

**BYLAWS  
VETERANS OF FOREIGN WARS  
OF THE UNITED STATES  
DEPARTMENT OF NORTH CAROLINA, INC.**



**Adopted by  
30th ANNUAL CONVENTION WINSTON-SALEM, N.C.  
June 4, 1960  
As Amended by the 89th Annual Convention,  
June 22, 2019**

**BYLAWS**  
**VETERANS OF FOREIGN WARS OF**  
**THE UNITED STATES**  
**DEPARTMENT OF NORTH CAROLINA**

**ARTICLE I**

**Name and Jurisdiction**

**Section 1:** By virtue of and in accordance with the Charter granted on March 12, 1931, this organization shall be known as the DEPARTMENT OF NORTH CAROLINA, VETERANS OF FOREIGN WARS OF THE UNITED STATES.

**Section 2:** The jurisdiction of the Department shall conform to the territorial limits of the State of North Carolina.

**ARTICLE II**

**Governing Body**

**Section 1:** The governing power of the Department is vested in the Department Convention, subordinate to the National Convention. Between meetings of the Convention, the complete power and authority, except as limited by the National Congressional Charter and Bylaws and by these Bylaws, shall rest in the Department Council of Administration. It shall at all times be governed by its Bylaws; orders issued by authority of the Department Convention; Department Council of Administration and the Department Commander.

**ARTICLE III**

**Composition**

**Section 1:** The Department Convention shall consist of:

- (a) Comrades who served or who are serving as Commander-in-Chief and who are residents of the Department and in good standing in their respective Posts.
- (b) The Department Commander, all Past Department Commanders, so long as they remain in good standing in a Post in the Department; all elected officers of the Department, Chief of Staff, Inspector, and Adjutant.
- (c) All District Commanders throughout the Department, in absence of the District Commander, the District Senior Vice Commander or in his/her absence, the District Junior Vice Commander, may be registered and function as a member of the Convention.

(d) All Post Commanders throughout the jurisdiction of the Department, who are members in good standing in their respective Posts, and whose Posts are likewise in good standing. In the absence of the Post Commander, the Post Senior Vice Commander, or in his/her absence, the Post Junior Vice Commander, may be registered and function as a member of the Convention.

(e) Delegates to be elected by the Posts at a regular meeting, as prescribed by the National Bylaws.

#### **ARTICLE IV**

#### **MEETINGS**

**Section 1:** There shall be an annual meeting of the Department Convention during one of the four weekends in June, at a place to be fixed by the preceding convention. Actual dates to be confirmed by the Council of Administration.

**Section 2:** The Council shall have the power to change the place and date of the meeting, in case unforeseen circumstances render the place selected unavailable or not in the best interest of the Department.

**Section 3:** Arrangements for the annual Department convention will be handled by and through Department Headquarters. A Convention Committee shall be appointed by the Department Commander consisting of at least seven (7) members. The committee shall meet during the annual convention for the purpose of selecting the site for the next convention and at other times as deemed necessary by the Department Commander. It will be a function of the Convention Committee to solicit written bids from hotels and motels wishing to host the Department Convention.

**Section 4:** All new business proposals being brought before a Council of Administration or Convention shall be forwarded to the Adjutant of the Department of North Carolina ten (10) days prior to an upcoming Council of Administration or Department Convention. The Department Adjutant will, as soon as possible, notify all officers in the Department of the new business by e-mail. Items not posted may be considered at a Council meeting or Convention if approved by two-thirds (2/3) of the members present and voting. Items concerning a natural disaster shall be exempt from the ten (10) day rule, but must be posted as soon as possible.

#### **Article V**

#### **Officers**

**Section 1:** Any member in good standing in a Post within the Department shall be eligible to hold any office in this Department; provided no member shall hold two (2) elected Department offices at the same time.

**Section 2:** The elected officers of the Department shall be a Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, Judge Advocate, Surgeon and Chaplain.

**Section 3:** The Department Commander shall appoint an Adjutant, Chief of Staff, Inspector, Service Officer, and such other officers, committee chairmen and committees as may be required by these Department Bylaws or permitted by Section 515 of the National Bylaws.

