VETERANS OF FOREIGN WARS OF THE UNITED STATES

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September 18, 2018

James Fox, District Commander
District 2, Department of South Carolina, VFW
112 Parkfield Ln.
Elgin, SC 29045-9589

Re: Proposed Amended By-Laws

Dear Comrade Fox:

Receipt is acknowledged of the proposed revised By-Laws for District No. 2, Department of South Carolina, VFW submitted through channels for the review of the Commander-in-Chief in accordance with Section 402 of the Manual of Procedure.

These documents have been designated amended By-Laws to reflect their replacement of previously reviewed By-Laws.

A review of the proposed amended By-Laws discloses that they were in substantial compliance with the Congressional Charter, By-Laws, Manual of Procedure, Ritual, and laws and usages of the Veterans of Foreign Wars of the United States; however have been modified for compliance. To preclude any misunderstanding of the additions and/or deletions, an informal document has been attached.

A copy of the reviewed amended By-Laws, with the corrections noted thereon, has been retained for our files, another forwarded to your Department Headquarters, and two sets herewith returned.

Sincerely,

David E. Prohaska, Director
Administrative Operations

DEP: cl
Enc: Revised By-Laws (2)

VETERANS OF FOREIGN WARS OF THE UNITED STATES

DEPARTMENT OF SOUTH CAROLINA

210 Glassmaster Road, Lexington, South Carolina 29072 Phone: 803.808.0317 Fax: 803.808.0417

Veterans of Foreign Wars
AUG 18 2018
Administrative Operations

August 16, 2018

Commander-in-Chief
Veterans of Foreign Wars of the U.S.
406 W. 24th Street
Kansas City, MO 64111

Please find attached three (3) copies of the proposed District 2 By-Laws. We have reviewed the attached By-Laws and
Find them in accordance with the National By-Laws, Manual and the VFW Department of South Carolina By-Laws.

Accordingly, it is requested that the attached By-Laws be approved.

BY ORDER OF THE STATE COMMANDER

Robert W. Holsclaw

ROBERT W. HOLSCLAW
STATE SR. VICE COMMANDER
ACTING STATE COMMANDER

ATTESTED BY:

Jimmy Lee Wallace

JIMMY LEE WALLACE
STATE ADJUTANT

ATTN: David Prohaska

NATIONAL BY-LAWS/MANUAL OF PROCEDURE CONFLICT

DISTRICT 2 SOUTH CAROLINA

Article III
Renumber to "Article II"

*Renumber remaining Sections and Articles as appropriate to conform to numerical order and preclude any misunderstanding on the Section order

Reason: There is no Article II.

Article IV Regular and Special Meetings; Quorum; Authorized Attendees (B) *As submitted
Replace "special" with "awards" *Also in (A)

Add "Department Commander"

Replace "or whenever the members of the District vote to have such a meeting" with "upon the vote of a majority of the members present and voting at a regular meeting"

Add "or upon the signed written request of a majority of the Posts"

Reason: To preclude any misunderstanding. To conform to Section 403 of the Manual of Procedure.

Article IV Elected and Appointed Officers; Chairpersons and Committees (C)
Replace "sixty (60)" with "thirty (30)"

Reason: To conform to Section 416 of the Manual of Procedure.

Article IV Nominations and Elections (C)
Add "416 or"

Reason: To conform to Sections 417 and 416 of the National By-Laws and Manual of Procedure. Section 416 states if an officer fails to submit proof of eligibility within thirty (30) days of election or appointment, any right of the officer to hold the office shall be forfeited.

Article IV Voting (B)
Replace "prior to the District 2 meeting" with "Delegate strength will be based on members in good standing as of March 31st."

Reason: To conform to Section 222 of the Manual of Procedure and preclude any misunderstanding.

Article IV Arrearages (C)
Replace "Infraction within this Section could result in District 2 being deprived of all representation at the Department Convention" with "The Commander of the District in arrears for financial obligations to Department or National, for fees, dues, poppy money, supply money, or failing to have the office of the Quartermaster properly bonded in accordance with Section 703, failing to ensure that the District is properly insured in accordance with Section 709, failing to submit properly completed District Trustees Report of Audit, District Election Report for the ensuing year, or other obligations, shall be deprived of all representation at the Department Convention. Such representation shall be restored promptly upon proper adjustment of such deficiencies. A properly completed District Election Report shall be submitted to National Headquarters prior to the convening of the Department Convention."

Reason: To provide for all the arrearages, deficiencies and omissions as outlined in Section 413 of the National By-Laws.

