

**VETERANS OF FOREIGN WARS OF THE UNITED STATES
DEPARTMENT OF NEW MEXICO
DEPARTMENT BY-LAWS**

ARTICLE I - NAME AND TERRITORIAL JURISDICTION

SECTION 1. (Name) This subdivision of the Veterans of Foreign Wars of the United States shall be known as the "Department of New Mexico, Veterans of Foreign Wars of the United States," hereinafter referred to as "Department."

SECTION 2. The territorial jurisdiction of this Department shall conform to the territorial limits of the State of New Mexico.

ARTICLE II - OBJECTS

SECTION 1. The purpose of this corporation shall be fraternal, patriotic, historical, educational and charitable; to preserve and strengthen comradeship among its members; to assist worthy comrades; to perpetuate the memory and history of our dead, and to assist their widows and orphans; to maintain true allegiance to the Government of the United States of America, and fidelity to its Constitution and laws; to foster true patriotism; to maintain and extend the institutions of American freedom; and preserve and defend the United States from all her enemies, whomsoever.

ARTICLE III - AUTHORITY

SECTION 1. (Authority) The supreme power of this 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 By-Laws adopted by said National Convention, mandates of the National Council of Administration and orders of the Commander-in-Chief.

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

ARTICLE IV - DEPARTMENT HEADQUARTERS

SECTION 1. The principle office and place of business of the Department of New Mexico shall be located in the city of the duly elected Department Quartermaster within the State of New Mexico, U.S.A.

SECTION 2. All orders emanating from Department Headquarters shall be in writing. Electronic communications, including e-mail and facsimile (FAX) transmissions, from Department Headquarters or the Commander shall be appropriate delivery methods.

SECTION 3. Any property of the Department shall not be used as collateral for any purpose whatsoever by any member or members of the Department.

SECTION 4. To sell or loan Department equipment or property it must first be approved by a two-thirds (2/3) vote of those members present at a regular or special meeting of the Council of Administration.

SECTION 5. Department Headquarters will be located in a secure facility such as the home of the Quartermaster, a local VFW Post Home or office complex. The Council of Administration, based on the recommendations of the Budget Committee,

will set the items and amounts that will be reimbursed to the Quartermaster for expenses incurred for the operation of Department Headquarters.

ARTICLE V - COUNCIL OF ADMINISTRATION

SECTION 1. (Composition) The Council of Administration of the Department 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 retiring Department Commander shall also be a member of the Department Council of Administration until such time as another Department Commander retires.

SECTION 1A. (Duties) The Department Council of Administration shall be responsible for administering the affairs and transacting the business of the Department between Department Conventions.

SECTION 1B. (Yearly Dues and Fees): At its initial meeting following the Convention, the Council of Administration will determine the Delegate fees for the next Convention and registration fees to be collected due from all attendees at both the Mid-Winter Conference and Department Convention. The Council will also determine the amount of yearly dues (Per Capita Tax) of its annual members and Department at Large annual members, as provided by Section 506 of the National By-Laws.

SECTION 2. The District Commanders of the Department Council of Administration, as provided for in the National By-Laws, shall be eight (8) in number. They shall, in accordance with the provisions of the National By-Laws, each be elected and represent their respective Districts.

SECTION 3. The Department Council of Administration Districts shall be numbered from one (1) to eight (8) inclusive. The Department Convention assembled has determined the boundaries of each of the eight (8) Districts in the Department. Existing Posts and Posts organized in the future within the geographical boundaries of a District automatically become a part of the District in which the Post is located. These Districts shall be governed by Article IV, Section 401 of the National By-Laws; and by Article XIII, and Section 1, of the Department By-Laws.

SECTION 4. The Department Council of Administration shall meet a minimum of four (4) times each year at such time and place as the Department Commander, or the Council of Administration shall designate, provided, however, that the final meeting be held at the Department Convention. Special sessions of the Council of Administration will be called in accordance with the National By-Laws. Any matter requiring immediate approval of an issue previously discussed at a Council of Administration meeting, the Commander may direct the Department Adjutant to conduct either a telephone vote or written vote on that one issue. The results of said vote will be provided to the Council at the next stated meeting for the record.

