

DEPARTMENT OF SOUTH DAKOTA
VETERANS OF FOREIGN WARS

BYLAWS

Table of Contents
Bylaws

ARTICLE 1 – NAME AND JURISDICTION

	Page
Section 1 – Name	5
Section 2 – Jurisdiction	5

ARTICLE 2 – OBJECTS

Section 1 – Object	5
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ARTICLE 3 – AUTHORITY

Section 1 – Supreme Authority	5
Section 2 – Department Authority	5
Section 3 – Department Headquarters	5

ARTICLE 4 – COMPOSITION

Section 1 – Department Composition	6
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ARTICLE 5 – DEPARTMENT CONVENTION

Section 1 – Convention Dates	6
Section 2 – Delegate Strength	6
Section 3 – Convention Membership	6
Section 4 – Convention Determination	6
Section 5 – Convention Host Requirements	6
Section 6 – Convention Delegate Fee	6

ARTICLE 6 – PER CAPITA TAX

Section 1 – Annual Per Capita	7
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ARTICLE 7 – DEPARTMENT OFFICERS

Section 1 – Election/Appointment of Department Officers	7
Section 2 – Title of Officers	7
Section 3 – Conduct of Election	7

ARTICLE 8 – DUTIES OF OFFICERS

Section 1 – Duties	7
Section 2 – Appointments	7

ARTICLE 9 – COUNCIL OF ADMINISTRATION

Section 1 – Council Officers 8
Section 2 – Department Districts/Posts 8
Section 3 – Future Posts 8
Section 4 – Council Meetings 8
Section 5 – Installation of District Commanders 9

ARTICLE 10 – STANDING COMMITTEES AND DUTIES

Section 1 – Standing Committees 9
Section 2 – Legislation 9
Section 3 – Audit 9
Section 4 – Membership 9
Section 5 – Convention 10
Section 6 – Service and Rehab 10
Section 7 – Publications 10
Section 8 – Hospital 10
Section 9 – Veterans Council 10
Section 10 – Memorial Park and Chapel 10
Section 11 – Budget 10
Section 12 – Baseball 11
Section 13 – Removal of Appointed Officers 11

ARTICLE 11 – CONVENTION COMMITTEES AND DUTIES

Section 1 – Credentials/Time and Place 11
Section 2 – Resolutions 11
Section 3 – Removal of Appointed Officers 11

ARTICLE 12 – FUNDS AND RECEIPTS

Section 1 – Quartermaster Responsibility 12
Section 2 – General Fund 12
Section 3 – Special Funds 12
Section 4 – Separate Accounts 12
Section 5 – Savings Accounts 12
Section 6 – General and Baseball Account 12
Section 7 – Deposits 12

ARTICLE 13 – EXPENDITURE OF FUNDS

Section 1 – Payment Authorization 12
Section 2 – General Fund Expenditures 12
Section 3 – Non-Scheduled Expenditures 13
Section 4 – Special Funds Expenditures 13
Section 5 – Budget Appropriations 13

ARTICLE 14 – CONVENTION ENACTMENTS

Section 1 – Enactments 13
Section 2 – Permanent Laws 13

Section 3 – Bylaws Distribution	13
Section 4 – Special Laws	14
Section 5 – Resolutions	14
Section 6 – Attest of Enactments and Resolutions	14
Section 7 – Effective Date of Enactments and Resolutions	14
Section 8 – Standard Operating Procedures	14

ARTICLE 15 – DISTRICTS

Section 1 – District Commander’s Duties	14
Section 2 – District Delegates Voting	15

ARTICLE 16 – MISCELLANEOUS

Section 1 – General Orders, Special Orders, Memoranda, Bulletins	15
Section 2 – Absences from Committees	15
Section 3 – Additional Committees	15
Section 4 – Bonding	15
Section 5 – Gender Statement	15

ARTICLE 17 – BIG TEN CONFERENCE

Section 1 – State Delegates	15
Section 2 – Department Vote	16

ARTICLE 18 – AMENDMENTS

Section 1 – How and When Bylaws Amended	16
Section 2 – Who May Propose Amendments	16
Section 3 – National Bylaws Authority	16

**BYLAWS
DEPARTMENT OF SOUTH DAKOTA
VETERANS OF FOREIGN WARS OF THE UNITED STATES**

AS AMENDED TO

June 1993; June 2002; June 2003; June 2004; June 2005; June 2006; June 2007; June 2008;
June 2009; June 2014; June 2015; June 2016; June 2017; June 2018; June 2021; June 2022

**ARTICLE 1
NAME AND JURISDICTION**

SECTION 1. This Subdivision of the Veterans of Foreign Wars of the United States shall be known as the Department of South Dakota Veterans of Foreign Wars of the United States, hereinafter referred to as "Department."

SECTION 2. The Jurisdiction of this Department shall conform to the territorial limits of the State of South Dakota.

**ARTICLE 2
OBJECTS**

SECTION 1. The Objects of this Department shall be as set forth in the Congressional Charter of the Veterans of Foreign Wars of the United States.

**ARTICLE 3
AUTHORITY**

SECTION 1. The Supreme Power of this Department shall be vested in the National Convention of the Veterans of Foreign Wars of the United States and shall at all times be governed by the Congressional Charter and Bylaws adopted by said National Convention, mandates of the National Council of Administration and orders of the Commander-in-Chief.

SECTION 2. Subject to the provisions of the Congressional Charter and Bylaws the Government of this Department shall be vested in the Department Convention, Department Council of Administration, and lawful orders of the State Commander.

SECTION 3. The Department Headquarters office shall be located in Sioux Falls, South Dakota.

ARTICLE 4 COMPOSITION

SECTION 1. The Composition of the Department of South Dakota shall consist of all Posts and Districts of the Veterans of Foreign Wars of the United States now chartered in the State of South Dakota and such other as may hereafter be chartered in accordance with the Congressional Charter and Bylaws.

ARTICLE 5 DEPARTMENT CONVENTION

SECTION 1. The Annual Conventions of this Department shall be held within the dates as provided for in the National Bylaws and on such specific dates and at such places as may be decreed by the Convention in session or by the Department Council of Administration. The Department may be allowed to conduct said Convention using technology, if authorized by the National Bylaws, that allows all participating members to communicate with each other simultaneously.

SECTION 2. The Delegate and alternate voting strength of each Post in the Department shall be based upon one (1) of each for every thirty (30) members or fraction thereof in good standing at the time of election and they shall be elected in accordance with the provisions of the Congressional Charter and National Bylaws.

SECTION 3. The Membership of the Department Convention shall be as prescribed by the National Bylaws.

