) To cooperate with all duly recognized existing veterans organizations in the furtherance of the aims of the veterans who have served or are serving in the Armed Forces of the United States during and since World War II;
- (7) To ensure the orderly return of the veteran to civilian life by protecting the rights as individuals while the service member is still in uniform;
- (8) To expedite and assist in the rehabilitation of veterans by maintaining employment services; sponsoring educational opportunities; providing counsel on insurance, housing, recreation, personal problems, hospitalization, and veterans benefits;
- (9) To act as a liaison agent between the veteran and the Government;
- (10) To provide an organization to encourage fellowship among all American veterans who have served or are serving in the Armed Forces of the United States during and since World War II; and
- (11) To keep the public forever reminded that American veterans who have served or are serving in the Armed Forces of the United States during and since World War II fought and served to preserve peace, liberty, and democracy for their Nation.

### Article III: Organization

**Section 1.** AMVETS shall be organized and operate as a Department using a Department Executive Committee (DEC) with a headquarters located as authorized by the DEC.

**Section 2.** The DEC shall be composed of state officers both elected and appointed. It shall be the duty of the DEC 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 DEC.

**Section 3.** Local posts shall be formed, and intermediate administrative groups may be created by the DEC to function within their respective jurisdiction where such action is deemed advisable.

### Article IV: 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, who served in the Armed Forces of an allied nation of the United States at any time after September 15, 1940 and before May 8, 1975, is eligible for regular membership in AMVETS provided such service, when terminated by discharge or release from active duty, is by honorable discharge or honorable separation.

**Section 3.** No person who is a member of, or who advocates the principles of any organization believing in or working for the overthrow of the United States Government by force and no American citizen or permanent resident alien in the United States, one of its territories, possessions or the District of Columbia who refuses to uphold and defend the Constitution of the United States, shall be privileged to become, or continue to be, a member of this organization.

**Section 4.** All United States reservists and national guardsmen who are now serving, or have been honorably discharged since September 15, 1940, are eligible for regular membership in AMVETS provided such service, when terminated by discharge or release, is by honorable discharge or separation.

**Section 5.** Honorary membership shall not be granted.

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

**Section 7.** Membership year shall run from September 1 through August 31.

**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 AMVETS shall not be discriminatory on the basis of race, color, religion, sex or national origin.

### **Article V: Department Convention**

**Section 1.** The DEC shall conduct its convention, to be held annually between May 15 and June 30, at which time it shall elect Department Officers and its delegates and alternates to the National Convention and its National Executive Committeeman and Alternate National Executiveman. 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 the National Constitution, and as prescribed in the Department Bylaws, Article IV, Section 14 and Section 15.

**Section 2.** The Department convention delegation shall be comprised as prescribed by the Department Bylaws, Article VII, Section 4 and Section 5.

**Section 3.** The Department Commander shall vote only in the case of a tie.

**Section 4.** Each delegate shall be entitled to one vote. Alternates shall have all the rights and privileges of their delegate 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 paid in full.

**Section 5.** No delegate of an accredited post shall be seated at the Department Convention unless the respective Post shall be paid in full 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 shall possess a membership card or other satisfactory evidence identifying the delegate or alternate as a member of the post from which the individual is registering.

**Section 6.** The Department Convention quorum requirements shall be prescribed by the Department Bylaws, Article VII, Section 9.

**Section 7.** No Department Convention bids shall be received on the convention floor unless they are previously submitted to the Department Finance Committee and/or DEC, in accordance with the rules and procedures as prescribed by the Department Bylaws, Article VII, Section 11.

**Section 8.** Convention Rules Committee Chairman shall be chosen as prescribed by the Department Bylaws, Article V, Section 8.

**Section 9.** The Convention Rules Committee, after reviewing and making necessary changes, shall present to the DEC at a regular DEC meeting, for its approval, the Rules of Annual Convention following the DEC meeting at which the rules are considered. The DEC 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.

#### **Article VI: Department Executive Committee**

**Section 1.** 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, Article IV, Section 3.

**Section 2.** No member shall be eligible for any Department office unless the individual is paid in full in all accounts with the Department Headquarters 30 days prior to the opening date of the Department Convention.

**Section 3.** The Department shall specify candidate eligibility certification procedures as prescribed by the Department Bylaws, Article III, Section 9. The Department Commander, with the consent and approval of the DEC, shall appoint and have the power to remove a Department Chaplain, a Department Inspector General and other such officers and committee chairmen as prescribed in the Department Bylaws, Article IV, Section 4. These appointments shall be made at the post-convention DEC meeting.

**Section 4.** All elected and appointed Department officers and the three elected Service Foundation Board Members shall be members of the DEC. The authority for officers to vote on the DEC shall be prescribed in the Department Bylaws, Article IV.

#### **Article VII: Discipline of Members**

**Section 1.** An elected officer may be removed from office only by a two-thirds vote of the DEC 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 DEC. A full hearing shall be held by the DEC 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.

**Section 2.** The procedure for removal from office of elected offices shall be prescribed by the DEC 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*), and as prescribed in Department Bylaws, Article XI, Section 2.

