

**Bylaws**  
**Department of Montana**  
**Veterans of Foreign Wars of the United States**

**Article I**  
**Name and Jurisdiction**

**Section 1: Name;** This subdivision of the Veterans of Foreign Wars of the United States shall be known as the Department of Montana, Veterans of Foreign Wars of the United States. Hereinafter referred to as "Department".

**Section 2: Jurisdiction;** The jurisdiction of the Department shall conform with the territorial limits of the State of Montana.

**Article II**  
**Objects**

**Section 1: Purpose of Objects;** The Purpose and Objects of this Department shall be as set forth in the National Congressional Charter and Bylaws of the Veterans of Foreign Wars of the United States.

**Article III**  
**Authority**

**Section 1: Authority;** The supreme power of the 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 National Congressional Charter and Bylaws adopted by said National Convention, mandates of the Council of Administration and orders of the Commander-in-Chief.

**Section 2:** Subject to the provisions of the National Congressional Charter and Bylaws, the Government of this Department shall be vested in a Department Convention, Department Council of Administration and Lawful Orders of the Department Commander.

**Section 3:** This Department shall be governed by a Department Convention subordinate to the National Convention.

**Article IV**  
**Department**

**Section 1:** That Helena, Montana, shall be the permanent and official Headquarters of the Department of Montana, Veterans of Foreign Wars, and that the offices of Department Adjutant and Quartermaster will be at Department Headquarters on the grounds of the military base Fort Harrison, in Helena, Montana.

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

**Section 3:** All orders emanating from Department Headquarters shall be in writing.

**Section 4:** The Department Adjutant/Quartermaster pay will be divided proportionately, giving the Quartermaster 70% and the Department Adjutant 30% of the amount approved by the Council of Administration.

**Section 5:** Department funds shall not be used under any circumstances as a loan or donation to any individual or individuals, nor shall they be used as a loan or donation to finance, or assist to finance, any private or public business firm, corporation or promoter.

**Section 6:** Department funds shall be dispersed in accordance with **Section 518 (4) (c)** of the National VFW Manual of Procedure, and only Department Quartermaster's signature shall be required.

**Section 7: (Payments from special funds);** Payments from special funds shall be dispersed, for the purpose for which said funds are established. (Service Officer Funds etc.).

**Section 8:** The funds marked as **Reserve Funds** shall not be used for any purpose whatsoever, except in an emergency, then only with a vote of 2/3 of the entire membership of the Council of Administration sitting in a regular session, or at a special session called for that purpose, by the Department Commander. The Department Commander may direct the Department Adjutant to conduct mail ballots, the results of such mail ballots shall be reported for the record at the next meeting. In accordance with Bylaws **Section 522 (j)**.

**Section 9: Disposition of Property;** In case of surrender or forfeiture of a Post or District Charter, all properties in accordance with **Section 210 & 410** of the National Bylaws, will be placed in the account marked **Reserve** by the Department of Montana Quartermaster, and controlled as specified in **Article IV, Section 7**, of these Bylaws.

**Section 10: Department National Council Member; the Department National Council Member;** Must be elected by the governing body of the Department Convention for a (4) four year term. The Department National Council member must give a written report within 15 days after a National Council meeting to the State Commander, and to the Department Adjutant to be kept on file at Department Headquarters.

## **Article V** **Council of Administration**

**Section 1:** Members of the Department Council of Administration shall be as outlined in **Section 522, paragraph (a)** of the National Bylaws. In addition, the State Judge Advocate shall serve as a member of the Council of Administration.