SECTION 4. All Posts desiring to entertain the Department Convention in the following fourth (4th) year shall present their request to the current Convention in writing. The State Adjutant shall notify all Posts in the Department of this requirement at least sixty (60) days prior to the convening of the Convention.

SECTION 5. The Host Post of the city designated to entertain the following year's Convention shall submit a member registration fee, a complete convention schedule and a complete detailed report of the program to the Department Council of Administration for its consideration and approval not later than the Legislative Conference preceding that Convention.

SECTION 6. A Fee of one dollar (\$1.00) is required by the Department for each voting delegate. Voting strength of each Post in the Department shall be based upon one (1) of each for every thirty (30) members or fraction thereof in good standing at the time of election. The delegate's fee must be submitted, no later than fifteen (15) days before the convening of the Department Convention. Failure to submit said fee shall deprive individual delegates and Post delegates all representation at the Department Convention and be considered delinquent and in arrears until said fee is submitted.

**ARTICLE 6
PER CAPITA TAX**

SECTION 1. The annual Per Capita Tax of the Department of South Dakota shall be the sum of Eight Dollars (\$8.00) and payable in advance in accordance with the provisions of the National By-Laws. (Effective with collection of all dues paid on or after January 1, 2007.)

**ARTICLE 7
DEPARTMENT OFFICERS**

SECTION 1.(a) The elected Officers of this Department shall be a Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, Chaplain, Judge Advocate and Surgeon.

(b) The State Commander shall appoint an Adjutant, Chief of Staff, Inspector and Service Officer.

(c) The State Commander may appoint an Officer of the Day and other such chairpersons and committees as deemed necessary to conduct the affairs of the Department or as may be required by these Bylaws.

SECTION 2. The Title of the Officers and Committee Members of this Department shall have their office or title designated as "State" rather than Department.

SECTION 3. The Election of State Officers shall be by roll call, and a majority of all votes cast shall be necessary for a choice. In the event there is only one (1) candidate for a particular position, the Bylaws may be suspended, and said candidate may be elected by unanimous consent or "acclamation."

**ARTICLE 8
DUTIES OF OFFICERS**

SECTION 1. The Duties of all Officers shall be those prescribed in the National Bylaws and such others as these Bylaws may provide and/or as the Department Convention, Department Council of Administration or State Commander may direct.

SECTION 2.(a) The State Commander shall within thirty (30) days following the adjournment of the Department Convention, unless otherwise provided, appoint all Standing Committees and Activity Chairmen who shall serve at the Commander's discretion.

(b) Immediately following the election, or as soon thereafter as possible and practical, the State Commander shall designate all Appointed Officers.

ARTICLE 9
COUNCIL OF ADMINISTRATION

SECTION 1. In accordance with Section 522 of the National Bylaws the Council of Administration shall consist of the Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Quartermaster, Judge Advocate, Chief of Staff, Inspector, Surgeon, Chaplain, District Commanders, and the Immediate Past State Commander. District Commanders shall, in accordance with the provisions of the National Bylaws, each be elected from and represent a District as hereinafter provided. In the absence of a District Commander the District Senior Vice Commander and in the absence of the District Senior Vice Commander, the District Junior Vice Commander may function as a member of the Council of Administration.

SECTION 2. The Department Council of Administration Districts shall be numbered and constituted as follows:

District #1: Post #628, Sioux Falls; #791, Yankton; #915, Elk Point; #2821, Parker; #2975, Beresford; #3061, Vermillion; #3164, Canton; #3728, Freeman; #4726, Brandon; #5770, Crooks; #6149, Alcester.

District #4: Post #750, Watertown; #2118, Brookings; #2638, Madison; #3342, Sisseton; #3351, Flandreau; #3486, Milbank; #3507, Britton; #4690, Webster; #6361, Goodwin.

District #6: Post #17, Aberdeen; #1776, Huron; #2038, Pierre; #2741, Mobridge; #2755, Redfield; #3214, Miller; #5126, Eureka; #5548, Wessington Springs; #6481, Turton; #8530, Gettysburg.

District #7: Post #1353, Marty; #2750, Mitchell; #2966, Scotland; #3239, Lake Andes; #3298, Parkston; #4674, Winner; #6436, Chamberlain; #6554, Plankinton; #6895, Tyndall; #6897, Armour; #7319, Wagner; #9950, Burke.

District #10: Post #1273, Rapid City; #2730, Sturgis; #2969, Lemmon; #3312, Belle Fourche; #3342, Custer; #5751, Faith; #5807, Newell; #5860, Spearfish; #5969, Deadwood; #9120, Quinn.

SECTION 3. Future Posts shall be assigned to a District by the State Commander, subject to the approval of the following Department Convention.

SECTION 4. The meetings of the Council of Administration shall never be less than the minimum number required by the National Bylaws and such additional meetings as may be believed necessary by the State Commander or upon petition of a majority of the members of the Council of Administration. The Council may be allowed to participate in regular and special meetings using technology, if authorized by the National Bylaws, that allows all participating members to communicate with each other simultaneously.

SECTION 5. All District Commanders may be installed with the State Commander at the annual Department Convention as members of the Department Council of Administration.

**ARTICLE 10
STANDING COMMITTEES AND DUTIES**

SECTION 1. The Standing Committees of the Department shall be as follows:

- | | | |
|-----------------|--------------------------------|-------------------|
| (a) Legislative | (e) Service and Rehabilitation | (i) Memorial Park |
| (b) Auditing | (f) Publications | and Chapel |
| (c) Membership | (g) Hospital | (j) Budget |
| (d) Convention | (h) Veterans Council | (k) Baseball |

SECTION 2. The State Commander shall appoint a Committee on Legislation, consisting of not less than five (5) members, including the State Judge Advocate, State Adjutant, State Lobbyist, State Legislative Chairman and State Service Officer. The duties of this Committee shall be to prepare and advocate legislation of benefit to veterans honorably discharged from the Armed Forces of the United States or their dependents and such other duties as may be assigned by competent authority or Convention enactment.

SECTION 3. (a) The State Commander shall appoint a Committee on Auditing, consisting of the second, third and fourth Past State Commanders, or other VFW members if a Past State Commander cannot fulfill this duty. They shall in addition to the quarterly audit make an annual audit immediately preceding the Convention and shall make a report of same to the Department Convention.

(b) The State Commander and/or three (3) members of the Council of Administration may require an independent audit by a certified outside agency under unusual or exceptional circumstances, such as a change of Quartermaster at the Department level; and are authorized to expend the funds necessary to conduct such audit.

(c) The State Commander and/or three (3) members of the Council of Administration may at their pleasure demand an audit at any time other than set out in this Section.