SECTION 5. The minutes of the Department Convention Business sessions and any Council of Administration meeting shall be taken by a competent recorder and with an electronic recording device. These minutes will be published and forwarded to all Posts and Department Officers not later than forty-five (45) days after the adjournment of such meetings. Any such recordings will remain in Department files along with the original written copy.

ARTICLE VI - DEPARTMENT CONVENTION AND MID-WINTER CONFERENCE

SECTION 1. The composition of the Department Convention shall be as prescribed in Article V of the National By-Laws.

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 fraction thereof, in good standing at the time of election, and they shall be elected in accordance with the provisions of the National By-Laws.

SECTION 3. A delegate registration fee, as determined by the Council of Administration at its initial meeting after the Department Convention, each year shall be paid by each Post for each and every delegate for which each Post shall be entitled, based upon and as shown by the Department Quartermaster's records as of not less than thirty (30) days prior to the convening of the convention, with such additions as may be necessary by 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 the convening of the Department Convention each year. Posts failing to forward the full delegate registration fee shall be considered delinquent and in arrears. The Department Quartermaster shall set up a Department Convention Fund and all Department delegate registration fees received shall be placed therein and used and expended only for expenses incurred and expenditures made in the holding of an Annual Department Convention each year.

SECTION 4. Only those officers, delegates and alternates of the Department Convention who are entitled to credentials and who have registered same at the Convention Headquarters shall be entitled to a vote or voice in the Convention.

SECTION 5. Voting on all elective officers and the time and place of the Convention 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 vote for the nominee, who shall then be declared elected.

SECTION 6. *DELETED*

SECTION 7. The Department Convention shall be held each year *in accordance with the National By-Laws.*

SECTION 8. The Convention site shall be selected one (1) year in advance during the Department Convention. *In the event no bids are received, the new Council of Administration will determine the convention site at its first meeting and the Department will assume responsibility for host functions.*

SECTION 9. Bids for the following year's Department Convention must be forwarded to Department Headquarters, not less than twenty (20) days prior to the convening of the Department Convention. A copy of the Post meeting minutes reflecting the members approve placing a bid for the Department Convention; a statement of at least two hundred fifty (250) rooms will be available for the convention delegates, (At least five (5) rooms should be complimentary and set aside for Department use), will be included with the bid for the Department Convention. The Joint Session meeting room should accommodate at least 350 people. Banquet facilities should seat at least 300 people. The Head Table should seat 30 people. The Department of New Mexico will reimburse the Host Post for all individuals seated at the *VFW side of the Head Table.* The cost of the banquet is to be at the discretion of the Host Post.

SECTION 10. Department Officers, elected and appointed, shall submit proof of eligibility to the Department Adjutant *within sixty (60) days of the election.*

SECTION 11. (Convention Schedule) The Department Headquarters shall be

responsible for arranging the convention schedule.

SECTION 12. CRITERIA FOR MID-WINTER CONFERENCE:

(a). All proposals for the Mid-Winter Conference will include the same criteria as listed in Section 9 for the Department Convention. The Ladies Auxiliary should be willing and able to support the Post's efforts.

(b). Proposals should be submitted to Department Headquarters twenty (20) days prior to the Department Convention. A decision on the Mid-Winter site will be made by the new Council of Administration at its first meeting.

ARTICLE VII - COMMITTEES

SECTION 1. (Conventions) The Department Commander, prior to the convening of the Department convention, shall appoint all Convention Committee Chairmen.

(a) The Department Commander shall appoint all Standing Committees, within thirty (30) days following the adjournment of each Convention.

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

ARTICLE VIII - PER CAPITA TAX *DELETED*

ARTICLE IX- RESOLUTIONS

SECTION 1. All Resolutions for Convention consideration shall be type-written, in triplicate, and shall be in the hands of the Resolutions Committee Chairman at least five (5) days prior to the convening of the Convention.

