

# Sons of Union Veterans of the Civil War



## Department of the Southwest Arizona & New Mexico



## Department By-laws

As Amended March 30, 2019

## PREAMBLE

We, the descendants of Soldiers, Sailors or Marines who served in the Army, Navy, Marine Corps, or Revenue Cutter Service of the United States of America during the War of the Rebellion from 1861 to 1865, have joined this Patriotic and Fraternal Order for the purposes and objects set forth by the National Organization, Sons of Union Veterans of the Civil War; and in so doing pledge ourselves to commemorate our forefathers' deeds; to render loyal service to our country; and, to promote the maintenance of unqualified American citizenship with respect for and honor to the flag.

## ARTICLE I Organization <sup>1</sup>

**Section 1. Organization.** The Department of the Southwest shall be constituted and remain constituted as provided by the Constitution and Regulations (C&R) governing the National Organization, Sons of Union Veterans of the Civil War. It shall be known as the Department of the Southwest, Sons of Union Veterans of the Civil War and is organized as an unincorporated association under the laws of the State of Arizona. The organization is organized exclusively for charitable, religious, educational, and scientific purposes under section 501(c) 3 of the Internal Revenue Code, or corresponding section of any future tax code.

**Section 2. Activities not in furtherance of exempt purposes.** No part of the net earnings, if any, of this unincorporated association, shall inure to the benefit of, or be distributable to its members, trustees, officers or other private persons, except that the unincorporated association shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes described in section 501 (c)3. No substantial part of the activities of this unincorporated association shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the unincorporated association shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these by-laws, this unincorporated association shall not carry on any other activities not permitted to be carried on by (a) an unincorporated association exempt from federal income tax under section 501(c)3 of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by an unincorporated association, contributions to which are deductible under section 170(c)2 of the Internal Revenue Code, or the corresponding section of any future federal tax code.

**Section 3. Separation, Dissolution and Disposition of Assets.** In the case of surrender or forfeiture of the Department, property and assets shall be turned over to the National Commander-in-Chief of the Sons of Union Veterans of the Civil War via the Department Commander acting as his duly authorized representative to collect and hold all such property in trust for the National Organization, Sons of Union Veterans of the Civil War, an organization exempt from taxes under section 501(c)3 of the Internal Revenue Code.

**Section 4. Department property.** All property of the Department shall be held for the National Organization, Sons of Union Veterans of the Civil War, as a charitable trust that is held and used for the purpose for which the Order exists. Any such transfer or disposal within six months of disbandment or surrender of the Department Charter without the written consent of the National Commander-in-Chief of the Sons of Union Veterans of the Civil War is prohibited. The property and funds of the Department shall not be divided among its members.

**Section 5. Dissolution of the SUVCW.** In the event the National Organization, Sons of Union Veterans of the Civil War, no longer exists, said property and funds shall revert to the benefit of the first and any remaining organization of the Allied Orders of the Grand Army of the Republic or in their absence, to the State archives of Arizona.

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<sup>1</sup> Article I: revised by amendment adopted 03/30/2019 (see 2019 endnotes for details)

**Section 6.** Notwithstanding the above language, upon the dissolution of this organization, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)3 of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government for a public purpose.

**Section 7. Jurisdiction.** The Department of the Southwest shall act under the authority of its Charter as granted from the National Organization and shall include all Camps in the states of Arizona and New Mexico, and/or such territory as shall be assigned to the Department by the National Organization and/or Commander-in-Chief.<sup>2</sup>

## **ARTICLE II Purpose and Objectives**

Section 1. **Purpose and Objectives.** The purpose of this Department shall be to perpetuate the memory of the Grand Army of the Republic and of the men who served the Union from 12 April 1861 to 9 April 1865; to assist in every practicable way in the preservation and making available for research of documents and records pertaining to the Grand Army of the Republic and its members; to cooperate in doing honor to all who have patriotically served our country in any war, to teach patriotism and the duties of citizenship, the true history of our country and the love and honor of our Flag; to oppose every tendency or movement that would weaken loyalty to, or make for the destruction or impairment of, our constitutional Union; and to inculcate and broadly sustain the American principles of representative government, of equal rights, and impartial justice for all.

## **ARTICLE III Membership**

### **Section 1: Juniors and Associates.**

(a) “Juniors” are hereby authorized as a part of the membership of this Department. Juniors shall be males at least six (6) years of age but less than fourteen (14) years of age who meet the qualifications stipulated in Article III of the National Constitution and Section 5 of the Articles of Incorporation. Juniors may not hold any elected office in any Camp or the Department, nor shall they be eligible to serve in any appointive office of the Department.