SECTION 4. The State Commander shall appoint a Membership Committee consisting of the State Adjutant, State Quartermaster, State Junior Vice Commander, all District Commanders, and any other members he/she deems appropriate. The State Commander will designate the Committee Chairman. It shall be the duty of the Membership Committee to devise ways and means to increase membership of the Department and to effectuate its objects as may meet with the approval of the State Commander. A report in writing shall be made by this Committee to the Department Convention, showing in detail the work accomplished during its term of service and offer such recommendations as may be deemed of assistance in the advancement of the work of this Organization throughout the Department of South Dakota.

SECTION 5. The State Commander shall, from members of the Department Council of Administration, appoint up to a four-member (4) Convention Committee, which shall include the State Quartermaster, except that he may at his discretion appoint as Department Convention Chairman one (1) not a member of the Council of Administration, whose duties shall be to cooperate with, supervise and assist the General Chairman and the host Post committees. The Committee shall collaborate with the authority and direction of the Council of Administration and all decisions thereof shall be mandatory and can be appealed only in accordance with the provisions of the National Bylaws.

SECTION 6. The State Commander shall appoint a Department Service and Rehabilitation Committee that consists of the immediate Past State Commander, State Senior Vice Commander, State Surgeon, State Quartermaster and two (2) members to be appointed by the State Commander. The State Commander will designate the Committee Chairman. The Committee shall recommend functions and prescribe duties for the State Service Office and submit them to the Council of Administration for approval.

SECTION 7. The State Commander shall appoint a Committee on Department Publications consisting of the State Adjutant, State Quartermaster, State Inspector, and any other members he/she deems appropriate. This Committee will formulate and provide oversight on the Department's media plan to include print, broadcast, and social media. The goal of the Department media plan is to provide increased visibility, information sharing, improved communication, and customer service.

SECTION 8. The State Commander shall appoint a Hospital Committee that consists of the State Surgeon, all Veterans Affairs Voluntary Service (VAVS) Representatives, and all Veterans Voluntary Service (VVS) Representatives. The purpose of the Committee is to communicate with Veterans Administration (VA) Centers and State of South Dakota facilities to help provide needed voluntary goods and services for Veterans and their families.

SECTION 9. The State Commander shall appoint a Veterans Council Committee that consists of the State Commander, the State Senior Vice Commander and as a continuing appointment the current State Adjutant. The purpose of this Committee is to sit on the South Dakota Veterans Council as a member representing the Department of South Dakota Veterans of Foreign Wars and to join with other veterans' organizations to provide services that benefit South Dakota Veterans and their families.

SECTION 10. The State Commander shall appoint a Memorial Park and Chapel Committee of six (6) members which will include State Quartermaster, Committee Chairman, Grounds Keeper of the Park, and the Appointed Representative who sits on the Black Hills National Cemetery Support Council. All Post Commanders of District #10 and the District #10 Commander will be Deputy Members of this Committee. The purpose of this Committee is to oversee the operations of the Park, provide fund-raisers and to bring any recommendations that require funds to the Council of Administration for approval.

SECTION 11. The State Commander shall appoint a Budget Committee of not less than five (5) members whose duty it shall be to review the State Quartermaster's budget and report to

the Council of Administration at its first (1st) meeting following the adjournment of the Convention. The Committee shall receive a detailed report from the State Quartermaster of the financial operations of the Department during the year covering all receipts and expenditures. This report will be studied and compared with the proposed Budget.

SECTION 12. The State Commander shall appoint a Baseball Advisory Committee that consists of the State Commander, State Adjutant, State Quartermaster, State Baseball Chairman and Representatives from AA Class, A Class and B Class totaling six (6) members. Each Post or Community that registered a team will receive a delegate vote at the Annual Meeting for each team they registered the previous season. All Baseball Rules will be determined at the Annual Meeting and sent to all registered teams. There will be a tournament for each Class in each Division which totals fifteen (15) State Champions.

SECTION 13. The State Commander has the authority to remove any Appointed Officer or Committee Member for cause or, for any other reason, as those members serve at the pleasure of the Commander.

ARTICLE 11 CONVENTION COMMITTEES AND DUTIES

SECTION 1. The State Commander shall, prior to the convening of the Department Convention and Council of Administration meetings, appoint a Committee on Credentials/Time and Place. Said Committee to consist of the State Adjutant, State Quartermaster and three (3) other members entitled to a vote at the said Convention. No two (2) members of this Committee shall be from the same Post. They shall examine and report to the Department Convention upon the Credentials of members present and entitled to participate in the Convention. In addition, this Committee shall consider all bids and requests for the next four (4) Department Conventions, Fall Council of Administration, and Legislative sites. The Committee shall make a written report to the Convention/Council of Administration of their findings and recommendations.

SECTION 2. Prior to the convening of each Department Convention, the State Commander shall appoint a Committee on Resolutions and Bylaws. This Committee shall consist of not less than three (3) members. It shall be the duty of this Committee to recommend pass or rejection and report on all Resolutions, Bylaws and matters that may be referred to it by the Department Convention.

SECTION 3. The State Commander has the authority to remove any Appointed Officer or Committee Member for cause or, for any other reason, as those members serve at the pleasure of the Commander.

ARTICLE 12
FUNDS AND RECEIPTS

SECTION 1. The State Quartermaster shall, in accordance with the provisions of the National Bylaws receive and account for all monies. To no other member or Officer shall this authority be delegated.

SECTION 2. All monies received from whatever source not raised or solicited for a specific purpose shall constitute the General Fund. Revenues not foreseen at the time of the Budget was approved and or not assigned to an income account under the General Fund shall be placed in the Non-Scheduled income under Miscellaneous receipts.

SECTION 3. The Department Convention may from time to time establish Special Funds for specific purposes. A Special Fund may be either permanent or temporary and shall consist of all monies received with the understanding expressed or implied that they are to be devoted to the purpose indicated together with any amounts that may be transferred by appropriation to such Special Funds from the General Fund.

SECTION 4. Separate accounts shall be maintained in the Quartermaster's records of all funds: General, Special and District.

SECTION 5. Savings accounts may be maintained for such funds as constitute reserves and from which expenditures or withdrawals are not active.

SECTION 6. Two (2) commercial or checking accounts shall be maintained in accordance with the uniform system of Department Records and Accounts. One (1) will be for General Ledger Accounts and one (1) for the Baseball Account.

SECTION 7. The depositories for all monies and securities shall be named by the Council of Administration, or the State Quartermaster, with approval of the State Commander, who shall use their discretion.