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

SECTION 3. All Resolutions approved by the Convention, which do not conflict with the provisions of the National By-Laws, or the By-Laws of this Department, shall be considered mandates of action or administration by all Department Officers, provided, however, that the life of an enacted Resolution be considered as one year, or until the time of the following Department Convention. Regulations, which are to be considered permanent, must be enacted as amendments to the Department By-Laws.

ARTICLE X - EXPENDITURES

SECTION 1. No administration in office shall obligate or expend any part of the Department Dues Reserve funds until after July 1st of each year. These funds can then be transferred to the General Fund or other funds as determined by the Council of Administration.

SECTION 2. (BUDGET)

(a) There shall be allowed each year and set up in the budget a sufficient sum to permit the establishment of a representative, functioning Department Headquarters at each National Convention to cover the necessary traveling and hotel expenses of the Department Commander and such other Department Officers as shall be approved by the Council of Administration, together with the transportation of all books, records or other necessary equipment.

(b) If for any reason, *the Department* Commander shall be unable to attend *the* National Convention, then the next officer in rank, as set out in Article V, Section 517, of the National By-Laws, may represent the Department at *the* National Convention.

(c) Department Officers receiving remuneration to attend the National Convention shall attend the full Convention, unless there is a valid excuse for leaving before the Convention has ended.

ARTICLE XI - REMUNERATION OF OFFICERS AND COMRADES

SECTION 1. (Salaries) The Department Council of Administration shall approve the salaries, expenses, allowances, annual and sick leave, of all Department and District Officers and Department employees at the first meeting following the Department Convention.

ARTICLE XII - REMITTANCE

SECTION 1. (Form of Remittance) All remittance of money to Department Headquarters by check, postal order, draft or other method of transmitting funds, shall be made payable to the "Department of New Mexico, Veterans of Foreign Wars," without adding thereto the name of any comrade.

ARTICLE XIII - DEPARTMENT DISTRICTS

SECTION 1.

(a) The Department Convention assembled shall determine the number of Districts, and the Posts therein, that shall be established in the Department.

(b) Department Districts shall *only be part of an appeals process, having* no legislative or taxing power, and shall be governed by National and Department By-Laws and lawful orders.

(c) Elective officers of each District shall be a Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, Judge Advocate, Surgeon, Chaplain, and *three (3) Trustees*. Appointed officers in each District will include an Adjutant, Service Officer, Inspector, and *Chief of Staff*. *Committee Chairmen and committees shall be appointed by the District Commander as required*. An elective officer, other than the District Commander, who has absented himself from two (2) consecutive meetings without valid excuse, or who fails or refuses to comply with lawful orders or reasonable instructions, may be removed from office and the vacancy filled by affirmative vote of a majority of the members present at a District meeting or convention, provided that the adequacy of an excuse shall be determined by a majority vote at any such meeting or convention.

(d) District Officers shall be elected as provided in Section [417](#) of the National By-Laws.

(e) In each District there shall be a District Convention every year, not less than thirty (30) days or more than sixty (60) days prior to the convening of the Department Convention. The Convention shall be for the purpose of electing a District Commander and other District elective officers, and for transacting any other business that may lawfully come before it. Only the District elective officers, Post Commanders, and Post delegates who are entitled to vote in the next Department Convention (under Section 503 of the National By-Laws) or their alternates in the absence of the delegates, shall be eligible to vote for District Officers. Each District elective officer, Post Commander and delegates eligible to vote shall have but one (1) vote. *Post delegate strength will be one (1) vote*

per fifteen (15) members and fraction thereof based on current membership at the time of the District Convention.

(f) Each District Commander shall forward to the Department Adjutant immediately after the election, a report listing the names, addresses, Post affiliation, *phone numbers* and dates of election or appointment of all officers. All District Officers-elect shall take office upon the confirmation of election and installation of the District Commander by the Department Convention. District Officers, other than District Commander, shall take the officer's obligation before the adjournment of the meeting at which elected, but shall not assume the duties of office until the District Commander has been installed as a member of the Department Council of Administration at the Department Convention.