**Section 4:** The following Department elected positions are encouraged to be multi-year positions if so desired by the officer filling the position and the state convention members: The Department Quartermaster, Judge Advocate, Surgeon and Chaplain, no limitation, but must be elected each year.

**Section 5:** The filling and vacating of all Department offices shall be in accordance with the Section 520 of the National Bylaws and Manual of Procedure.

**Section 6:** The transfer of membership of a District Officer from the District of his/her election shall automatically vacate said office and the same shall be filled in accordance with provisions of Section 417 of the National Bylaws and Manual of Procedure.

## **ARTICLE VI**

### **Duties of Officers**

**Section 1:** The duties of all Department officers shall be those prescribed by National Bylaws, by lawful orders of the National Council of Administration, or the Commander-in-Chief, and such additional duties as the Bylaws of the Department of North Carolina or lawful orders of the Department Council of Administration or the Department Commander may direct.

## **ARTICLE VII**

### **Council of Administration**

**Section 1:** The Council of Administration of the Department of North Carolina shall consist of: the Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Quartermaster, Judge Advocate, Chief of Staff, Inspector, Surgeon, Chaplain and District Commanders. The immediate past four (4) Department Commanders shall also be members.

**Section 2:** The Council of Administration shall meet immediately before the annual Convention in the Convention city and again within 45 days of adjournment of the annual Convention, at such other times and places as may be deemed necessary by the Department Commander, or upon demand by a majority of the members of the Council of Administration.

**Section 3:** The Council of Administration shall have charge of the working interests of the Department between the Department Conventions and shall have the power to fix all salaries of paid officers and employees. It shall also at the first meeting following a Department Convention, approve and adopt an annual Budget, covering the financial operations of the Department for

the fiscal year beginning June 1 and ending May 31, in accordance with the classification of accounts and the forms prescribed by the Inspector General. Pending adoption of the annual Budget, payment of routine operation expenses of the Department are authorized to be paid. The expenditures outlined on such budget shall not be exceeded except on majority approval of the Council of Administration. One copy of the approved Budget shall be forwarded to National Headquarters.

**Section 4:** Each member of the Council of Administration present at a meeting shall be entitled to one vote and voting by proxy shall not be allowed. A majority of the Council membership shall constitute a quorum for the transaction of business.

## **ARTICLE VIII**

### **Voting: Department Convention**

**Section 1:** Each member of the Department Convention, except delegates elected by Posts, present and registered at a meeting of the Department Convention, shall be entitled to one vote, and an individual possessing more than one qualification for membership in the Department Convention shall have no more than one vote.

**Section 2:** The delegate or delegates of a Post present at a meeting of the Convention shall be entitled to vote the full delegate strength to which the Post is entitled, provided the full delegate strength is registered.

**Section 3:** A roll call vote may be taken and entered upon the record at the call of the delegates representing three different Posts.

**Section 4:** Each member of the Department Convention entitled to vote shall pay a registration fee not to exceed Three (3) Dollars. Each Post shall pay a registration fee not to exceed Three (3) Dollars for each Post Delegate and Post Commander to the Department Convention.

## **ARTICLE IX**

### **Per Capita Tax**

**Section 1:** The per capita tax of this Department shall be Nine (9) Dollars and Seventy-five (75) Cents (\$9.75) per annum for each member, of which \$4.50 shall go toward operating the Department; \$3.25 to be placed in the Activity Fund; \$1.00 to be placed in the Service Officers Fund and \$1.00 for subscription to "The V.F.W. Leader", official publication of the Department. Said sum will not be less than the minimum set forth in the National Bylaws.

## **ARTICLE X**

### **Committees**

**Section 1:** A Budget Committee shall be named immediately following the annual Convention. This committee shall be composed of seven (7) members, to be selected as follows: The two (2)

immediate Past Department Commanders and five (5) knowledgeable members to be appointed by the Department Commander. At least two (2) of the appointed members are to be carried over each year to the new budget committee.