ARTICLE 13
EXPENDITURE OF FUNDS

SECTION 1. All expenditures authorized or payments made shall, at all times, be made within and governed by the provisions of the Department Budget. The Budget of the Department shall be created and maintained in accordance with the National Bylaws.

SECTION 2. The State Commander shall have the authority to order and direct expenditures to be made from the General Fund, in accordance with the approved expenditure Budget of the Department, for the following purposes if included in said Budget:

- (a) For all necessary current expenses of the Department Headquarters incurred in the ordinary course of business, including all supplies

- (b) For the State Commander's personal travel expenses on such trips deemed to be in the interest and welfare of the Department, according to the Standard Operating Procedures.
- (c) For the purpose of attending the annual National Convention.
- (d) For the traveling expenses of State Officers or Committees on such trips as may be necessary in discharging the duties of their Offices as directed by the State Commander. All expenditures will be in accordance with the Standard Operating Procedures.

SECTION 3. Non-Scheduled Expenses under Miscellaneous Disbursements shall be included in the Department Budget for expenditures to take care of such obligations or to offset revenues that have been deposited in Non-Scheduled Incomes under Miscellaneous Receipts that could not reasonably be foreseen at the time the Budget was approved.

SECTION 4. Payment from Special Funds shall be made strictly in accordance with the Budget Appropriation covering same and the provisions set forth in the Enactments of the Department Convention establishing such funds. The power to direct expenditures from Special Funds shall be conferred by Enactment creating it upon the State Commander, the Council of Administration, the Committee, or the Officer as the case may be, which is charged thereby with carrying out the object or purpose of the Enactment. The unexpended balance of a Special Fund, when the object for which it was established shall have been fully accomplished, shall revert to the General Fund unless the Enactment which created said Special Fund otherwise provides.

SECTION 5. The expenditure of Department Funds shall be made on such forms and in such manner as prescribed by the National Bylaws. No monies shall be expended by the State Quartermaster unless same are properly provided for by Budget appropriation and sufficient fund balance to provide for same.

ARTICLE 14 CONVENTION ENACTMENTS

SECTION 1. Department Legislation (except Amendments of these Bylaws), Special Laws or Resolutions, shall require for Enactment a majority vote of all members present and voting at the annual session of the Department Convention.

SECTION 2. The Permanent Laws of this Department shall be embodied in these Bylaws and all Amendments thereof which shall hereafter be enacted by the Department Convention.

SECTION 3. The State Commander shall cause these Bylaws to include Amended copies to be printed and digitized for distribution via electronic means by email and/or posted on the Department website (www.vfwsd.org). Up-to-date copies of the Bylaws are to be obtained within ninety (90) days following the Convention.

SECTION 4. Enactments passed by the Department Convention that shall be limited as to time or application shall be classified as Special Laws and shall have the force of Permanent Laws so far as their provisions extend. Special Enactments shall not be printed unless so ordered by Department Conventions or the State Commander in his/her discretion causes them to be published in whole or part.

SECTION 5. An Enactment is defined to be a proposal which if adopted will constitute a new law, either permanent or temporary, for the government of the Department. A Resolution shall consist of a formal expression by the Department Convention of its wishes, opinion, or sentiment as to matters other than Permanent or Special Laws.

SECTION 6. The State Adjutant shall properly attest the original copies of Enactments and Resolutions.

SECTION 7. An Enactment or Resolution shall take effect upon its passage unless otherwise provided therein, or by the National Bylaws. Enactments upon taking effect shall become binding upon all Officers and members affected thereby who shall be conclusively presumed to have notice of same and shall not be allowed to plead ignorance thereof in excuse or failure to comply with their requirements.

SECTION 8. The Standard Operating Procedures (SOP) of the Department are set for State Officers, Council of Administration, Appointed Officers, Committee Chairmen and Members, Baseball Commissioners, State Service Officer Staff, County Service Officers, and Funded Employees. The specific Procedures are presented as guidelines to be followed in situations addressed by these Procedures. In those situations, not specifically addressed by these Procedures, the action to be taken shall be determined by the Line Officers of the Organization. Procedures shall not alter or set aside any requirements contained in the National and Department Bylaws. The State Commander shall cause these Department Standard Operating Procedures to include Amended copies to be printed and distributed. SOP will be made available upon request from Department of SD VFW Headquarters.

ARTICLE 15 DISTRICTS

SECTION 1. All District Commanders, during their term of office, shall be organized into a District Commander's Conference, immediately following their installation or as soon thereafter as possible and practical, and shall elect from said Conference a Chairman and a Recording Secretary. The duties of the District Commanders Conference shall be to provide for the betterment of the Department by its various programs through close cooperation of the District Commanders and to provide a firmer liaison between subordinate units and the State Commander and his staff of Elective and Appointive Officers. This group shall hold regular meetings at least three (3) times during their term of office; at the Department Convention, at the Fall Conference and at the Legislative Conference or as the Department Council of Administration or the State Commander may direct, and that a copy of the actions taken at these meetings is filed with the State Adjutant. This Committee may be allowed to participate in

regular and special meetings using technology, if authorized by the National Bylaws, that allows all participating members to communicate with each other simultaneously.

SECTION 2. Each member of a District Convention or District meeting are those persons defined in Section 404 of the National Bylaws, 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 or 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.

Should there be a division among the delegates representing the Post, each delegate present shall cast 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. Delegates must be in good standing.

ARTICLE 16 MISCELLANEOUS

SECTION 1. All General Orders, Special Orders, Memoranda or Bulletins shall be emailed to all Council of Administration members and Past State Commanders and posted to the Department Website (www.vfwsd.org) for all other members of the Department.

SECTION 2. In the absence of regular members of any Committee, the State Commander may appoint from time-to-time members to act thereon in their place and instead of the regular members.

SECTION 3. The State Commander may appoint additional Committees as he/she may deem to be desirable to execute and expedite the work of the Organization and designate such Committees as may be authorized by Convention Enactments.

SECTION 4. The State Commander, State Quartermaster and State Administrative Secretary shall be bonded in accordance with the provisions of the National Bylaws. The custody of said Bond shall be vested in the State Commander.

SECTION 5. Unless otherwise stated, whenever the masculine or feminine gender is used, both men and women are included.

ARTICLE 17 BIG TEN CONFERENCE

SECTION 1. The State Commander, State Senior Vice Commander, State Junior Vice Commander, State Adjutant, State Quartermaster, and immediate Past Commander shall be the voting Delegates to the Big Ten Conference. If a Delegate shall be unable to attend a Big Ten Conference meeting, the State Commander may designate an alternate voting Delegate.