**Section 2:** Department Council of Administration Districts shall be numbered by Counties as follows: **District #1** - Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, and Ravalli; **District #2** - Glacier, Toole, Liberty, Hill, Blain, Pondera, Teton, Chouteau, Judith Basin, Fergus, Petroleum and Cascade; **District #3** - Stillwater, Carbon, Yellowstone, Big Horn, and Treasure, Wheatland, Golden Valley, Musselshell, Park, and Sweet Grass; **District #4** - Powell, Lewis and Clark, Meagher, Beaverhead, Madison, and Gallatin; **District #5** - Phillips, Valley, Daniels, Sheridan, Roosevelt, McCone, Richland, and the Northern tip of Dawson that includes the town of Richey; **District #6** - Garfield, Rosebud, Prairie, Powder River, Carter, Fallon, and Wibaux, Custer, and Dawson with the exception of Northern tip that is in **District #5**.

**Section 3:** The Department Council shall meet two times a year, and at such other times and place as the Department Commander or Council of Administration shall designate.

**Section 4:** Copies of the minutes and any action taken by the Council of Administration shall be sent to each Post in the State and to all Department Officers within fifteen days after said meeting at which such action has been taken.

## **Article VI**

### **Department Conventions**

**Section 1:** The composition shall be as a prescribed in **Section 504** of the National Bylaws.

**Section 2:** The delegate, and alternate strength of each Post in the Department shall be based upon one of each for every thirty (30) members or any fraction thereof in good standing as of March 31<sup>st</sup>, and they shall be elected in accordance with **Section 222** of the National Manual of Procedure. That a delegate registration fee of not to exceed ten dollars (\$10.00) shall be paid by each Post for each and every delegate to which each Post shall be entitled, based upon, and shown by the Department Quartermaster's records as of not less than thirty days prior to the Convening of the Convention, with such additions as may be necessary by the new Posts only. 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 Department Quartermaster, not later than fifteen (15) days before convening of the Department Convention each year. A Post failing to forward the full delegate registration fee shall be considered delinquent and in arrears. That all registration fees so collected as above set forth, shall be placed in a Department Convention Fund by the Department Quartermaster and used and expended only as, and for expenses incurred and expenditures made in holding of an annual Department Convention each year.

**Section 3:** Past Department Commanders who are in good standing in a Post in the Department shall be members of the Department Convention and shall receive their credentials from the Department Commander.

**Section 4:** Electronic Attendance. Members may be allowed to participate in meetings using technology that allows participating members to communicate with each other simultaneously.

**Section 5:** Voting shall be governed by **Section 521** of the National Bylaws.

**Section 6:** Copy of the minutes of the Department Convention shall be forwarded to all Post and Department Officers in the Department not later than forty five (45) days after adjournment of said convention.

**Section 7:** That the Department Convention of the Department of Montana shall be and is limited to four (4) days. The first day of which shall be assigned exclusively for the use of the Military Order of the Cooties and their Auxiliary, and that remaining three (3) days shall be exclusive use of the Veterans of Foreign Wars of the United States, Department of Montana, together with the Veterans of Foreign Wars Auxiliary thereto. The Department Convention Dates will be the second full week in June starting not earlier than Wednesday and ending not later than Saturday. The Department Convention must be concluded no less than thirty (30) days prior to the Conclusion of the National Convention as required in **Article V, Section 503** of the National Bylaws. If a conflict occurs the Department Convention must be adjusted accordingly.

**Section 8:** That the Department Council of Administration shall each year appoint a Department Convention Committee, in such number as the Council shall deem proper, and that Convention rules and regulations for the conduct and operation of all Department Conventions shall be placed into operation.

**Section 9:** That said Convention Committee shall cooperate with the host Post and that in case of dispute or disagreement, the decision of the Committee shall be final upon approval of said decision by the Department Council of Administration.

## **Article VII** **Per Capita Tax**

**Section 1: Department Dues;** Per Capita Tax of this Department shall be provided for annually, by resolution or motion at the Department Convention.

## **Article VIII** **Committees**

The State Commander and State Quartermaster will be advisory members of all Committees.

### **Section 1: Convention Committee;**

- A. A Convention Committee Chairman shall be appointed by the State Commander at least thirty (30) days prior to the convening of the Department Convention.
- B. Each Post and all Department Officers shall be notified of the names and addresses of all Committee members within 5 Days following their appointment.