(b) “Associates” are hereby authorized as a part of the membership of this Department. Associates are males at least fourteen (14) years of age who do not meet the qualifications stipulated in Article III of the National Constitution and Section 5 of the Articles of Incorporation, but otherwise meet the requirements of membership established by the National Organization. Associates may not hold an elective office in the Department or in its Camps but otherwise enjoy rights and privileges in the Order’s Constitution and Regulations.

(c)

(i) All Brothers under the age of 18 years of age should be accompanied by a parent or person designated as a guardian (grandfather, brother over the age of 18 years, or uncle) when participating in any SUVCW activity.

(ii) At no time will a non-related Brother be permitted ‘one-on-one’ contact with a Brother under the age of 18. Any interaction with a Brother under the age of 18 must include at least two (2) Brothers over the age of 18 at all times.

(iii) Any Brother who witnesses or suspects in good faith any type of physical, mental, or sexual abuse of any Brother under the age of 18 will immediately report such suspicion first to local authorities and then to local Camp and Department Commanders.

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<sup>2</sup> Article I Section 7: renumbered and revised by amendment adopted 03/30/2019 (see 2019 endnotes for details)

(iv) Every Brother over the age of 18 who may have contact with a Brother under the age of 18 should complete training related to protecting children from abuse of any type. Free training is available from the Boy Scouts of America at <http://www.myscouting.org>. A Brother will need to create an account, then select Training, E-Training, then choose the youth protection training. It takes about 30 minutes to complete. Upon completion, the Brother will be able to print a certificate along with a wallet-size certification card with is good for a period of 2 years. While this training is not a requirement, it is highly suggested that it is completed to be used as a tool to protect our youth and Brothers.

(v) Ultimately, all Brothers also need to comply with all applicable Local, State, and Federal laws pertaining to child abuse.<sup>3</sup>

**Section 2: Department Members.** The Department Members include all Brothers (Members, Juniors, and Associates) residing within the geographic jurisdiction of the Department. When a new Brother joins (or transfers into) the Department, he may belong to a Camp of his choice, or if he indicates no preference for a specific Camp, the Department Junior Vice Commander shall assign him to the Camp nearest his residence, to ensure that the brother is properly accounted for and represented in Department matters.<sup>4</sup>

## **ARTICLE IV Encampments**

**Section 1. Dates and location.** The Department shall meet annually between January 1 and June 30, inclusive. The exact dates and location of the Encampment shall be selected by the Department Commander with the concurrence of the Department Council.

**Section 2:** Membership at the Annual Department Encampment shall be in accordance with the current National Constitution and Regulations (CC&R) pertaining to Department Encampments located in Chapter II, Article II, CC&R.<sup>5</sup>

**Section 3. Delegate Credentials.** Appropriate credentials for all Past Commanders in Chief, Past Department Commanders and Department elective and appointive officers shall be issued by the office of the Department Secretary. Appropriate credentials for all Camp Commanders, Past Camp Commanders, Delegates and Alternate Delegates shall be issued by each respective Camp Secretary. Delegates shall not be permitted to vote without proper credentials.

**Section 4. Quorum.** A minimum of five Brothers of this Department, entitled to vote and representing at least two Camps, shall be necessary to constitute a quorum at any Encampment.

**Section 5. Vacancies.** Vacancies in delegate representation to and at the time of the Department Encampment may be filled by a vote of delegates from the Camp in attendance at the Encampment; the Camp Commander having the prior right to appoint Brothers to fill vacancies.

**Section 6. Indebtedness; failure to make reports.** A Camp which fails to pay its per capita tax or other indebtedness or fails to make reports shall not be entitled to representation in Department Encampments.

**Section 7. Members in good standing.** Members in good standing who may not be voting delegates may attend any and all functions of the Encampment but may not participate in any votes therein.

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<sup>3</sup> Article III, Section 1 (c) (i) thru (v): added by amendment adopted 03/11/2017 (see 2017 endnotes for details)

<sup>4</sup> Article III, Section 2: revised by amendment adopted 03/11/2017 (see 2017 endnotes for details)

<sup>5</sup> Article IV, Section 2: revised by amendment, adopted 03/11/2017 (see 2017 endnotes for details)

**Section 8. Authority to appoint Encampment committees.** The Department Commander shall have the authority to appoint all committees necessary for the success of the Department Encampment.

**Section 9. Proxy or absentee voting; prohibited.** Proxy or absentee voting shall be prohibited at all Department functions.

**Section 10. Special Encampments.** Special Encampments of the Department may be convened by the Department Commander with the approval of the Department Council. No business shall be transacted at any special meeting other than that for which it was specifically called, which call shall specifically state the purpose and object of the meetings. Except in an emergency not less than thirty (30) days notice shall be sent to all Camps, all Department Officers and all Past Department Commanders. The Department newsletter may be used for purposes of making this notification to Camps.