SECTION 2. The Department Candidate for Junior Vice Commander-in-Chief from the Big Ten Conference shall be selected at the Department Convention by roll call vote. The Department Delegates shall be mandated to cast the Department vote on the first (1st) ballot at the Big Ten Conference Meeting for the candidate selected at the Department Convention. Should that candidate be dropped after the first (1st) ballot, the State Commander shall poll the Delegates present and vote accordingly.

**ARTICLE 18
AMENDMENTS**

SECTION 1. These Bylaws may be Amended at any regular session of the Department Convention by two-thirds (2/3) vote of the members present and voting, providing a thirty-day (30) notice to the Department is given from those listed in Section 2 of this Article so the Department can give a twenty-day (20) notice, including the subject, of the proposed Amendment has been given to the Posts in the call for the meeting. No Amendments shall be effective until the same has been forwarded through channels and approved by the Commander-in-Chief.

SECTION 2. Amendments to the Department Bylaws may be proposed by any member in good standing, any member of the Council of Administration, the Resolutions and Bylaws Committee or any District or Post chartered by the Department of South Dakota provided the proposal meets the notice requirements outlined in Section 1 of this Article.

SECTION 3. Wherever these Bylaws or subsequent amendments may be found to be in conflict with the present or any future National Bylaws, the latter shall prevail and be binding upon this Department as though written herein.

These Bylaws were adopted, subject to the review of the Commander-in-Chief of the Veterans of Foreign Wars of the United States on this 11th day of June 2022 at the Department Convention in the City of Mitchell and County of Davison, State of South Dakota.

ATTEST:

PRINT: ANNA WALTNER
STATE ADJUTANT

SIGN: _____
STATE ADJUTANT

OFFICIAL:

BARBARA MCKEAN
STATE COMMANDER

STATE COMMANDER



REVIEWED 11/11 2 P 2022
FOR THE COMMANDER-IN-CHIEF

[Signature]
DANIEL L. WEST
ASSISTANT ADJUTANT GENERAL
BY JOHNATHAN R. DUNCAN, DIRECTOR
ADMINISTRATIVE OPERATIONS

BYLAWS
DEPARTMENT OF SOUTH DAKOTA
VETERANS OF FOREIGN WARS OF THE UNITED STATES

AS AMENDED TO

June 1993; June 2002; June 2003; June 2004; June 2005; June 2006; June 2007; June 2008;
June 2009; June 2014; June 2015; June 2016; June 2017; June 2018; June 2021; June 2022

ARTICLE 1
NAME AND JURISDICTION

SECTION 1. This Subdivision of the Veterans of Foreign Wars of the United States shall be known as the Department of South Dakota Veterans of Foreign Wars of the United States, hereinafter referred to as "Department."

SECTION 2. The Jurisdiction of this Department shall conform to the territorial limits of the State of South Dakota.

ARTICLE 2
OBJECTS

SECTION 1. The Objects of this Department shall be as set forth in the Congressional Charter of the Veterans of Foreign Wars of the United States.

ARTICLE 3
AUTHORITY

SECTION 1. The Supreme Power of this Department shall be vested in the National Convention of the Veterans of Foreign Wars of the United States and shall at all times be governed by the Congressional Charter and Bylaws adopted by said National Convention, mandates of the National Council of Administration and orders of the Commander-in-Chief.

SECTION 2. Subject to the provisions of the Congressional Charter and Bylaws the Government of this Department shall be vested in the Department Convention, Department Council of Administration, and lawful orders of the State Commander.

SECTION 3. The Department Headquarters office shall be located in Sioux Falls, South Dakota.

**ARTICLE 4
COMPOSITION**

SECTION 1. The Composition of the Department of South Dakota shall consist of all Posts and Districts of the Veterans of Foreign Wars of the United States now chartered in the State of South Dakota and such other as may hereafter be chartered in accordance with the Congressional Charter and Bylaws.

**ARTICLE 5
DEPARTMENT CONVENTION**

SECTION 1. The Annual Conventions of this Department shall be held within the dates as provided for in the National Bylaws and on such specific dates and at such places as may be decreed by the Convention in session or by the Department Council of Administration. The Department may be allowed to conduct said Convention using technology, if authorized by the National Bylaws, that allows all participating members to communicate with each other simultaneously.

SECTION 2. The Delegate and alternate voting strength of each Post in the Department shall be based upon one (1) of each for every thirty (30) members or fraction thereof in good standing at the time of election and they shall be elected in accordance with the provisions of the Congressional Charter and National Bylaws.

SECTION 3. The Membership of the Department Convention shall be as prescribed by the National Bylaws.

SECTION 4. All Posts desiring to entertain the Department Convention in the following fourth (4th) year shall present their request to the current Convention in writing. The State Adjutant shall notify all Posts in the Department of this requirement at least sixty (60) days prior to the convening of the Convention.

SECTION 5. The Host Post of the city designated to entertain the following year's Convention shall submit a member registration fee, a complete convention schedule and a complete detailed report of the program to the Department Council of Administration for its consideration and approval not later than the Legislative Conference preceding that Convention.

SECTION 6. A Fee of one dollar (\$1.00) is required by the Department for each voting delegate. Voting strength of each Post in the Department shall be based upon one (1) of each for every thirty (30) members or fraction thereof in good standing at the time of election. The delegate's fee must be submitted, no later than fifteen (15) days before the convening of the Department Convention. Failure to submit said fee shall deprive individual delegates and Post delegates all representation at the Department Convention and be considered delinquent and in arrears until said fee is submitted.

**ARTICLE 6
PER CAPITA TAX**

SECTION 1. The annual Per Capita Tax of the Department of South Dakota shall be the sum of Eight Dollars (\$8.00) and payable in advance in accordance with the provisions of the National By-Laws. (Effective with collection of all dues paid on or after January 1, 2007.)

**ARTICLE 7
DEPARTMENT OFFICERS**

SECTION 1.(a) The elected Officers of this Department shall be a Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, Chaplain, Judge Advocate and Surgeon.

(b) The State Commander shall appoint an Adjutant, Chief of Staff, Inspector and Service Officer.

(c) The State Commander may appoint an Officer of the Day and other such chairpersons and committees as deemed necessary to conduct the affairs of the Department or as may be required by these Bylaws.

SECTION 2. The Title of the Officers and Committee Members of this Department shall have their office or title designated as "State" rather than Department.

SECTION 3. The Election of State Officers shall be by roll call, and a majority of all votes cast shall be necessary for a choice. In the event there is only one (1) candidate for a particular position, the Bylaws may be suspended, and said candidate may be elected by unanimous consent or "acclamation."