Article IV Compensation (A)
Add "as previously established by a vote of the District"

Reason: The expenditure of funds must be specific and limiting as previously established by the District. To conform to Sections 418 (a) 1 (g) and 418 (a) 5 (b) of the Manual of Procedure.

Article IV Compensation (B)
Add "not to exceed an amount as previously established by the District"

Reason: The expenditure of funds must be specific and limiting as previously established by the District. To conform to Sections 418 (a) 1 (g) and 418 (a) 5 (b) of the Manual of Procedure.

District 2
Department of South Carolina
Veterans of Foreign Wars of the United States
By-Laws and Procedures

ARTICLE I

Name and Location

A. By virtue of the Charter granted, this District shall be known as District 2, Department of South Carolina, Veterans of Foreign Wars of the United States.
B. The Location of this District shall be the mailing address of the District 2 Adjutant/Quartermaster South Carolina.

ARTICLE *II*

Authority

The supreme power of this association is vested in the National Convention and this Post 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 Carolina, 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 Carolina. Resolutions adopted by the National Convention are held to be lawful orders.

ARTICLE III

Conventions

A. This District shall be governed by a District 2 Convention, as outlined in accordance with the Congressional Charter, By-Laws and Manual of Procedure.
B. The District shall hold an annual District Convention (April/May) 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 Department Convention.
C. District officers shall be installed before the adjournment of the meeting in which elected. The District 2 Commander-elect shall select the installing officer. District officers shall take office upon the confirmation of election and installation of the Department Commander at the Department Convention.

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Regular and Special Meetings; Quorum; Authorized Attendees

A. There will be one designated regular meeting and one designated *awards* meeting each year. Both meetings will be prescheduled by the District Commander-elect. The designated regular meeting will be for the purpose of promoting schools of instruction for the Post officers and for discussion of problems affecting the welfare of members of the Veterans of Foreign Wars and other matters that may be appropriate.
B. The designated *awards* meeting will be an Awards Presentation Ceremony for winners and their families of the District Voice of Democracy, Patriot's Pen and Teachers' Patriotic Contests. Winners of any other Veterans of Foreign Wars Contests should also be considered for invitation, as appropriate to the District 2 Convention. Post and Auxiliary members should be invited. Special meetings may be called by the District Commander whenever, in his/her judgment, it shall be in the best interests of the members within District 2 or *upon the vote of a majority of the members present and voting at a regular meeting*; *or upon the signed written request of a majority of the Posts.* The District Adjutant should give notice, in writing, to all District Post Commanders, District officers and *Department Commander* of the time and place of any special meeting, and of the business to be transacted. Notice should be given in such a way as to reach each Post Commander, District officer *and Department Commander* at least forty-eight (48) hours in advance of the time set for the meeting.
C. The minimum number of delegates required to constitute a quorum for the transaction of business at a stated District meeting shall be not less than one delegate each from fifty percent (50%) of the Posts in District 2. A Post Commander shall be considered a delegate.
D. Any member in good standing or one on official business within another District may visit a District 2 meeting or District 2 Convention, however such visitor shall have no voice in business discussions unless requested by the District 2 Commander, and shall have no voting privileges. Those on official business shall be recognized by the District 2 Commander for the conduct of business.

Surrender or Forfeiture of Charter

The District may voluntarily surrender its charter only upon a vote at a District Convention conducted in accordance with the procedures outlined in Section 410 of the By-Laws.

District Dues

All Posts in District 2 shall remit dues to the District Quartermaster no later than January 1 of each year. The dues are based on fifty cents ($0.50) per member as of June 30 of the prior Membership year.

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Solicitation of Funds

District 2 shall solicit funds or donations only as prescribed in Section 414 of the Manual of Procedure.

Eligibility to Office

Any member in good standing in District 2 shall be eligible to any office in District 2; provided no member shall hold two (2) elected District 2 offices at the same time, but may hold one (1) elected and one (1) or more appointed offices. District 2 officers, elected and 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.