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## Article VIII: Officers

**Section 1.** 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 for each officer in the Department Bylaws, Article IV.

**Section 2.** In the event of a vacancy in the office of Department Commander, the Department First Vice Commander shall succeed to that office. In the event of a vacancy in the office of the First Vice Commander, the Department Second Vice Commander shall assume the office Department First Vice Commander. Any additional Vice Commanders specified in the Department Bylaws shall similarly participate in succession.

**Section 3.** 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 any 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 made with the approval of the DEC. The appointee shall be in compliance with all qualifications and restrictions regarding the holding of said office as set forth in any article of the constitution of the Bylaws of AMVETS, except the requirement of election. On approval of the DEC, the appointee shall assume all powers and responsibilities pertaining to the office as though elected.

**Section 4.** The administrative power between the Department Conventions shall be vested in the DEC, which shall be composed of the Department Commander, the Department First Vice Commander, the Department Second Vice Commander, the Department Third Vice Commander all other elected Department officers, Past Department Commanders and others as prescribed by the Department Bylaws, Article III, Section 3. Each of the above members shall be entitled to one vote except the Department Commander who shall vote only in the case of a tie, and except that the Past Department Commanders present shall be entitled to vote as a unit.

**Section 5.** Voting members of the DEC 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 Bylaws, Article III, Section 8.

## Article IX: Finance

**Section 1.** The management of the Department budget as approved at the Department Convention shall be under the control of the DEC, which shall delegate sufficient general and specific authority to the Department Finance Committee, to carry out the usual duties of such committee. The Department Finance Committee, with the approval of the DEC, shall have the authority to retain independent investment experts as needed for consultation in supervising any and all AMVETS funds.

**Section 2.** The Department Finance Committee shall consist of members as prescribed in the Department Bylaws, Article V, Section 3.

**Section 3.** The Finance Committee shall meet prior to each DEC meeting, or at other times as deemed necessary.

**Section 4.** The Finance Committee shall make an annual report to the Department Convention.

**Section 5.** Revenue shall be derived from the annual dues and such other sources as may be approved by the DEC.

**Section 6.** The Finance Committee shall submit a provisional budget.

**Section 7.** The following provisions shall govern the establishment and administration of the budget of the Department Headquarters:

(a) The Finance Committee shall have the sole fiduciary responsibility to prepare and present a budget that is fiscally sound to the Department Convention for approval.

(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, DEC and Department Conventions.

(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.

**Section 8.** 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, provision 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.

**Section 9.** 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 10.** 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.

**Section 11.** The disbursement of funds shall require two signatures on checks as designated by the Department Bylaws, Article XV, Section 1.

**Section 12.** The fiscal year shall be as designated in the Department Bylaws, Article XV, Section 1.

**Section 13.** 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: provide funding from the newly adopted Department budget; defer funding pending appropriate planning by the Department staff as part of the next fiscal year; or 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 DEC at its next meeting.

#### **Article X: Discipline of Posts**

**Section 1.** As prescribed in the Department Bylaws, Article XI, Section 1, 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 wellbeing of the AMVETS organization.

**Section 2.** The DEC, 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*.

**Section 3.** 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 DEC meeting.

#### **Article XI: Grievances**

**Section 1.** From among the voting membership of the DEC, the Department Commander may appoint a DEC Grievance Committee consisting of three members to hear grievances and appeals as are provided in this constitution and bylaws and to report its findings and recommendations to the DEC.

**Section 2.** The Department Commander shall designate the chairman.

**Section 3.** Such appointees shall serve at the pleasure of the Department Commander with the advice and consent of the DEC.

**Section 4.** This committee shall function during the Department Convention, meetings of the DEC, and upon the call of the Department Commander or DEC.

**Section 5.** The Department Commander and Department Judge Advocate shall serve as ex-officio members of this committee without vote.

### **Article XII: Amendments**

**Section 1.** This Constitution may be amended by a majority vote of the delegates present at any Department of Virginia AMVETS Convention.

**Section 2.** Proposed amendments for action of the Department Convention must be submitted in writing by a member, Post, DEC or a standing Department Committee to any member of the Constitution and Bylaws Committee at least at least fifteen days prior to the opening date of the Department Convention. See Appendix A for Amendment Proposal Form.

**Section 2.** This Constitution, however, may be amended by the Department Convention without notice, by a two-thirds vote.

**Section 3.** No amendment, however, may be adopted unless the same is referred to the Constitution and Bylaws Committee, which will consider it and report on it at the Department Convention.

**Section 4.** Amendments to this Constitution shall take effect immediately upon adoption, unless otherwise specified by the adoption resolution.

DEPARTMENT OF VIRGINIA

Date \_\_\_\_\_

Request amendment to Article \_\_\_\_\_, Section \_\_\_\_\_, as follows:

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Reason for Change:

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Respectfully Submitted,

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**CERTIFICATION**

**This document is a true copy which was adopted by the Officers and voting Delegates during the Department of Virginia Convention on June 11, 2016.**

\_\_\_\_\_  
**Date**

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

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Department Executive Director**