**ARTICLE 8
DUTIES OF OFFICERS**

SECTION 1. The Duties of all Officers shall be those prescribed in the National Bylaws and such others as these Bylaws may provide and/or as the Department Convention, Department Council of Administration or State Commander may direct.

SECTION 2.(a) The State Commander shall within thirty (30) days following the adjournment of the Department Convention, unless otherwise provided, appoint all Standing Committees and Activity Chairmen who shall serve at the Commander's discretion.

(b) Immediately following the election, or as soon thereafter as possible and practical, the State Commander shall designate all Appointed Officers.

**ARTICLE 9
COUNCIL OF ADMINISTRATION**

SECTION 1. In accordance with Section 522 of the National Bylaws the Council of Administration shall consist of the Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Quartermaster, Judge Advocate, Chief of Staff, Inspector, Surgeon, Chaplain, District Commanders, and the Immediate Past State Commander. District Commanders shall, in accordance with the provisions of the National Bylaws, each be elected from and represent a District as hereinafter provided. In the absence of a District Commander the District Senior Vice Commander and in the absence of the District Senior Vice Commander, the District Junior Vice Commander may function as a member of the Council of Administration.

SECTION 2. The Department Council of Administration Districts shall be numbered and constituted as follows:

District #1: Post #628, Sioux Falls; #791, Yankton; #915, Elk Point; #2821, Parker; #2975, Beresford; #3061, Vermillion; #3164, Canton; #3728, Freeman; #4726, Brandon; #5770, Crooks; #6149, Alcester.

District #4: Post #750, Watertown; #2118, Brookings; #2638, Madison; #3342, Sisseton; #3351, Flandreau; #3486, Milbank; #3507, Britton; #4690, Webster; #6361, Goodwin.

District #6: Post #17, Aberdeen; #1776, Huron; #2038, Pierre; #2741, Mobridge; #2755, Redfield; #3214, Miller; #5126, Eureka; #5548, Wessington Springs; #6481, Turton; #8530, Gettysburg.

District #7: Post #1353, Marty; #2750, Mitchell; #2966, Scotland; #3239, Lake Andes; #3298, Parkston; #4674, Winner; #6436, Chamberlain; #6554, Plankinton; #6895, Tyndall; #6897, Armour; #7319, Wagner; #9950, Burke.

District #10: Post #1273, Rapid City; #2730, Sturgis; #2969, Lemmon; #3312, Belle Fourche; #3342, Custer; #5751, Faith; #5807, Newell; #5860, Spearfish; #5969, Deadwood; #9120, Quinn.

SECTION 3. Future Posts shall be assigned to a District by the State Commander, subject to the approval of the following Department Convention.

SECTION 4. The meetings of the Council of Administration shall never be less than the minimum number required by the National Bylaws and such additional meetings as may be believed necessary by the State Commander or upon petition of a majority of the members of the Council of Administration. The Council may be allowed to participate in regular and special meetings using technology, if authorized by the National Bylaws, that allows all participating members to communicate with each other simultaneously.

SECTION 5. All District Commanders may be installed with the State Commander at the annual Department Convention as members of the Department Council of Administration.

**ARTICLE 10
STANDING COMMITTEES AND DUTIES**

SECTION 1. The Standing Committees of the Department shall be as follows:

- | | | |
|-----------------|--------------------------------|---------------------------------|
| (a) Legislative | (e) Service and Rehabilitation | (i) Memorial Park
and Chapel |
| (b) Auditing | (f) Publications | (j) Budget |
| (c) Membership | (g) Hospital | (k) Baseball |
| (d) Convention | (h) Veterans Council | |

SECTION 2. The State Commander shall appoint a Committee on Legislation, consisting of not less than five (5) members, including the State Judge Advocate, State Adjutant, State Lobbyist, State Legislative Chairman and State Service Officer. The duties of this Committee shall be to prepare and advocate legislation of benefit to veterans honorably discharged from the Armed Forces of the United States or their dependents and such other duties as may be assigned by competent authority or Convention enactment.

SECTION 3. (a) The State Commander shall appoint a Committee on Auditing, consisting of the second, third and fourth Past State Commanders, or other VFW members if a Past State Commander cannot fulfill this duty. They shall in addition to the quarterly audit make an annual audit immediately preceding the Convention and shall make a report of same to the Department Convention.

(b) The State Commander and/or three (3) members of the Council of Administration may require an independent audit by a certified outside agency under unusual or exceptional circumstances, such as a change of Quartermaster at the Department level; and are authorized to expend the funds necessary to conduct such audit.

(c) The State Commander and/or three (3) members of the Council of Administration may at their pleasure demand an audit at any time other than set out in this Section.

SECTION 4. The State Commander shall appoint a Membership Committee consisting of the State Adjutant, State Quartermaster, State Junior Vice Commander, all District Commanders, and any other members he/she deems appropriate. The State Commander will designate the Committee Chairman. It shall be the duty of the Membership Committee to devise ways and means to increase membership of the Department and to effectuate its objects as may meet with the approval of the State Commander. A report in writing shall be made by this Committee to the Department Convention, showing in detail the work accomplished during its term of service and offer such recommendations as may be deemed of assistance in the advancement of the work of this Organization throughout the Department of South Dakota.

SECTION 5. The State Commander shall, from members of the Department Council of Administration, appoint up to a four-member (4) Convention Committee, which shall include the State Quartermaster, except that he may at his discretion appoint as Department Convention Chairman one (1) not a member of the Council of Administration, whose duties shall be to cooperate with, supervise and assist the General Chairman and the host Post committees. The Committee shall collaborate with the authority and direction of the Council of Administration and all decisions thereof shall be mandatory and can be appealed only in accordance with the provisions of the National Bylaws.

SECTION 6. The State Commander shall appoint a Department Service and Rehabilitation Committee that consists of the immediate Past State Commander, State Senior Vice Commander, State Surgeon, State Quartermaster and two (2) members to be appointed by the State Commander. The State Commander will designate the Committee Chairman. The Committee shall recommend functions and prescribe duties for the State Service Office and submit them to the Council of Administration for approval.

SECTION 7. The State Commander shall appoint a Committee on Department Publications consisting of the State Adjutant, State Quartermaster, State Inspector, and any other members he/she deems appropriate. This Committee will formulate and provide oversight on the Department's media plan to include print, broadcast, and social media. The goal of the Department media plan is to provide increased visibility, information sharing, improved communication, and customer service.

SECTION 8. The State Commander shall appoint a Hospital Committee that consists of the State Surgeon, all Veterans Affairs Voluntary Service (VAVS) Representatives, and all Veterans Voluntary Service (VVS) Representatives. The purpose of the Committee is to communicate with Veterans Administration (VA) Centers and State of South Dakota facilities to help provide needed voluntary goods and services for Veterans and their families.

