

## **BY-LAWS**

### **DISTRICT NO. 1 DEPARTMENT OF South Dakota VETERANS OF FOREIGN WARS OF THE UNITED STATES**

#### **ARTICLE I SUBORDINATION**

Sec. 1. The supreme power of this association is vested in the National Convention and this District shall be at all times governed by the Congressional Charter and By-Laws of the Veterans of Foreign Wars of the United States, the By-Laws of the Department of South Dakota, orders issued by authority of the National Convention, National Council of Administration, the Commander-in-Chief, the Department Convention, Department Council of Administration and the Commander of the Department of South Dakota. Resolutions adopted by the National Convention are held to be lawful orders.

#### **ARTICLE II COMPOSITION**

Sec. 1. The District Convention and District meetings shall consist of:

1. The Commander-in-Chief and Past Commanders-in-Chief who are members in good standing in a Post in the District.
2. The National Council of Administration member who is in good standing in a Post in the District.
3. The Department Commander and Past Department Commanders who are members in good standing in a Post in the District.
4. The District Commander, all Past District Commanders who are members in good standing in a Post in the District, all elected officers of the District and the Adjutant.
5. All County Council Commanders throughout the District.
6. All Post Commanders throughout the District. In the absence of the Post Commander, the Post Senior Vice Commander, or, in their absence the Post Junior Vice Commander may function as a member of the Convention or meetings.
7. Delegates to be elected by the Posts.

#### **ARTICLE III CONVENTIONS**

Sec. 1. This District shall hold an annual District Convention for the purpose of electing District Officers and for the transaction of business, such Convention to be held not less than ten (10) days nor more than seventy-five (75) days prior to the convening of the Department Convention.

**ARTICLE IV  
REGULAR AND SPECIAL MEETINGS**

- Sec. 1. In addition to the annual District Convention, this District shall hold at least 2 regular meetings each year, one of which shall be for the purpose of promoting schools of instruction for Post officers and for discussion of problems affecting the welfare of members of the Veterans of Foreign Wars and other matters as may be appropriate to the purposes of the Veterans of Foreign Wars of the United States.
- Sec. 2. The District Commander shall call a special meeting upon vote of a majority of the District members present at a Convention or regular meeting or upon receipt of a signed written request of a majority of the Posts in the District. The District Commander may call a special meeting whenever in their opinion it may be necessary for the welfare of the District.

In the event a special meeting is called, the District Adjutant shall give notice, in writing, to the Post Commanders within the District and District Officers of the time and place of any special meeting and of the business to be transacted, such notice to be given in such manner as to reasonably reach each Post Commander, District Officer and Department Commander at least forty-eight (48) hours in advance of the time set for the meeting. No business shall be transacted at any special meeting except that for which the meeting was called

- Sec. 3. Members/Posts may be allowed to participate in regular and special meeting using technology in accordance with Section 403 of the National Bylaws provided at least twenty-five (25) percent of the District Post are physically present and approve of electronic participation at said meeting.

**ARTICLE V  
QUORUM**

- Sec. 1. The minimum number of delegates required to constitute a quorum for the transaction of business at a District Convention or at a regular or special meeting shall not be less than one delegate each from fifty (50) percent of the Posts in the District. For the purpose of this Section, a Post Commander shall be considered a delegate.

**ARTICLE VI  
DUES**

- Sec. 1. All Posts in the District shall remit annual dues to the District Quartermaster no later than Oct. 1. The delegates of any Post failing to remit such dues by the deadline date shall be deprived of all representation at all District meetings and District, Department and National Conventions. Such representation shall be restored promptly upon proper adjustment of such deficiency.

Delegates assembled at the District Convention, provided notice has been given to each Post thirty (30) days in advance of the pending proposal, may assess or increase annual dues per member based on membership reported as of June 30.

**ARTICLE VII  
DELEGATES**

- Sec. 1. Delegates to the District meetings and District Convention shall be elected in accordance with Section 222 of the National By-Laws.

**ARTICLE VIII  
FUNDRAISING PROMOTIONS/SOLICITATIONS**

- Sec. 1. This District may solicit funds or contributions or otherwise engage in fundraising activities and projects by prior vote of the District agreeing to such solicitations, activities and projects in accordance with Section 414 of the National By-Laws.