(g) The duties of the District Commander shall be to hold District meetings at least *three* times each year, *including one (1)* school of instruction for Post officers; to be responsible for the activities of the Posts in the District; to act as liaison between the said Posts and the Department; and do whatever may be for the best interest of the Veterans of Foreign Wars of the United States. The other District officers shall assist the District Commander and perform such duties as directed by the District Commander.

(h) Department Districts are subordinate divisions of the Department governed by and under the control of the Department Convention and Department Council of Administration. It is the purpose of the District to establish and maintain harmony and cooperation between all the Posts within its jurisdiction; to carry out the orders, programs and policies of the National *Headquarters* and Department, and the affiliated Posts of the District; to increase the membership of the Veterans of Foreign Wars of the United States; to engage actively in the welfare of all veterans to carry out the aims and objects of the National *Headquarters* and Department; to engage in any constructive activity which is conducive to good government; to conduct the local affairs of the Veterans of Foreign Wars of the United States; to foster and perpetuate the good will of the citizens toward all Veterans, and particularly the Veterans of Foreign Wars of the United States.

(i) All members of the Veterans of Foreign Wars of the United States in good standing in their respective Posts, under the jurisdiction of the District, are eligible for office in such District, except that no person may hold more than one (1) elective District office at the same time.

SECTION 2. In case of a vacancy in the office of District Commander, the District Senior Vice Commander shall automatically assume the office of District Commander. The District Junior Vice Commander shall automatically assume the office of the District Senior Vice Commander. The office of District Junior Vice Commander shall remain vacant until the next scheduled District meeting.

ARTICLE XIV - DISBURSEMENTS

SECTION 1. (General Fund) All money received by the Department, from whatever sources, *and* not set aside for a designated fund or purpose, and shall constitute the General Fund.

SECTION 2. (Special Funds) The Department Convention may, from time to time, establish special funds for special purposes. A special fund may be either permanent or temporary and shall consist of all funds received with the understanding specified, or implied, that they are to be devoted to the purpose indicated, together with any amounts that may be transferred by appropriation to such special funds from the General Fund.

SECTION 3. (Custody of Funds)

(a) Separate accounts shall be maintained on the records of the Department Quartermaster of the General Fund, special funds and such funds as provided for in the National By-Laws.

(b) The Department Quartermaster shall, in accordance with the provisions of the National By-Laws receive, account for and be custodian of all Department funds and securities.

SECTION 4. (Miscellaneous Disbursements)

(a) The Department Quartermaster shall be bonded in an amount to be fixed by the Department Council of Administration each year at its first meeting following the Department Convention. A reliable bonding company and the expenses incurred for the bond of said Quartermaster shall be paid from the Department *General Fund*.

(b) The salaried personnel of the Department will have whatever percentage of State, Federal and Social Security tax that civil law requires be withheld from their paychecks.

(c) The Department shall carry Liability Insurance on all Department salaried personnel.

(d) *The Department Quartermaster is responsible for paying/filing all Federal and State taxes/forms.*

1. *Federal Tax (Form 941) will be paid in accordance with Federal Guidelines.*

2. *Federal Unemployment Tax (Form 940) will be filed prior to February 1 of each year.*

3. *Federal Non-Profit Tax (Form 990) will be filed annually for the tax period June 1st to May 31st. A CPA may be used to complete this tax form. Once completed, a copy will be forwarded to the Adjutant General's Office at National Headquarters.*

4. *State Withholding Tax (Form CRS-1); Workman's Compensation and Unemployment Insurance will be filed and paid as required by State Law.*

5. *End of year W2 Forms will be produced and forwarded to the salaried employees and the IRS by January 31st of each year.*

SECTION 5. (Payment from General Fund)

(a) The Department Commander shall order payments from the General Fund in accordance with the enactment of the Department Convention.

(b) The Department Commander shall have the power to order payments from the General Fund, with discretion and without reference to other authority for the following purposes:

(1) For all current expenses of Department Headquarters incurred in ordinary course of business and all supplies that may be necessary in conducting the business affairs of the Department.