### **Section 2: Standing Committees;**

- A. The Time and Place Committee shall consist of the Judge Advocate as Chairman, the Chaplain, and such other members as appointed by the State Commander. The Committee will consist of not more than 10 Members.
  1. The selection of the Convention site to be made two (2) years in advance.
  2. The site selection to be determined by the Convention Body.

B. All Standing Committees not otherwise provided for, shall be appointed by the State Commander within thirty (30) days following the adjournment of each Convention.

C. All Post and Department Officers shall be notified of the names and addresses of the members of all Committees within fifteen (15) days following their appointment.

**Section 3: Board of Trustees;**

A. The board of Trustees shall consist of three members. No member of the board will serve in any elected or appointed Department position that sits on the Council of Administration during their time on the board. Members will be appointed as follows.

- One member to serve one year.
- One member to serve two years.
- One member to serve three years

B. At the end of each year the one year appointee will drop off, the 2 year appointee will move to 1 year, 3 year to 2 year and the Department Commander will appoint a three year board member each year and any other replacement(s) subject to confirmation of the Council of Administration. Said board member must be knowledgeable of proper bookkeeping practices and National VFW requirements such as Quartermaster or Accountant.

C. A member of this committee shall be known as Department Trustee, and appointed for a term of three (3) years. The Department Commander shall designate the member who is serving the one (1) year term to be Chairman. Not more than one (1) member from the same District may serve on the board, nor shall any member of the board serve in any other Department position, either elected or appointed if that position is seated on the Council of Administration.

D. The board of Trustees will audit the books of the Department Quartermaster four (4) times a year within thirty (30) days following the end of a quarter. The board of Trustees may do a complete audit and/or review the books of the Department Quartermaster at any time, with the approval of the Department Commander.

E. The State Quartermaster will provide to the board of Trustees a copy of the following information as soon as it becomes available each year.

1. Proof of Department Quartermaster Bond
2. Filed 990
3. Articles of Incorporation renew with the Secretary of State

F. The Department Quartermaster will provide a financial report to each Council of Administration member upon request.

**Section 4: Redistricting;**

A. A redistricting committee shall be appointed for the purpose of reestablishing boundaries of any or all Districts in the Department of Montana.

1. When the Department Commander feels it is necessary.

2. When the District or Districts by a two-thirds (2/3) majority vote, at any special District meeting for such specified purpose or at a regular District Convention requests this be done.
  3. When the Council of Administration, by at least a two-thirds (2/3) majority vote, directs this to be done.
  4. When the Convention delegates assembled at a Department Convention by a majority vote directs this to be done.
- B. When one (1) of the above criteria is met, the Department Commander shall appoint a Redistricting Committee, consisting of not less than seven (7) members in good standing to review the boundaries of the District or Districts in question. There shall be at least one (1) member from each District.
- C. The Redistricting Committee shall report to the succeeding Department Convention which shall have the sole prerogative, by a two-thirds (2/3) majority vote, to adopt or reject the recommendations of the Redistricting Committee.
- D. No District or Districts shall be divided where the establishment of a new District with less than ten (10) Posts and a minimum of seven hundred and fifty (750) members immediately after division exists.
- E. Districts of less than five (5) Posts may be cancelled by the Department Convention.

**Section 5: Bylaws, Policies, and Procedures:**

By direction of the Department Commander this committee shall be responsible for reviewing, evaluating, and recommending changes of, but not limited to the Bylaws, Policies, and Procedures of the Department of Montana, Veterans of Foreign Wars. This Committee shall report all activities to the Department Commander at least annually.

The committee shall consist of no less than five members. Those members being the State Commander, State Adjutant and three other members appointed by the State Commander. The State Commander shall designate the chairman.