**Section 2:** A Long Range Planning Committee shall be appointed each year and shall consist of six members having rotating terms of three years to assure a continuation in the membership of the committee, with terms of two members expiring each year. The Chairman of this committee will be a Past Department Commander appointed by the Department Commander, and a Co-Chairman selected by the members from among themselves. Other VFW comrades from across the Department may be selected by the Chairman, with the approval of the Department Commander, to serve on an ad-hoc sub-committee as deemed necessary. The purpose of the committee shall be to create innovations in membership building, communications planning and implementation across the entire state, and establishing a progressive, community perception throughout the state. The committee shall be funded according to established protocols through the annual budget of the department.

**Section 3:** The Department Commander may appoint such committees as he/she may deem necessary to carry on and expedite the work of the Department, in addition to such committees as may be authorized by the Department Convention.

## ARTICLE XI

### Department Districts

**Section 1:**

(a) The Districts of the Department shall be seventeen (17) in number and shall be defined by counties as follows:

District No. 1 - Currituck, Pasquotank, Chowan, Gates, Hertford, Bertie, Martin, Washington, Tyrell, Dare, Perquimans and Camden.

District No. 2 - Hyde, Beaufort, Pitt, Greene, Lenoir and Wayne.

District No. 3 - Northampton, Halifax, Warren, Franklin, Nash, Edgecombe and Wilson.

District No 4. - Pamlico, Craven, Carteret, Jones, Onslow, Pender, Duplin and Sampson (Except Topsail Island).

District No. 5 - Bladen, Columbus, Brunswick, New Hanover and Topsail Island Post.

District No. 6 - Caswell, Person, Granville, Vance, Durham, Alamance and Orange.

District No. 7 – Chatham, Wake, Johnston and Harnett except for Joe Wagner 7313 Post.

District No. 8 - Cumberland, Robeson and Hoke.

District No. 9 – Montgomery, Moore, Lee, Anson, Richmond and Scotland to include Joe Wagner 7313 Post

District No.10 - Rockingham, Guilford, Davidson, and Randolph.

District No.11 - Surry, Yadkin, Stokes, Forsyth and Davie.

District No.12 - Rowan, Cabarrus and Stanly.

District No.13 - Gaston, Mecklenburg, Union, and the Kings Mountain 9811 Post.

District No.14 – Burke, Lincoln, Catawba, Alexander, Iredell, Cleveland and Rutherford, except for Kings Mtn Post 9811.

District No. 15 – Avery, Watauga, Ashe, Alleghany, Wilkes, Caldwell and Mitchell.

District No.16 – Buncombe, Henderson, Madison, Polk, Yancey and McDowell.

District No.17 - Haywood, Transylvania, Cherokee, Graham, Clay, Macon, Jackson and Swain.

(b) A Post may apply for transfer to another district based upon its physical proximity to other Posts in the desired district, as opposed to the physical proximity of Posts in its current district. In order to apply, the Post commander will announce to all members at a regular meeting, that they will vote at the next regular meeting on a motion to transfer to another district. At the second meeting, a 2/3 majority of the voting members is necessary for the Post to apply. The Post commander will then send a letter of application to the current District Commander and to the proposed District Commander, requesting their input to the proposal within 30 days of the vote. The Post Commander will submit its application letter and both written replies from the two District Commanders to the Department Adjutant for his/her presentation to the Department Council of Administration at its next meeting. The Council of Administration will then vote on the proposal, an affirmative vote of which will change Section 8(a) accordingly.

**Section 9:** The governing body, composition, meetings and operations of Districts shall be according to the National Bylaws and Manual of Procedure.

## **ARTICLE XII**

### **Official Publication**

**Section 1:** The V.F.W. Leader is the official publication of the Department of North Carolina, V.F.W.

**Section 2:** The Department Web Site is the official site for publication of Department Orders and official correspondence.

Section 3. Orders and official correspondence published on the Department Web Site shall be deemed sufficient and lawful notice to all members for all purposes whatsoever.