**ARTICLE IX  
ELIGIBILITY TO OFFICE**

- Sec. 1. Any member in good standing in a Post in this District shall be eligible to any office in this District; provided, no member shall hold two (2) elected District offices at the same time, but may hold one (1) elected and one (1) or more appointed offices.
- Sec. 2. District officers, elected or appointed, shall be eligible to hold office in a higher or lower body, and such offices may be held concurrently, except as provided for in Section 515 of the National By-Laws.

**ARTICLE X  
DISTRICT OFFICERS**

- Sec. 1. The elected officers of this District shall be the Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, Chaplain and three (3) Trustees.
- Sec. 2. The Commander shall appoint the Adjutant, Chief of Staff, Inspector, Service Officer, Judge Adjutant, Surgeon, and other officers as deemed appropriate to properly conduct the affairs of the District.
- Sec. 3. District officers, elected and appointed, shall submit proof of eligibility to the District Adjutant and shall not be installed or assume the duties of their office until such proof of eligibility has been submitted and properly reviewed. Such proof of eligibility shall be open to and reviewed by the District Commander, Adjutant and Quartermaster prior to installation to office.
- Sec. 4. In the event an elected or appointed officer fails to submit proof of eligibility within thirty (30) days of election or appointment, any right of the officer to hold office shall be forfeited and the office declared vacant.

**ARTICLE XI  
NOMINATION, ELECTION, INSTALLATION, TERM OF OFFICE**

- Sec. 1. The District officers shall be nominated, elected and installed at the District Convention in the manner prescribed in the National By-Laws and Manual of Procedure.

**ARTICLE XII  
OFFICERS DUTIES AND OBLIGATIONS**

- Sec. 1. The officers of this District, elected and appointed, shall have such duties and obligations as prescribed in the Department By-Laws and Section 418 of the National By-Laws and Manual of Procedure.

**ARTICLE XIII  
PAST OFFICERS**

- Sec. 1. A Past Officer is one who has been elected and installed, appointed or succeeds to a vacancy in a District office and (1) has served to the end of their term; (2) died before the expiration of their term; (3) ceased to hold office by reason of a consolidation of units; or (4) resigned to enter active military service or, while in active military, resigns office due to receipt of permanent change of station orders.

**ARTICLE XIV  
VACANCIES AND REMOVAL OF ELECTED OFFICERS**

- Sec. 1. The District shall remove elected officers and fill vacancies in accordance with Section 420 of the National By-Laws and Manual of Procedure.

**ARTICLE XV  
VOTING**

- Sec. 1. Each member of the District Convention or District meeting as defined in Article II of these By-Laws, except delegates elected by the Posts, present at a District Convention or meeting shall be entitled to one vote, and an individual possessing more than one qualification for membership in the District Convention on meeting shall have no more than one vote. The delegate or delegates of a Post present at a District Convention or meeting shall be entitled to vote the full delegate strength to which the Post is entitled.
- Sec. 2. Should there be a division among the delegates representing the Post, each delegate present shall have their pro-rata share of the total voting strength of the Post. For the purpose of this section, a Post Commander shall be considered a delegate.

**ARTICLE XVI  
BY-LAWS**

- Sec. 1. These By-Laws shall become effective after adoption by the District Convention and reviewed by the Department Commander and the Commander-in-Chief of the Veterans of Foreign Wars of the United States.
- Sec. 2. These By-Laws may only be amended or altered by the District Convention by a two-thirds (2/3) vote of the members present at a meeting thereof; provided that such amendments have been forwarded through proper channels and written notice thereof, together with a copy of the proposed amendments being given to the District Commander and Adjutant for proper notice to all concerned at least four (4) weeks prior to the convening of the District Convention.
- Sec. 3. Wherever these By-Laws or subsequent amendments may be found to be in conflict with the present or any future Department or National By-Laws the latter shall prevail and be binding on this District as though written herein.

**These By-Laws were adopted, subject to the review of the Department Commander and the Commander-in-Chief of the Veterans of Foreign Wars of the United States on this 14 day of April, 2019, at the District Convention in the City of Beresford and County of Union State of South Dakota.**

**District No.1 Department of South Dakota  
Veterans of Foreign Wars of the United States**

By   
District Commander

**ATTEST:**

By   
Adjutant