

**DEPARTMENT OF SOUTH CAROLINA
VETERANS OF FOREIGN WARS OF THE UNITED STATES**

BY-LAWS

ARTICLE I
NAME AND JURISDICTION

SECTION 1. Name: This subdivision of the Veterans of Foreign Wars of the United States, Incorporated, shall be known as “The Department of South Carolina, Veterans of Foreign Wars of the United States, Incorporated” hereafter referred to as the “Department”. The jurisdiction of the Department shall conform to the territorial limits of the State of South Carolina.

ARTICLE II
AUTHORITY

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

SECTION 2. Subject to the provisions of the Congressional Charter and By-Laws, the government of the Department shall be vested in a Department Convention, Department Council of Administration, and orders of the State Commander.

ARTICLE III
DEPARTMENT HEADQUARTERS

SECTION 1. The Department Headquarters shall be located in the greater metropolitan area of Columbia, South Carolina.

SECTION 2. *Normal Business hours of the Department Headquarters will be 9:00 AM to 5:00 PM Monday through Friday except designated holidays. Except for unusual circumstances, someone will be in State Headquarters during all regular business hours to answer the phone.*

SECTION 3. *Designated holidays shall be in conjunction with the published Federal Holidays.*

SECTION 4. All General Orders emanating from Department Headquarters shall be in writing, or in printed form, signed by the State Commander and/or attested to by the State Adjutant.

SECTION 5. All records, reports, documents, and equipment belonging to the Department of South Carolina VFW will be maintained and/or stored at the Department Headquarters, 210 Glassmaster Rd, Lexington, SC, 29072. These items will remain accessible to the membership during regular business hours or special written request.

ARTICLE IV
DEPARTMENT CONVENTION

SECTION 1. The Department Convention shall consist of:

- a) The Commander-in-Chief and Past Commanders-in-Chief who are members in good standing in a Post within the Department.

- b) The National Council Member, the State Commander, all Past State Commanders who are members in good standing in a Post within the Department; all elective 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 the comrades' absence, the District Junior Vice Commander, may be registered and function as a member of the convention.
- d) All Post Commanders throughout the Department who are members in good standing in their respective post and whose posts are likewise in good standing. In the absence of the Post Commander, the Post Senior Vice Commander, or in the comrades' 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 By-Laws.

ARTICLE V MEETINGS

SECTION 1. (a) There shall be an annual meeting of the Department Convention during one of the four weekends in June. The place and dates of the convention to be fixed by the Department Convention three (3) years in advance. The annual meeting of the Department Convention will be held in the greater Columbia area or its immediate surroundings, wherever possible, subject to hotel availability, adequate facilities, and cost.

- (b) There shall also be a Mid-Winter Conference at a place and date to be fixed, by appropriate conference, three (3) years in advance.
- (c) The Mid-Winter Conference date shall be set so that it does not conflict with any Southern Conference or National Conference/Convention.
- (d) Actual dates and locations of the Department Convention and Mid-Winter Conference to be confirmed by the Council of Administration.

SECTION 2. The Council of Administration 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 and Mid-Winter Conference will be handled by and through the Department Headquarters by a Convention/Conference Committee consisting of three members. One three (3) year member will be appointed by the incoming State Commander each year. The previous three (3) year member shall become the two (2) year Committee Member, the previous two (2) year Committee Member shall become the one (1) year member. The following year, the one (1) year member will retire from the Committee. It shall be the function of this committee to make all necessary arrangements for the hotel accommodations and all Convention/Conference functions, with the approval of the State Commander. Convention/Conference Committee Members may not serve more than three consecutive years.

SECTION 4. The cost of registration for the Mid-Winter Conference and Department Convention will be established by the Council of Administration after the Convention/Conference Committee completes the contractual agreement with the hotel that will host the event.

ARTICLE VI
VOTING: DEPARTMENT CONVENTION

SECTION 1. Each member of the Department Convention, except delegates elected by posts, present and registered at the Department Convention, shall be entitled to one vote. An individual possessing more than one qualification for membership in the Department Convention shall have no more than one vote.

SECTION 2. The voting strength of each post in the Department shall be one (1) vote for every thirty (30) members in good standing, or a fraction thereof, recorded in Department Headquarters.

SECTION 3. Each post shall pay a delegate fee not to exceed two (2) dollars for each delegate of the Department Convention. Delegate fees must be paid to entitle delegates to vote at the Department Convention. The delegate registration fee shall be forwarded by each and every Post regardless of the number of delegates present at the annual Department Convention, and must be in the hands of the State Quartermaster not later than fifteen (15) days before the convening of the Department Convention each year. Posts failing to forward the full delegate registration fee shall be considered delinquent and in arrears.

SECTION 4. The delegate or delegates of a post present at the Department Convention shall be entitled to vote the full delegate strength to which the post is entitled. Such votes to be cast as a unit or as a split vote.

SECTION 5. (a) Department elections shall be decided by a majority vote of the Convention members present and voting. Until a majority has been attained, the question has not been legally decided. When more than two candidates are seeking the same office and no candidate receives a majority on the first ballot, the name receiving the lowest number of votes shall be eliminated from further ballots. This process shall be repeated until a majority vote is attained by a candidate. A majority vote means more than half of the votes cast at a legal meeting with quorum.