SECTION 9. The State Commander shall appoint a Veterans Council Committee that consists of the State Commander, the State Senior Vice Commander and as a continuing appointment the current State Adjutant. The purpose of this Committee is to sit on the South Dakota Veterans Council as a member representing the Department of South Dakota Veterans of Foreign Wars and to join with other veterans' organizations to provide services that benefit South Dakota Veterans and their families.

SECTION 10. The State Commander shall appoint a Memorial Park and Chapel Committee of six (6) members which will include State Quartermaster, Committee Chairman, Grounds Keeper of the Park, and the Appointed Representative who sits on the Black Hills National Cemetery Support Council. All Post Commanders of District #10 and the District #10 Commander will be Deputy Members of this Committee. The purpose of this Committee is to oversee the operations of the Park, provide fund-raisers and to bring any recommendations that require funds to the Council of Administration for approval.

SECTION 11. The State Commander shall appoint a Budget Committee of not less than five (5) members whose duty it shall be to review the State Quartermaster's budget and report to

the Council of Administration at its first (1st) meeting following the adjournment of the Convention. The Committee shall receive a detailed report from the State Quartermaster of the financial operations of the Department during the year covering all receipts and expenditures. This report will be studied and compared with the proposed Budget.

SECTION 12. The State Commander shall appoint a Baseball Advisory Committee that consists of the State Commander, State Adjutant, State Quartermaster, State Baseball Chairman and Representatives from AA Class, A Class and B Class totaling six (6) members. Each Post or Community that registered a team will receive a delegate vote at the Annual Meeting for each team they registered the previous season. All Baseball Rules will be determined at the Annual Meeting and sent to all registered teams. There will be a tournament for each Class in each Division which totals fifteen (15) State Champions.

SECTION 13. The State Commander has the authority to remove any Appointed Officer or Committee Member for cause or, for any other reason, as those members serve at the pleasure of the Commander.

ARTICLE 11 CONVENTION COMMITTEES AND DUTIES

SECTION 1. The State Commander shall, prior to the convening of the Department Convention and Council of Administration meetings, appoint a Committee on Credentials/Time and Place. Said Committee to consist of the State Adjutant, State Quartermaster and three (3) other members entitled to a vote at the said Convention. No two (2) members of this Committee shall be from the same Post. They shall examine and report to the Department Convention upon the Credentials of members present and entitled to participate in the Convention. In addition, this Committee shall consider all bids and requests for the next four (4) Department Conventions, Fall Council of Administration, and Legislative sites. The Committee shall make a written report to the Convention/Council of Administration of their findings and recommendations.

SECTION 2. Prior to the convening of each Department Convention, the State Commander shall appoint a Committee on Resolutions and Bylaws. This Committee shall consist of not less than three (3) members. It shall be the duty of this Committee to recommend pass or rejection and report on all Resolutions, Bylaws and matters that may be referred to it by the Department Convention.

SECTION 3. The State Commander has the authority to remove any Appointed Officer or Committee Member for cause or, for any other reason, as those members serve at the pleasure of the Commander.

ARTICLE 12
FUNDS AND RECEIPTS

SECTION 1. The State Quartermaster shall, in accordance with the provisions of the National Bylaws receive and account for all monies. To no other member or Officer shall this authority be delegated.

SECTION 2. All monies received from whatever source not raised or solicited for a specific purpose shall constitute the General Fund. Revenues not foreseen at the time of the Budget was approved and or not assigned to an income account under the General Fund shall be placed in the Non-Scheduled income under Miscellaneous receipts.

SECTION 3. The Department Convention may from time to time establish Special Funds for specific purposes. A Special Fund may be either permanent or temporary and shall consist of all monies received with the understanding expressed or implied that they are to be devoted to the purpose indicated together with any amounts that may be transferred by appropriation to such Special Funds from the General Fund.

SECTION 4. Separate accounts shall be maintained in the Quartermaster's records of all funds: General, Special and District.

SECTION 5. Savings accounts may be maintained for such funds as constitute reserves and from which expenditures or withdrawals are not active.

SECTION 6. Two (2) commercial or checking accounts shall be maintained in accordance with the uniform system of Department Records and Accounts. One (1) will be for General Ledger Accounts and one (1) for the Baseball Account.

SECTION 7. The depositories for all monies and securities shall be named by the Council of Administration, or the State Quartermaster, with approval of the State Commander, who shall use their discretion.

ARTICLE 13
EXPENDITURE OF FUNDS

SECTION 1. All expenditures authorized or payments made shall, at all times, be made within and governed by the provisions of the Department Budget. The Budget of the Department shall be created and maintained in accordance with the National Bylaws.

SECTION 2. The State Commander shall have the authority to order and direct expenditures to be made from the General Fund, in accordance with the approved expenditure Budget of the Department, for the following purposes if included in said Budget:

- (a) For all necessary current expenses of the Department Headquarters incurred in the ordinary course of business, including all supplies

- (b) For the State Commander's personal travel expenses on such trips deemed to be in the interest and welfare of the Department, according to the Standard Operating Procedures.
- (c) For the purpose of attending the annual National Convention.
- (d) For the traveling expenses of State Officers or Committees on such trips as may be necessary in discharging the duties of their Offices as directed by the State Commander. All expenditures will be in accordance with the Standard Operating Procedures.

SECTION 3. Non-Scheduled Expenses under Miscellaneous Disbursements shall be included in the Department Budget for expenditures to take care of such obligations or to offset revenues that have been deposited in Non-Scheduled Incomes under Miscellaneous Receipts that could not reasonably be foreseen at the time the Budget was approved.

SECTION 4. Payment from Special Funds shall be made strictly in accordance with the Budget Appropriation covering same and the provisions set forth in the Enactments of the Department Convention establishing such funds. The power to direct expenditures from Special Funds shall be conferred by Enactment creating it upon the State Commander, the Council of Administration, the Committee, or the Officer as the case may be, which is charged thereby with carrying out the object or purpose of the Enactment. The unexpended balance of a Special Fund, when the object for which it was established shall have been fully accomplished, shall revert to the General Fund unless the Enactment which created said Special Fund otherwise provides.

SECTION 5. The expenditure of Department Funds shall be made on such forms and in such manner as prescribed by the National Bylaws. No monies shall be expended by the State Quartermaster unless same are properly provided for by Budget appropriation and sufficient fund balance to provide for same.