(2) For traveling expenses on such journeys within the Department as deemed to be for the best interest and welfare of the Department, providing this is in compliance with Article XIV, Section 7, of the Department By-Laws.

(3) For the traveling and hotel expenses of Department Officers on such journeys as may be ordered, or as may be required of them, by the Department Commander, providing it is in compliance with Article XIV Section 7, of the Department By-Laws.

(4) For the expenses of committees, standing or special incurred in obedience to orders of the Department Commander, including the traveling expenses of members of such committees in going to, remaining at and returning from all meetings ordered or authorized by the Department Commander, not including expenses of members connected with stated or special conventions, or Department Conventions, approved for payment, provided always that no expenses so incurred or paid shall exceed the amount of the budget so fixed for such purposes by the Council of Administration.

(c) The Department Commander may order payments from the General Fund for necessary expenses incurred in the carrying out of measures approved by the Department Council of Administration and adopted for the existence and maintenance of the Department.

SECTION 6. (Payments from Special Funds) Payments from special funds shall be disbursed for the purposes only for which said funds are established.

SECTION 7. No Department Officer shall make a visit to any Post or District at the expense of the Department more than once in a fiscal year, unless a Post or District problem warrants the presence of a Department Officer and is specifically ordered to do so by the Department Commander.

SECTION 8. Posts requesting the services of a Department Officer to act as installing officer shall pay all expenses incurred by said officer in traveling from and to his home, except under circumstances outlined in Section 7.

ARTICLE XV - INVESTED DEPARTMENT FUNDS

SECTION 1. The funds of the Department now invested, or any funds that shall be invested in the future, shall not be liquidated for any purpose whatsoever, except in an emergency, then only by a vote of two thirds (2/3) of the entire membership of the Council of Administration sitting in regular session, or at a special session called for that purpose by the Department Commander.

ARTICLE XVI - VETERANS SERVICE COMMITTEE

SECTION 1. (Composition) The Department Veterans Service Committee shall consist of the Department Commander and *the four (4) most recent Past Department Commanders willing and able to serve.*

SECTION 2. (Control) The Department Veterans Service Committee shall have full control of the service work of the Department, subject to the By-Laws of the Department of New Mexico, Veterans of Foreign Wars of the United States, and the orders of the Department Convention; and report through the Veterans Service Committee Chairman, who shall be the *most recent Past Department Commander*, to each regular meeting of the Council of Administration of the Department.

SECTION 3. The Department Veterans Service Committee shall conduct its work chiefly through the Department Service Officer. The Department Service Committee shall set the salary, subject to the budget action and approval of the Department Council of Administration, and prescribe the duties of all officers and employees of the Department Veterans Service staff, subject to the approval of the Council of Administration and National Veterans Service Committee.

SECTION 4. In event of death, disability or refusal to act of any Past

Commander composing the Department Veterans Service Committee hereunder, his/her place shall be filled by the Past Commander last retired from the Committee who is ready, willing and able to serve.

SECTION 5. The Department Council of Administration may provide such remuneration, as they deem advisable to the members of the Department Veterans Service Committee for their expenses or services.

ARTICLE XVII - AMENDMENTS

SECTION 1. These By-Laws may be amended by the Department Convention by a two-thirds (2/3) vote of the delegates present, provided no amendment shall be considered unless a copy of the same shall have been forwarded to all Post Commanders and Department Council of Administration members at least thirty (30) days prior to the convening of the convention. No amendment shall be executed until notification has been received that they have been reviewed by the Commander-in-Chief. Wherever these By-Laws or subsequent amendments may be found to be in conflict with the present or any future National By-Laws the latter shall prevail and be binding on this Department though written herein.

ARTICLE XVIII - MISCELLANEOUS

SECTION 1. Upon the adoption of these By-Laws of the Department Convention, it shall be the duty of the Department Commander who is then elected to office, to secure the review thereto of the Commander-in-Chief. Within fifteen (15) days of the receipt of the Commander-in-Chief's review, copies will be provided to each Post Commander and Council of Administration member.