**Section 6: Post House Committee:**

Before allowing operation of any commercial venture, a Post must adopt House Committee rules. A copy of approved House Committee rules must be on file at Department Headquarters, and available for inspection at the Post.

**Article IX**  
**Procedure**

**Section 1:** The order of business shall be as provided in **Section 1001** of the National Bylaws.

**Section 2:** The Veterans of Foreign Wars Auxiliary shall be governed and controlled as provided in **Article XI** of the National Bylaws.

## **Article X** **Resolutions**

**Section 1:** All resolutions for convention consideration shall be typewritten, in triplicate, and shall be in the hands of the Resolutions Committee Chairman at least ten (10) days prior to the convening date of the Convention, or submitted by the National or Department Officers.

**Section 2:** No resolution other than those of condolences and appreciation shall be considered by the Convention unless the provisions of **Section 1** of this article have been complied with, except by consent of the convention.

**Section 3:** All resolutions approved by the Convention which do not conflict with the provisions of the National Congressional Charter and Bylaws, and the Bylaws of this Department shall be considered mandates of action or administration by all Department Officers.

## **Article XI** **Miscellaneous Provisions**

**Section 1:** The State Adjutant shall be responsible for the administration, supervision and technical guidance of all activities, programs and personnel of the Department of Montana VFW.

**Section 2: Buddy Poppy;** Every Post will purchase Buddy Poppies through the Department each reporting year. The reporting year will start on 1 June and end on 31 May the following year. The Department will maintain a list of the Posts that have purchased Buddy Poppies each year.

**Section 3:** The Post Commander or his/her representative will attend all properly called District Conventions, Meetings, or Training sessions as stated in Section 218 of the Manual of Procedure.

## **Article XII** **Districts**

**Section 1: Regular Meeting;**  
Districts shall hold at least three (3) meetings each year for the purpose as prescribed in the Manual of Procedure, At least one (1) regular meeting shall be held by the District each year for the purpose of promoting schools of instruction for Post Officers. This meeting will be held in conjunction with the Department School of Instruction held each year in August.

**Section 2: District Commander;**

The District Commander will ensure that a community activity report is completed by each Post in their District at the same time the Post inspection is being performed. The District Commander will ensure the Community Activity Reports are forwarded to the Department Headquarters by 30 November of each year.

**Section 3: District Inspector;**

The District Inspector will ensure all Post inspections have been completed and forwarded to the Department Inspector no later than 30 November.


**Article XIII**  
**Amendments**

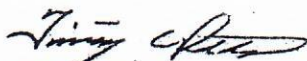
**Section 1:** These Bylaws may be amended by the Department Convention, by a two-thirds vote of delegates present and voting at a stated meeting thereof; provided that such amendments have been proposed by a Post, a District, the Department Council of Administration, Department Committee, or by a Department Officer; and a written copy of such amendment has been provided by the Department Adjutant to all Posts and Department Officers at least thirty (30) days prior to the first day of the Department Convention. No amendment shall be effective until same has been approved by the Commander-in-Chief.


**Section 2:** These Bylaws shall be annually revised in each Section wherein a reference is made to the National Bylaws to conform to the existing titles and numbers of the appropriate Article, Section, or paragraph on the National Bylaws.

**Section 3:** Whenever these Bylaws or subsequent amendments may be found to be in conflict with the present or future National Bylaws the latter shall prevail and be binding upon this Department as though written herein.

These Bylaws were adopted as written on this 18<sup>th</sup> day of June 2021, at the Department Convention in the City of Lewistown, Montana. These Bylaws supersede any previous Bylaws or Amendments.

  
Harold E. Wheeler, Jr.  
Commander

  
TIMOTHY C. PETERS  
Adjutant/Quartermaster

REVIEWED JUL 20 2021  
FOR THE COMMANDER-IN-CHIEF  
  
BY JOHNATHAN R. DUNCAN, DIRECTOR  
ADMINISTRATIVE OPERATIONS