

**VETERANS OF FOREIGN WARS  
OF THE UNITED STATES  
DEPARTMENT OF HAWAII  
BY – LAW**

**ARTICLE I – NAME AND JURISDICTION**

Section 1. NAME: By virtue of a charter granted by the National Veterans of Foreign Wars of the United States, this organization will be herein after referred to as the “Department”.

Section 2. JURISDICTION: The Department shall conform to the territorial limits within the State of Hawaii, American Samoa and Samoa.

**ARTICLE II – OBJECT**

The object of this Department shall be as set forth in the National By-Laws and Congressional Charter of the Veterans of Foreign Wars of the United States.

**ARTICLE III – ORGANIZATION**

Section 1. ORGANIZATION: The duly constituted and chartered subordinate units now recognized, and those that may hereafter chartered in the State of Hawaii, American Samoa and Samoa, shall constitute the Department of Hawaii.

Section 2. The Department Headquarters will be located on the island of Oahu, County of Honolulu, Hawaii.

**ARTICLE IV – AUTHORITY**

Section 1. AUTHORITY: The Administrative duties of this Department shall be vested in the National Convention of the Veterans of Foreign Wars of the United States and shall be governed by the Congressional Charter and the By-Laws.

Section 2. Subject to the provisions of the National Congressional Charter and By-Laws, the government of the Department shall be vested in a Department Convention, Department Council of Administration here-in-after referred to as C. of A.; and lawful orders of the Department Commander.

**ARTICLE V – COMPOSITION, DEPARTMENT CONVENTION**

Section 1. COMPOSITION: Any current and / Past Commander-in-Chiefs who are members in good standing, in this Department.

Section 2. The Local National Council Member, all Local Past National Council Members, the Department Commander, all Past Department Commanders in Good standing within the Department; all elective officers of the Department, Chief of Staff, Inspector, **Department Service Officer** and the Adjutant.

Section 3. Post Commander: In the absence of the Post Commander, the Post Senior Vice Commander will be next in line. In their absence, the Post Junior Vice Commander may be registered and function as a member of the Convention.

Section 4. The Post will elect delegates.

## ARTICLE VI – DEPARTMENT CONVENTION

Section 1. QUORUM FOR CONVENTION: The minimum number of Delegates required to constitute a quorum for transaction of business at any convention shall be no less than one Delegate from ten Post in the Department.

Section 2. MEETING: There shall be an annual meeting of the Department each year which shall begin not prior to May 1, nor extend beyond June 30. The delegates present at the previous Department Convention shall set the date and place for the Annual Convention of the Department.

Section 3. DELEGATES AND ALTERNATES: Delegates and Alternates to the Department Convention shall be elected in accordance with the provisions of the National By-Laws: One Delegate and One Alternate shall be elected for each 30 members, or fraction thereof, in good standing in the Post as of the date of election. A list of delegates and alternates will be submitted to the Department. For simplicity, list only delegates that are expected to attend.

Section 4. DELEGATES REGISTRATION FEE: A delegate registration fee of (\$10.00) shall be paid by Post for every delegate based upon the Department Quartermaster's records thirty days prior to the Convention, with such additions as may be authorized by new Posts. Delegate's registration fees shall be forwarded by all Posts regardless of the number of delegates present at the annual Department Convention and must be submitted to the Department Quartermaster no later than fifteen (15) days before the convening of the Department Convention each year. Any Post failing to forward the full delegate registration fee shall be considered delinquent and in arrears.

Section 5. The Department Quartermaster will set up a Department Convention Fund. All delegate fees received will be placed and expended only for expenses incurred during the Department Convention.

## ARTICLE VII – OFFICERS

Section 1. OFFICERS: The Officers of this Department shall be as provided in ARTICLE V of the National By-Laws.

Section 2. ELECTION: The Officers of this Department eligibility to nomination, election and/or appointment shall be in accordance with the provisions of the National By-Laws.

Section 3. VACANCIES: Vacancies in any office when declared shall be filled in accordance with the provisions of the National By-Laws.

Section 4. DUTIES: The duties of all officers shall be as prescribed by National and Department By-Laws.

Section 5. QUARTERMASTER DUTIES: The Department Quartermaster shall prepare an annual inventory, showing property location and valuation report, covering all real and personal property belonging to the Department, and shall submit and report to the Annual Department Convention.