ARTICLE 14 CONVENTION ENACTMENTS

SECTION 1. Department Legislation (except Amendments of these Bylaws), Special Laws or Resolutions, shall require for Enactment a majority vote of all members present and voting at the annual session of the Department Convention.

SECTION 2. The Permanent Laws of this Department shall be embodied in these Bylaws and all Amendments thereof which shall hereafter be enacted by the Department Convention.

SECTION 3. The State Commander shall cause these Bylaws to include Amended copies to be printed and digitized for distribution via electronic means by email and/or posted on the Department website (www.vfwsd.org). Up-to-date copies of the Bylaws are to be obtained within ninety (90) days following the Convention.

SECTION 4. Enactments passed by the Department Convention that shall be limited as to time or application shall be classified as Special Laws and shall have the force of Permanent Laws so far as their provisions extend. Special Enactments shall not be printed unless so ordered by Department Conventions or the State Commander in his/her discretion causes them to be published in whole or part.

SECTION 5. An Enactment is defined to be a proposal which if adopted will constitute a new law, either permanent or temporary, for the government of the Department. A Resolution shall consist of a formal expression by the Department Convention of its wishes, opinion, or sentiment as to matters other than Permanent or Special Laws.

SECTION 6. The State Adjutant shall properly attest the original copies of Enactments and Resolutions.

SECTION 7. An Enactment or Resolution shall take effect upon its passage unless otherwise provided therein, or by the National Bylaws. Enactments upon taking effect shall become binding upon all Officers and members affected thereby who shall be conclusively presumed to have notice of same and shall not be allowed to plead ignorance thereof in excuse or failure to comply with their requirements.

SECTION 8. The Standard Operating Procedures (SOP) of the Department are set for State Officers, Council of Administration, Appointed Officers, Committee Chairmen and Members, Baseball Commissioners, State Service Officer Staff, County Service Officers, and Funded Employees. The specific Procedures are presented as guidelines to be followed in situations addressed by these Procedures. In those situations, not specifically addressed by these Procedures, the action to be taken shall be determined by the Line Officers of the Organization. Procedures shall not alter or set aside any requirements contained in the National and Department Bylaws. The State Commander shall cause these Department Standard Operating Procedures to include Amended copies to be printed and distributed. SOP will be made available upon request from Department of SD VFW Headquarters.

ARTICLE 15 DISTRICTS

SECTION 1. All District Commanders, during their term of office, shall be organized into a District Commander's Conference, immediately following their installation or as soon thereafter as possible and practical, and shall elect from said Conference a Chairman and a Recording Secretary. The duties of the District Commanders Conference shall be to provide for the betterment of the Department by its various programs through close cooperation of the District Commanders and to provide a firmer liaison between subordinate units and the State Commander and his staff of Elective and Appointive Officers. This group shall hold regular meetings at least three (3) times during their term of office; at the Department Convention, at the Fall Conference and at the Legislative Conference or as the Department Council of Administration or the State Commander may direct, and that a copy of the actions taken at these meetings is filed with the State Adjutant. This Committee may be allowed to participate in

regular and special meetings using technology, if authorized by the National Bylaws, that allows all participating members to communicate with each other simultaneously.

SECTION 2. Each member of a District Convention or District meeting are those persons defined in Section 404 of the National Bylaws, 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 or 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.

Should there be a division among the delegates representing the Post, each delegate present shall cast 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. Delegates must be in good standing.

ARTICLE 16 MISCELLANEOUS

SECTION 1. All General Orders, Special Orders, Memoranda or Bulletins shall be emailed to all Council of Administration members and Past State Commanders and posted to the Department Website (www.vfwsd.org) for all other members of the Department.

SECTION 2. In the absence of regular members of any Committee, the State Commander may appoint from time-to-time members to act thereon in their place and instead of the regular members.

SECTION 3. The State Commander may appoint additional Committees as he/she may deem to be desirable to execute and expedite the work of the Organization and designate such Committees as may be authorized by Convention Enactments.

SECTION 4. The State Commander, State Quartermaster and State Administrative Secretary shall be bonded in accordance with the provisions of the National Bylaws. The custody of said Bond shall be vested in the State Commander.

SECTION 5. Unless otherwise stated, whenever the masculine or feminine gender is used, both men and women are included.

ARTICLE 17 BIG TEN CONFERENCE

SECTION 1. The State Commander, State Senior Vice Commander, State Junior Vice Commander, State Adjutant, State Quartermaster, and immediate Past Commander shall be the voting Delegates to the Big Ten Conference. If a Delegate shall be unable to attend a Big Ten Conference meeting, the State Commander may designate an alternate voting Delegate.

SECTION 2. The Department Candidate for Junior Vice Commander-in-Chief from the Big Ten Conference shall be selected at the Department Convention by roll call vote. The Department Delegates shall be mandated to cast the Department vote on the first (1st) ballot at the Big Ten Conference Meeting for the candidate selected at the Department Convention. Should that candidate be dropped after the first (1st) ballot, the State Commander shall poll the Delegates present and vote accordingly.

**ARTICLE 18
AMENDMENTS**

SECTION 1. These Bylaws may be Amended at any regular session of the Department Convention by two-thirds (2/3) vote of the members present and voting, providing a thirty-day (30) notice to the Department is given from those listed in Section 2 of this Article so the Department can give a twenty-day (20) notice, including the subject, of the proposed Amendment has been given to the Posts in the call for the meeting. No Amendments shall be effective until the same has been forwarded through channels and approved by the Commander-in-Chief.

SECTION 2. Amendments to the Department Bylaws may be proposed by any member in good standing, any member of the Council of Administration, the Resolutions and Bylaws Committee or any District or Post chartered by the Department of South Dakota provided the proposal meets the notice requirements outlined in Section 1 of this Article.

SECTION 3. Wherever these Bylaws or subsequent amendments may be found to be in conflict with the present or any future National Bylaws, the latter shall prevail and be binding upon this Department as though written herein.

These Bylaws were adopted, subject to the review of the Commander-in-Chief of the Veterans of Foreign Wars of the United States on this 11th day of June 2022 at the Department Convention in the City of Mitchell and County of Davison, State of South Dakota.

ATTEST:

PRINT: ANNA WALTNER
STATE ADJUTANT

SIGN: _____
STATE ADJUTANT

OFFICIAL:

BARBARA MCKEAN
STATE COMMANDER

STATE COMMANDER



REVIEWED 11/11 2 8 2022
FOR THE COMMANDER-IN-CHIEF

Daniel L. West
DANIEL L. WEST
ASSISTANT ADJUTANT GENERAL
BY JOHNATHAN R. DUNCAN, DIRECTOR
ADMINISTRATIVE OPERATIONS