(b) In the event a tie vote results in the final ballot and State Commander has not yet voted, the State Commander may cast the deciding vote but is not required to vote. If the State Commander has already cast a vote, or the comrade has not voted but chooses to not break the tie, the candidates or their nominator or designated representative shall determine the result and break the tie by lot or coin. The State Junior Vice Commander and State Judge Advocate shall witness and certify the results of the tiebreaker.

(c) Absentee ballots and proxy ballots are not authorized and will not be recognized.

SECTION 6. (a) Voting on all elective officers shall be by roll call vote, provided that should only one candidate be nominated for an elective office, the presiding officer shall be empowered to instruct a member of the Convention to cast one (1) unanimous ballot for the nominee who shall then be declared elected.

- (b) A candidate for Junior Vice Commander-in-Chief from the Southern Conference, or any other Southern Conference candidate for any other National office, shall be selected by roll call vote at the Department Convention immediately prior to the Southern Conference meeting which will elect the candidate(s) (designate). The State Commander, or in his absence the State Senior Vice Commander, or in his absence the State Junior Vice Commander shall be mandated to cast the Department vote on the first ballot at the Southern Conference for the candidate(s) selected at the Department Convention. Should that candidate(s) be dropped after the first ballot, the State Commander, or in his absence the State Senior Vice Commander, or in his absence the State Junior Vice Commander shall vote the poll choice(s) of the Department delegates present. Such vote to be cast as a unit of split vote.

SECTION 7. The minutes of the Department Convention shall be kept at the Department Headquarters.

SECTION 8. Any post in arrearages for any financial obligations of failing to have the office of Quartermaster properly bonded or failing to submit quarterly Trustees Report of Audits shall be deprived of all representation in the Department Convention. Obligations must be cleared by the State Quartermaster or his designated representative by close of the business meeting on the second day of the Convention (Saturday).

ARTICLE VII OFFICERS

SECTION 1. Any member in good standing in a post within the Department shall be eligible to hold any office in the Department, provided no member shall hold two (2) elective Department offices at the same time.

SECTION 2. The officers of the Department, their nominations, elections, or appointment, and the term of office shall be in accordance with the provisions for Departments in the National By-Laws.

SECTION 3. The filing and vacating of all Department offices shall be in accordance with the provisions for Departments in the National By-Laws.

SECTION 4. The transfer of membership of a district officer from the district of the comrade's election or appointment shall automatically vacate said office and the same shall be filled in accordance with the provisions of the National By-Laws.

ARTICLE VIII DUTIES OF OFFICERS

SECTION 1. The duties of all Department officers shall those prescribed by National By-Laws, by the lawful orders of the National Council of Administration, or by the Commander-in-Chief, and such additional duties as the By-Laws of the Department or lawful orders of the Council of Administration or the State Commander may direct.

SECTION 2. *The State Commander and the State Quartermaster will be appointed under a General Order (to be numbered) for their ensuing year to act as agents for the Department of South Carolina in all real property transactions. A copy of General Order No. 1 (Assumption of Command) and General Order No. 2 (State Officers) will be attached to General Order (to be numbered) when issued to transact a specific business process.*

ARTICLE IX
COUNCIL OF ADMINISTRATION

SECTION 1. The District Commanders of the Department of South Carolina, as provided for in National By-Laws, shall be members of the Department Council of Administration representing each District in the Department. In the absence of a District Commander, the 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 Council of Administration districts shall be numbered the same and in accordance with the designated Districts of the Department, as shown on a current map, and may be altered in accordance with National By-Laws from time to time as the need arises.

SECTION 3. The Department Districts otherwise shall be formed, chartered, and operated in accordance with Article IV of the National By-Laws.

SECTION 4. The Department Council of Administration shall consist of elected Department officers, Adjutant, Chief of Staff, Inspector, Immediate Past State Commander, and all District Commanders.

SECTION 5. The Department Council of Administration shall meet at least once per quarter, at such time and place as the State Commander or Council of Administration shall designate.

ARTICLE X
PER CAPITA TAX

SECTION 1. Department Per Capita Tax for all new, reinstated, and continuous members is \$6.00 per year

ARTICLE XI
COMMITTEES

SECTION 1. *The State Commander shall appoint a Budget and Finance Committee consisting of five (5) members immediately following the Department Convention. This Committee will replace the Ways and Means Committee. The Budget and Finance Committee shall audit the accounts and records of the State Quartermaster and report their findings to the Council of Administration for appropriate action. This committee will be responsible not merely for detailed audits of the accounts, but also for insuring expenditures for budgeted items do not exceed the budgeted allotment for the items, and to make recommendations at any time to the Council regarding the financial affairs of the Department. Additionally, this committee will oversee and facilitate all real property transactions resulting in a recommendation for its disposition and liabilities to the Department.*

SECTION 2. *The Budget and Finance Committee will prepare its recommendations for the Annual Budget and deliver them to the Council of Administration immediately at the close of the Department Convention, if not sooner, for their review and approval at the first Council of Administration meeting.*

SECTION 3. The State Commander may appoint such committees as he 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.