### **ARTICLE XIII**

#### **Resolutions**

##### **Section 1:**

(a) All resolutions must be prepared in a word processing program, preferably Microsoft Word in order to receive consideration at a District Convention, prior to being submitted to the Department Convention

(b) All resolutions from Districts, shall be in the hands of the Department Adjutant at least 10 (ten) days prior to the Convention date. All resolutions shall be signed by the District Commander and the District Adjutant.

(c) A Department Resolutions chairman shall be appointed by each incoming Department Commander and he/she shall not be an elected Department Officer. All committees named to handle resolutions at an Annual Convention shall meet prior to the Convention, at which time the resolutions to be considered shall be distributed among the several committees.

(d) The Chairmen of the several Resolutions Committees are authorized and empowered to return to the Districts any resolutions not properly drawn in accordance with these Bylaws.

(e) Resolutions, embodying the expenditure of Department funds must stipulate how the funds are to be raised. All resolutions and/or motions requiring expenditure of funds of the Department, shall be referred to the Budget Committee for recommendations and transmitted by the Committee to the next meeting of the Department Council of Administration for appropriate action.

(f) Emergency resolutions and Bylaw Amendments, offered on the floor of the Convention shall be prepared in a word processing program, preferably Microsoft Word, and shall, without reading, be referred to the proper committee for consideration and report, unless the committee has already been discharged, whereupon such resolutions shall be submitted direct to the Convention.

(g) No resolutions, other than those of condolence and appreciation, shall be considered by the Convention, unless the provisions of Section 1 of this Article have been compiled with, except by a two-thirds (2/3) vote of the Convention.



## **ARTICLE XIV**

### **Officers' Reports**

**Section 1:** At each annual Convention, each Department Officer, Activities Chairman and Standing Committee Chairman shall submit a written report.

**Section 2:** All recommendations contained in Department Officers' reports must be accompanied by proper and appropriate resolutions, in order to receive convention consideration.

**Section 3:** Reports of the Department Service Officer shall consist solely of statistical matter pertaining to his/her office functions, and recommendations made in such report shall be submitted to the Convention in resolution form.

**Section 4:** The report of all Department Officers, with the exception of the Department Commander, Department Quartermaster, Department Adjutant and the Department Service Officer, shall be brief and shall cover only the duties of each respective office.

## **ARTICLE XV**

### **Miscellaneous**

**Section 1:** Each Post in the Department will hold at least one (1) meeting each month.

**Section 2:** The annual audit of Department records by the Certified Public Accountant shall cover the fiscal year beginning on June 1 and ending on May 31.

**Section 3:** A Department directory shall be printed as soon as practicable after the installation of Post, District and Department Officers, the expense of which is to be borne by the Department. Such directories shall be considered confidential publications, and the distribution of same shall be under supervision of the Department Commander.

**Section 4:** The Department Commander, after entering upon the duties of his/her office, shall present to the retiring Department Commander a 14-kt gold badge, or other gift, the expense of which will be borne by the Department.

**Section 5:** A Post Quartermaster may not simultaneously function as a Canteen Manager, Bingo Manager, Kitchen Manager, or the manager of any other kind of money-producing Post operation.

**Section 6:** The Rules of Order and Order of Business, as outlined in Sections 1001 and 1002, Article X of the National Bylaws and Manual of Procedure, together with the method of Parliamentary Procedure as outlined for the governing of National Convention sessions, shall be adhered to as far as possible in the conduct of a Department Convention.

**Section 7:** Units under the jurisdiction of the Department of North Carolina V.F.W engaging in any sale of tickets or solicitation of funds from the general public shall not use the words

"Department of North Carolina" on any letterheads, tickets or literature with any such sale of tickets and/or solicitation of funds.

**Section 8:** All Posts buying or selling Real Estate must notify Department Headquarters thirty (30) days prior to such transaction and furnish a copy of the Deed to Department Headquarters to be kept on file for future reference.

**Section 9:** Two or more Posts in the Department of North Carolina may consolidate as provided for in Section 209 of the National Bylaws and Manual of Procedure.