Section 6. **Department Audit Team: A Past Department Commander and two members of the Council Administration. Appointed by the Department Commander and confirmed at the first C. of A. meeting after Department Convention.**

## **ARTICLE VIII – DEPARTMENT REVENUE**

Section 1. REVENUE: The annual per capita tax of the Department shall be in the sum of six (\$6.00) dollars each member in each Post, shall be paid in accordance with existing National and Department By-Laws.

Section 2. **Six** thousand dollars deposited monthly to the General Fund, as approved in the Annual Budget, from Morgan Stanley. Any accruing interest of the Department investments shall be credited to the Department General Fund, on a quarterly basis. Exception will be the Morgan Stanley investment. Total removal and/or Closure of agreement with Morgan Stanley shall be by the C. of A. A majority vote of approval of those present is required. Investment Chair shall be responsible for preparing a viable business plan addressing near and long-term consequences of any major change in investment strategy prior to implementation.

## **ARTICLE IX – COUNCIL ADMINISTRATION**

Section 1. COMPOSITION: The Department of C. of A. shall consist of Officers as outlined in the National By-Laws. Post Commanders in good standing are included in this composition.

Section 2. RETIRING DEPARTMENT COMMANDER: The retiring Department Commander shall also be a member of the C. of A. **until the** incumbent Department Commander retires. In the event the retiring Department Commander is unable to serve on the Department C. of A., his/her place shall be filled by the last Past Department Commander or a Past Department Commander next on the list that is willing to serve.

Section 3. Three (3) PAST DEPARTMENT COMMANDERS: The three past immediate Department Commanders shall be member of the C. of A. In the event they are unwilling or unable to serve, the position shall be filled by a Past Department Commander in line who is **willing** to serve.

Section 4. QUORUM: A majority of the C. of A. members shall constitute a quorum for the transaction of business.

Section 5. ADMINISTRATION OF AFFAIRS BETWEEN CONVENTIONS: The Department C. of A. shall be responsible for administrating the affairs and transaction of business of the Department between Department Conventions.

Section 6. DUTIES: The duties of the C. of A. shall be as provided by the National By-Laws and the By-Laws of the Department.

Section 7. BUDGET: The C. of A. shall, at the first meeting following the Department Convention, approve and adopt an annual budget covering the financial operations of the Department for the ensuing year. One copy of the adopted budget will be forwarded to the V.F.W. Adjutant General for final approval. The C. of A. shall have the power to fix all Department salaries and expenses. Also allowing the QM to move and/or adjust funds from expended items to balance.

Section 8. AUDIT – ACCOUNTS: The C. of A. shall have the power to audit the accounts of Department officers and shall require that all records of the Adjutant and Quartermaster be audited quarterly, by **the Department Audit Team**.

Section 9. MEETINGS: The C. of A. shall meet on a Saturday or Sunday following the Department Convention and on the Second Saturday of **August, December and February**. **The C. of A. shall have the authority to change dates and / or select meeting locations. In no case shall there be more than a hundred fifty (150) days between consecutive C. of A. meetings.** Month of December or February may be Department of Hawaii's Mid-Winter Conference. The time and place of the C. of A. / Mid-Winter Conference shall be at the discretion of the Department Commander, unless otherwise directed by the C. of A.

Section 10. VOTE: Each member of the C. of A. present at the meeting shall be entitled to one vote.

Section 11. COMMITTEE: The C. of A. will maintain the following standing committees appointed by the Department Commander. All committees listed below shall submit a written report to the Annual Department Convention.

**Americanism/Citizenship  
By-Laws/Resolution  
Buddy Poppy  
Budget/Investment  
Community Service  
Convention  
Employment  
Homeless Veterans  
Hospital  
JROTC  
Legislative/National and State  
POW – MIA  
Veterans Services  
Veterans and Military Support  
Teacher**

**Life/Legacy - Life Membership  
Membership  
Facebook  
Loyalty Day  
Public Relations  
VOD-Patriots Pen  
National Home  
Safety  
Ways and Means  
Out Reach  
Website  
Youth Activity  
Scouting  
Student Veteran  
Strategic Planning/Building**

**Social Media  
Oahu Veteran Center**

Section 12. PROCEEDINGS: The C. of A. shall keep a record of its proceedings. Any valid action taken by the C. of A. shall be effective and remain in effect **until** it is terminated by the C. of A. or Department Convention.