SECTION 4.

- a. The State Commander shall form a Fraternal Review Committee of not less than nine (9) members, one from each District, immediately following the Department Convention. This committee shall be available to the State Commander to review problem areas presented in writing by any Comrade or Post or District Commander and will make recommendations for resolution to the State Commander.**
- b. Notwithstanding a. above, the State Commander may at his option appoint additional Fraternal Review committees to conduct review of fraternal activities of Posts and other entities and is not limited to the committee referred to in a. above.**
- c. The Budget and Finance Committee shall establish a budget line item for the support of the Fraternal Review Committee. The budgeted amount should be for mileage and lodging, if necessary. Any disbursements will be reimbursed to the Department by the Post involved, if solvent.**

ARTICLE XII MISCELLANEOUS

SECTION 1. Each post in the Department will hold at least one (1) meeting each month.

SECTION 2. The Department records shall be audited annually by a Certified Public Accountant covering the fiscal year beginning July 1 and ending June 30. This audit will be made available to the Council of Administration upon completion.

SECTION 3. A Department directory shall be printed as soon as practical after installation of Posts, Districts and Department officers, the expense of which is to be borne by the Department.

SECTION 4. The State Commander, after entering upon the duties of the office, shall present the retiring State Commander, a Past State Commander's pin, the expense of which is to be borne by the Department.

SECTION 5. The Rules of Order and Order of Business, as outlined in the National By-Laws, 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 6. *Each Post operating a Canteen is required to operate in accordance with the Veterans of Foreign Wars State of South Carolina Canteens Rules adopted December 12, 2009. The Post rules and regulations must be in accordance with Federal, State, and Local laws, rules, and regulations.*

SECTION 7. Two or more Posts in the Department of South Carolina may consolidate as provided for in Section 209 of the National By-Laws and Manual of Procedure.

SECTION 8. A Post in the Department may form a Men's Auxiliary in accordance with Article XIII of the National By-Laws and Manual of Procedure.

SECTION 9. A Department Honor Guard may be formed, governed by and under the control of the Department Convention, Department Council of Administration and the State Commander.

SECTION 10. (a) Candidates for Southern Conference Chairman, Vice Chairman and Secretary-Treasurer shall be considered by the Department delegates present at the Southern Conference meeting at which the candidates will be elected. The State Commander, or in his absence, the State Senior Vice Commander, or in his absence the State Junior Vice Commander shall vote the poll choice(s) of the Department delegates. Such votes to be cast as a unit or split vote,

(b) Department delegates shall be considered as those Department members present at the Southern Conference meeting.

ARTICLE XIII **RESOLUTIONS**

Section 1. (a) Resolutions may be originated and approved by a vote at a Post meeting, signed by the Post Commander and the Post Adjutant, then submitted to District for District approval. Upon approval by District vote, it must be signed by the District Commander and District Adjutant, and then forwarded to the Department at least thirty (30) days prior to the Annual Department Convention. However, if the resolution is an amendment to the Department By-Laws, it must be forwarded to the Department at least forty-five (45) days prior to the annual Department Convention

- (b) Resolutions may be originated and approved by vote at a District meeting, signed by the District Commander and the District Adjutant, then submitted to the Department at least thirty (30) days prior to the Department Convention for approval by the Department Convention. However, if the resolution is an amendment of the Department By-Laws, it must be forwarded to the Department at least forty-five (45) days prior to the annual Department Convention.
- (c) Resolutions may be originated by Department officers or by the Department Convention itself and acted upon by the Department Convention.
- (d) Resolution or By-Law changes not in proper form, unclear as to meaning, or concerning matters clearly not within the scope and purpose of the Veterans of Foreign Wars cannot be considered by the Department Convention.
- (e) All resolutions offered for consideration at the Department Convention must be typewritten and in triplicate.

SECTION 2. 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 complied with and accepted by a two-thirds (2/3) vote of the Convention.

SECTION 3. All resolutions passed at a Department Convention shall have a continuing force and effect unless rescinded, repealed, or amended by a succeeding Department Convention.

ARTICLE XIV **AMENDMENTS**

These By-Laws may be amended by the Department Convention by a two-thirds (2/3) vote of the voting strength present, provided no amendments shall be considered unless a copy of the same shall have been forwarded to all Posts, Districts, and Department officers at least thirty (30) days prior to the convening of the Department Convention

These By-Laws were adopted at the 75th Annual Department Convention, June 26, 2010 by a majority vote of the members present.

BY ORDER OF THE COMMANDER;

Respectfully submitted,

Teo Rivas
State Adjutant

These By-Laws with amendments were approved by the delegates at the Department Convention, June 1, 2002.

Amended by delegates at the Department Convention June 7, 2003
Amended by delegates at the Department Convention June 6, 2004
Amended by delegates at the Department Convention June 4, 2005.
Amended by delegates at the Department Convention June 3, 2006
Amended by delegates at the Department Convention June 7, 2008
Amended by delegates at the Department Convention June 27, 2009
Amended by delegates at the Department Convention June 26, 2010