Elected and Appointed Officers; Chairpersons and Committees

A. Elected officers of District 2 shall be a Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, Judge Advocate, Surgeon, Chaplain and three (3) Trustees as provided for in Section 416 of the By-Laws.
B. The District 2 Commander shall appoint the Adjutant and such other officers, committee chairpersons and committees as may be required by National, Department and District By-Laws. The District 2 Commander retains authority to remove officers, committee chairpersons and committees appointed by him/her at any time.
C. District 2 officers, elected and appointed, shall submit proof of eligibility to the District 2 Adjutant. In addition, the District 2 Commander, District 2 Senior Vice Commander and District 2 Junior Vice Commander shall submit proof of eligibility to the Department Adjutant. District officers shall not assume the duties of their office until proof of eligibility has been submitted and properly reviewed. If an elected or appointed officer fails to submit proof of eligibility within *thirty (30)* days of election or appointment, any right to hold office shall be forfeited.
D. Standing committees will be Fundraising/Budget, Special Activities, Membership, Buddy Poppy, Voice of Democracy/Patriot's Pen Essay and Teacher Awards committee.

Nominations and Elections

A. The elected District 2 officers and candidates for District 2 offices shall be nominated and elected annually at the District 2 Convention.
B. Installation of all elected and appointed officers will be at the District 2 Convention, under New Business.
C. Any District 2 officer elected and assuming the duties of that office shall continue to hold office for the period for which elected and until the successor assumes that

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office unless the office is declared vacant under the provisions of Sections *416 or* 420 of the Manual of Procedure.

D. Appointed officers and appointed committee members shall hold office at the pleasure of the appointing Commander.
E. An officer or committee member must remain in good standing in a Post within District 2, otherwise he/she forfeits the office and the office will be vacated.

Officers and Chairpersons, Duties and Obligations

District 2 officers, elected and appointed, shall have such duties and obligations as prescribed in the Congressional Charter and By-Laws, Manual of Procedure and Ritual as outlined in Section 418 of the Manual of Procedure.

Voting

A. Each member of a District 2 convention or District meeting as defined in Section 404, except delegates elected by the Posts, present at a District 2 convention or meeting shall be entitled to one vote. An individual possessing more than one qualification for membership in the District 2 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 strength to which the Post is entitled. District dues must have been paid for the prior and the current year to be eligible to vote.
B. The delegate strength for a Post shall be one (1) delegate for each thirty (30) members or fraction thereof. *Delegate strength will be based on members in good standing as of March 31st* as determined by the Adjutant/Quartermaster.
C. 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 this purpose, a Post Commander shall be considered a delegate.
D. A roll call vote may be called and entered upon the record at the call of any three (3) officers or delegates representing the three (3) different Posts.

Arrearages

A. The District 2 Commander will ensure that the election Report and District 2 Trustees quarterly report of audits are properly filed and submitted.
B. The District 2 Commander will ensure that the Quartermaster is adequately bonded and that all financial obligations have been satisfied.
C. *The Commander of the District in arrears for financial obligations to Department or National, for fees, dues, poppy money, supply money, or failing to have the office of the Quartermaster properly bonded in accordance with Section 703, failing to ensure that the District is properly insured in accordance with Section 709, failing to submit properly completed District Trustees Report of Audit, District Election Report for the ensuing year, or other obligations, shall be deprived of all representation at the Department Convention. Such representation shall be restored promptly upon proper adjustment of such deficiencies. A properly completed District Election*

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Report shall be submitted to National Headquarters prior to the convening of the Department Convention.

Compensation

A. Any District 2 officer action on behalf of District 2 may be reimbursed for actual expenses incurred where prior approval has been given and/or budgeted *as previously established by a vote of the District.*
B. Expenses incurred by the Quartermaster of District 2 while performing District 2 mandated duties are reimbursable, *not to exceed an amount as previously established by the District.*

ARTICLE III

Amendments

A. These By-Laws shall become effective after adoption by the District 2 Convention, pending review by the Department Commander and the Commander-in-Chief of the Veterans of Foreign Wars of the United States.
B. These By-Laws may be amended by District 2 with a two-thirds (2/3) vote on the floor of the Convention. Delegates shall have been given (15) days' notice in writing of the contents of such amendments.
C. 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 upon this District as though written herein.

These By-Laws were adopted, subject to review of the Department Commander and the Commander-in-Chief of the Veterans of Foreign Wars of the United States on this 14th day of April, 2018, at the District 2 Convention, Lexington, South Carolina

District 2 Department of South Carolina
Veterans of Foreign Wars of the United States

District 2 Commander Larry Coleman

District 2 Adjutant/Quartermaster James Stop

REVIEWED SEP 18 2018
FOR THE COMMANDER-IN-CHIEF

KIM A. DE SHANO
ASSISTANT ADJUTANT GENERAL
BY DAVID E. PROHASKA, DIRECTOR
ADMINISTRATIVE OPERATIONS

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