## ARTICLE X – ARREARAGE

Any Post in arrears for returns, reports or other financial obligations shall be subject to the provisions of the National By-Laws.

## ARTICLE XI – SOLICITATION OF FUNDS

Section 1. This Department or any Post within its jurisdiction, shall not engage in any **fund-raising** projects in form of solicitation of donations or sales advertising except by prior vote of approval of the C. of A. and approval of the contract with the promoter / State Commander.

Section 2. This Department or any Post within its jurisdiction, or any member thereof shall not solicit donations for relief funds except within the period from **November 1st through December 31st, and/or from May 1st through May Thirty-first (31<sup>st</sup>)**, and such solicitations shall be confined to Buddy Poppies, Buddy Poppy Wreaths, Buddy Poppy Puppies and Buddy Poppy Ponies.

Section 3. The Department C. of A. on/or before August Thirty-first (31<sup>st</sup>) each year, shall select the dates of solicitation of Buddy Poppies and Buddy Poppies Wreaths, unless otherwise directed by the Department Convention. No Post shall distribute Buddy Poppies and/or Buddy Poppies Wreaths on other than duly authorized date or dates.

Section 4. When the Department C. of A. Grants approval to the Department or to any Post within the jurisdiction, to solicit funds by entering into a contract with a promoter, a surety bond in full amount expected to be collected during the campaign shall be furnished by promoter, said bond guaranteeing payment to the bonded officers of the Department or to the Post concerned, within thirty days after close of the fundraising campaign or entertainment, providing the promoter or promoters shall not have made previous satisfactory settlement. If bond cannot be furnished, all collections shall be paid to a bonded officer of the Department or the Post who shall hold the funds in their custody pending proper distribution.

## ARTICLE XII – REAL ESTATE FUNDS

Section 1. REAL ESTATE FUND shall be established and maintained by the Department Quartermaster.

Section 2. DEPARTMENT QUARTERMASTER: The Department Quartermaster shall be the custodian of All Real Estate Funds. He shall expend these monies only as directed by the C. of A. A two-thirds vote of approval of those present is required.

- a. For the purchase or down payment of future investments.
- b. Renovation of any Real Estate owned by the Department.
- c. Transfer funds to General Department Funds.

## ARTICLE XIII – MISCELLANEOUS

Section 1. The Department is generally considered a non-profit organization. To recognize and preserve this status it is necessary that approval by the Internal Revenue Service be obtained and maintained. The IRS relies very heavily on the Article of incorporation and By-Laws in determining

whether a Department of the V.F.W. and/or if its Posts is eligible for favorable initial and continuing non-profit status. Timeliness is of the essence. Anytime the IRS or any legal counsel regarding necessary changes to the By-Laws notifies this Department and Article of Incorporation is required to acquire and/or maintain non-profit status. The recommended changes shall be immediately reviewed and acted upon by a committee appointed by the Department Commander.

Section 2. As these documents can only be amended by adoption at the Annual State Convention. The following steps will be taken:

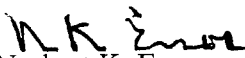
1. For a period of one year or until next State Convention, the rules for changes (timely submission to By-Laws committee, publication and circulation to all posts, etc.) in the By-Laws and Articles of Incorporation are suspended for exclusive purpose of changing or modifying these documents to comply with IRS requirements.
2. This authority shall be exercised by a committee appointed by the Department Commander and any proposed changes will be subject to approval by the C. of A.
3. This authority shall cease when IRS approval of tax-free status is determined.

#### ARTICLE XIV – AMENDMENTS

Section 1. By-Laws may be amended by a Two-Thirds (2/3) vote of the members present at a Department Annual Convention, provided, that no amendment will be considered unless a copy of the same be forwarded to all Post and Department Officers at least Thirty days prior to the next Convention. No amendments shall be effective until reviewed by the Commander-in-Chief of the Veterans of Foreign Wars of the United States.

Section 2. This By-Law will be annually reviewed to conform to the National By-Law.

Section 3. Wherever these By-Laws or subsequent amendments may be **found to conflict with the** present or any future National By-Laws the latter shall prevail and be binding on this Department as though written herein.

  
Norbert K. Enos  
State Adjutant