**Section 10:** All Posts within the Department of North Carolina must be incorporated with the North Carolina Secretary of State's office. Newly chartered Posts are to be incorporated with that office within 120 days of receiving their charter.

**Section 11:** Posts and/or Districts are authorized to sponsor and organize VFW Motorcycle Rider Association units under their control. These units will operate under instructions issued by the Department of North Carolina and Resolution No. 308, VFW Motorcycle Rider Group approved by the 111<sup>th</sup> National Convention of the VFW and any subsequent amendments.

## **ARTICLE XVI**

### **Canteen Regulations**

**Section 1:** Posts may operate Canteens only with the permission of the Department and must comply with all Local and State Alcoholic Beverage Control (ABC) Board rules as well as meet all Federal Alcoholic, Tobacco, and Firearms (ATF) licensing requirements.

**Section 2:** Each Post operating a Canteen shall be inspected at least twice yearly, by inspectors appointed by the Department Commander. Each Post operating a Canteen will pay an annual fee of Fifty Dollars (\$50.00) immediately following each annual Department Convention. These funds will be used to defray the expenses of the inspectors.

**Section 3:** Wherever the word "Canteen" is used, it will be taken to include and mean every VFW funded or operated social room for the enjoyment and recreation of VFW members within the State of North Carolina. Selling beverages or other items during a social hour, session, or picnic in connection with a Post meeting will not be considered as the operations of Post canteen. Whenever the word "member" is used, except of when referring to a Committee member, it shall refer to VFW Comrades and Auxiliary sisters and brothers.

#### **Section 4:**

(a) Any activity, unit or clubrooms sponsored, conducted or operated by a Post, incorporated separately from the Post or unincorporated, will be at all times under the direct control of the Post and all funds derived therefrom will be in the control of the Post Quartermaster. All money, property and assets of every kind and nature, as well as all

records in connection therewith used, held and owned by such activities, is the property of the Post and must be placed in the care and custody of the Post Quartermaster.

(b) The VFW Canteen is a subordinate unit of the parent Post and shall be operated solely for the benefit of the Post membership. After approval by the Department Commander of any Canteen Bylaws or amendments, a copy thereof shall be made available to each Post comrade in good standing and a copy shall be posted conspicuously in the Canteen room during business hours. After adoption of any Canteen Bylaws or amendments thereto, copies of the same shall be submitted in triplicate to the Department Commander for his/her approval.

**Section 5:** Hours during which the Canteen shall remain open must be prescribed in the Canteen Bylaws. All activities will cease at a time to be in accord with local and state laws. Every Post Canteen shall be closed to comrades of the Post during every Post meeting, and to comrades of the District during the Joint and Comrades' portions of the District meeting hosted by that Post. Similarly, every Post Canteen shall be closed to sisters/brothers of the Auxiliary during every Auxiliary meeting, and to Auxiliary sisters/brothers of the District during the Joint and Auxiliary portions of the District meeting hosted by the Post.

**Section 6:**

(a) A House Committee shall be elected by the comrades at the same time as the Post officers are elected. Committee members shall not be appointed. The House Committee will act as a Board of Management for the business affairs of the Canteen. This committee shall consist of not less than 3 or more than 5 elected comrades, one (1) of whom will be elected each year for a three (3) year term. In addition, the Post Commander and Post Quartermaster, by virtue of their offices, will be members of the House Committee with full voting rights, bringing the total number on the Committee to five (5), six (6), or seven (7). If there are 5 committee members, one is a 1-year member. If 6 members, two are 1-year members. If 7 members, three are 1-year members.

(b) After being elected, the committee will elect their own Chairman, Vice Chairman and any other officer they may deem necessary. Trustees will not serve on the House Committee.

(c) The House Committee shall have authority to suspend all Canteen privileges of any member who is guilty of any act of misconduct upon the Canteen premises for whatever period of time they shall determine proper, subject to an appeal to the Post floor, as outlined in the following section.

(d) The Post floor may overrule or abrogate any action of the House Committee by regular vote at any Post meeting, and in lieu thereof, discipline under provisions of Article 9 of the National Congressional Charter and Bylaws of the VFW may be taken.