SECTION 2. Demeter's Manual of Parliamentary Law and Procedure recognized by the National By-Laws, shall be the parliamentary guide of the Department of New Mexico.

SECTION 3. These By-Laws shall be in full force and effect from and after their adoption, and review by the Commander-in-Chief, Veterans of Foreign Wars of the United States.

SECTION 4. *DELETED*

SECTION 5. (CONSOLIDATION OF POSTS) Two or more Posts in the Department of New Mexico may consolidate as provided for in Section 209 of the National By-Laws and Manual of Procedure.

SECTION 6. (Ladies Auxiliary) The Ladies Auxiliary to this Department is recognized by this organization and is hereby sanctioned as long as such Auxiliary pursues the purposes and objectives of the Ladies Auxiliary in accordance with the National By-Laws, Ritual, Rules and Regulations of the Ladies Auxiliary and fully complies with the By-Laws and Manual of Procedure of the Veterans of Foreign Wars of the United States and the By-Laws of the Department of New Mexico and orders of the Department Council of Administration.

SECTION 7. (Military Order of the Cootie) The Grand Pup Tent of the Military Order of the Cootie is recognized by this organization and is hereby sanctioned as long as such Grand Pup Tent pursues the purposes and objective of the Military Order of the Cootie in accordance with the National By-Laws, Ritual, Rules and Regulations of the Military Order of the Cootie and fully complies with the By-Laws and Manual of Procedure of the Veterans of Foreign Wars of the United States and the By-Laws of the Department of New Mexico and the orders of the Department Council of Administration and the State Commander.

SECTION 8. (Men's Auxiliary) 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, in addition to all Procedures and Rules established by the Department.

ARTICLE XIX - CONTROL OF UNITS

SECTION 1. (Control of Units) The Department of New Mexico, Veterans of Foreign Wars of the United States shall not be responsible for the negligent or wrongful acts or omissions nor the contractual obligations or debts of any Post or District; nor for the negligent or wrongful acts or omissions or contractual obligations or debts of any activity, clubrooms, holding company or unit, sponsored, conducted or operated by, for or in behalf of any Post or District. Any activity, clubrooms, holding company or unit sponsored, conducted or operated by, for in behalf of a Post or District, shall be at all times under the direct control of such Post or District, and all funds derived therefrom shall be at all times under the direct control of such Post or District.

ARTICLE XX - CODE OF ETHICS

SECTION 1. *The Veterans of Foreign Wars, Department of New Mexico, is a non-profit organization under the laws of the State of New Mexico. VFW members, affiliated organizations (including Posts) and the general public look to the VFW to provide strong leadership on veteran's issues and to develop and implement effective programs to promote patriotism, community service, youth development and a strong national defense. In order to fulfill those important responsibilities, the organization must maintain a reputation that is above reproach.*

SECTION 2. *In order to sustain the organization's reputation and assure its continued success, officers, Council Members and employees, as well as members put in leadership positions (e.g., committee chairmen and other appointees) are expected to conduct themselves in a professional manner and in accordance with the admonition in the Ritual to live lives of stainless integrity. To maintain the trust and confidence of the members, persons who donate to the organization and the public, the officers, Council Members, employees and others in leadership positions must adhere to the highest standards of honesty, integrity and professional conduct and comply with the Code of Ethics.*

SECTION 3. *This Code of Ethics is the policy of the Veterans of Foreign Wars, Department of New Mexico and is intended to foster an environment that promotes ethical conduct in carrying out the mission of the organization by its leaders, volunteers and employees.*

SECTION 4. *At the initial meeting of the new Council of Administration the State Commander will provide a copy of the Code of Ethics to each member of the Council. Each member will acknowledge in writing that they understand and will abide by this Code of Ethics. The Department Adjutant will ensure that all appointed committee members and employees are provided a copy of the Code and they acknowledge receipt and understanding of the principles of the Code. These acknowledgements will be filed in the Department files.*