(e) The House Committee shall have authority to employ such personnel as shall be necessary to operate the Canteen properly, including Canteen Manager and may discharge personnel at their discretion. Employment priority shall be given Post members in good standing. No member of the House Committee may serve as Canteen Manager.

(f) The Canteen Manager or any employee handling club monies shall be bonded to the Post for twice the largest sum that may pass through his/her hands at any one time.

(g) The Canteen Manager shall be responsible to the House Committee and the Post Commander for the conduct of all patrons of the Canteen. He/she shall deny the use of the Canteen to any member who violates the Canteen Bylaws, or these regulations, subject to the House Committee. The Post Commander is empowered to exercise his/her office in matters pertaining to conduct on Post property or Canteen area.

(h) Violation, or permitting the violation, of any of these rules and regulations will be deemed sufficient cause for discharge of the Canteen manager. If the House Committee fails to act upon proof of such violations, the Post floor may initiate action at a Post meeting under the provision of Section 5 paragraph d above.

(i) Any member of the House Committee, may be removed by vote of the Post, upon proved charges of failure to comply to enforce compliance with these rules and regulations, or the failure to attend three (3) consecutive meetings of the House Committee, except that the validity of any action taken under this rule pertains to the removal of the Post Commander or Post Quartermaster shall be based on full compliance with the provisions of section 220 and other applicable provision of the National Bylaws and Manual of Procedure.

#### **Section 7:**

(a) All income and profits from the Canteen shall be held or deposited in the name of the Canteen or Post and in no other name.

(b) The Post Quartermaster, by virtue of his/her office, will be treasurer of the House Committee, therefore-the House Committee and Canteen Manager shall turn over to the Post Quartermaster, at least once monthly, all net profits and property acquired during the month, over and above a certain specified amount which shall be prescribed in the Canteen Bylaws to be retained for current expenses during the following month.

(c) All Canteen books and records shall be audited by the Post Trustees quarterly at the time they audit the books and records of the Post Quartermaster.

(d) The House Committee and Canteen Manager will keep accurate records, open to inspection of Post members at all reasonable times.

**Section 8:** That no one be admitted to a V.F.W Post Canteen for the purpose of being served except comrades of the V.F.W. in good standing, service members of the armed forces with a

valid ID card, V.F.W. Auxiliary sisters and brothers, and their bona fide guests. Bona fide guests are defined as persons accompanied by another person authorized admittance to a V.F.W. Post Canteen. Post Canteens will maintain a log book of all bona fide guests, indicating the name of the guest and the name of the sponsor. A bona fide guest is only authorized to remain in the Post Canteen while the sponsor is present.

**Section 9:** Final authority in the enforcement of these regulations within the Department of North Carolina shall rest in the Department Commander, with concurrence of the Department Council of Administration. When he/she shall determine that a violation of these regulations exists in any Post Canteen in such a manner that continued operation of such Canteen shall be detrimental to the good of the order, he/she may deny permission to the Post to operate such Canteen until he/she can present the facts concerning suspension and the period thereof.

### ARTICLE XVII

**Section 1:** These Bylaws of the Department of North Carolina, VFW, may be added to or amended at any session of a Department Convention by a two-thirds vote of the delegates present and voting, provided such additions or amendment has been submitted in the proper format, and further provided that such change or amendment does not conflict with the Congressional Charter, Bylaws or Order of the National Convention. No amendment shall be effective until the same has been approved by the Commander-in-Chief. 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.

**Section 2:** The Department Adjutant shall be authorized to correct Article and Section designations, punctuations and cross-references and make such other technical and conforming changes as may be necessary to reflect the intent of the Department Convention in connection with these Bylaws.



REVIEWED AUG 14 2019  
FOR THE COMMANDER-IN-CHIEF

*[Signature]*  
KIM A. DE SHANO  
ASSISTANT ADJUTANT GENERAL  
BY JOHNATHAN R. DUNCAN, DIRECTOR  
ADMINISTRATIVE OPERATIONS