## **ARTICLE V Officers**

**Section 1. Election of officers.** Elections for Department officers shall be conducted annually at the Department Encampment. A majority of those Brothers present and qualified to vote shall be sufficient for election, except in the case of the Department Council, wherein a plurality vote shall elect. Installation of Department Officers shall be performed at the Encampment by some person chosen by the Department Commander-elect.

**Section 2. Elected Officers.** The elected officers of the Department shall be the Commander, Senior Vice Commander, Junior Vice Commander, Secretary, Treasurer, (or Secretary-Treasurer), and a three member Department Council.

**Section 3. Appointed Officers.** Appointed officers of the Department shall be as follows: Chaplain, Counselor, Graves Registration Officer, Historian, Patriotic Instructor, Grand Army of the Republic (GAR) Records Officer, Civil War Memorials Officer, Eagle Scout Certificate Coordinator, ROTC Coordinator, Signals Officer, Color Bearer, Guard, Guide. Notwithstanding any other provisions of these Bylaws, these, and any other appointive officers, standing committees, or ad hoc committee members, shall be appointed by the Department Commander as he deems necessary and proper.

**Section 4. Offices; simultaneously.** The offices of Department Secretary and Department Treasurer may be combined and assumed by one member when approved by a majority vote of the encampment. The combined office shall retain only one vote in any departmental procedure. No other elective offices may be combined nor may any elected department officer serve concurrently in any other elected department office. Notwithstanding any orders, rules, or regulations to the contrary, Brothers may hold office(s) at higher or lower levels in the Order simultaneously with a Department office.

**Section 5. Term of Officers.** The term of all elected and appointed officers and aides shall be for one year and each shall serve until the next Department Encampment except as noted below. The Department Encampment may choose to elect its Secretary and Treasurer (or Secretary-Treasurer) and fix the term(s) of office to a period not exceeding three years. Department Council members are elected to a term of one year.

**Section 6. Elected Office Vacancy.** Any vacancy that may occur in an elected office of the Department during the time preceding the next Department Encampment shall be filled by a majority vote of the Department Council. Any and all such replacements shall serve until the next regular Department Encampment.

**Section 7. Appointed Office Vacancy.** Any vacancy that may occur in an appointed office of the Department shall be filled by appointment of the Department Commander. Any and all such replacements shall serve until the next regular Encampment of the Department.

**Section 8. Department Officers; responsibilities.** All department officers shall understand the responsibilities and perform the duties of their respective offices as defined in these by-laws, in our Rituals, and in our National Constitution and Regulations.

**Section 9. Removal of Delinquent Officers.** The Department Commander may remove any department officer delinquent in or failing to perform the duties of his office. The Commander-in-Chief of the National Organization may remove any department officer at his discretion. Any vacancies of office as a result of such removals shall be filled as outlined in Sections 5 and 6 of this Article.

**Section 10. Commander; term limitation.** No Brother may be elected to more than three consecutive terms as Department Commander. Nor may any Brother be elected to a term as Department Commander that would result in his serving more than 45 consecutive months.

## **ARTICLE VI Orders**

**Section 1. Issuance of Orders.** The Department Commander shall issue Department Orders as necessary. Department Orders shall be published in the Department newsletter.

**Section 2. Special Orders.** The Department Commander may issue Special Department Orders upon the death of any Department Brother and for any other reason he determines to be appropriate.

**Section 3. Dissemination of Orders.** The Department Commander shall cause Department Orders to be disseminated to all elected Department Officers, all Camp Commanders, and if he deems necessary, to the Commander-in-Chief and other Members of the Order.

## **ARTICLE VII Department Council**

**Section 1. Council to Meet.** The Department Council shall meet immediately after the installation of officers to elect a Chairman and a Secretary, fix the amount of bond required (if any) of the Department Secretary-Treasurer and transact such other business presented thereto.

**Section 2. Council to Prepare a Slate of Officers.** The Department Council shall prepare and present to the Department Commander a complete slate of eligible and qualified nominees for the Elected Officer positions (as defined by Article V Section 2) at least 15 days prior to each annual Department Encampment.<sup>6</sup>

## **ARTICLE VIII Finances**

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<sup>6</sup> Article VII, Section 2: added by amendment adopted 03/11/2017 (see 2017 endnotes for details)

**Section 1. Per Capita Tax from Camps.** There shall be fixed at each annual meeting of the Department, by a majority vote of the members present and voting, a per capita tax to be paid by the Camps and forwarded with required reports, based upon the number of members reported. Such reports and tax shall be forwarded by the Camps to reach the Department Secretary-Treasurer not later than the tenth day after the close of the period for which reports are required. Camps shall pay the Department per capita tax for all Brothers (including Life Members) who are primary members of their respective Camps. Department per capita tax for Dual Members is due only from the Brother's primary Camp.<sup>7</sup>

**Section 2. National Per Capita Increases.** Should the National per capita tax (payable to the National Organization by the Department) be increased at any time it would become effective prior to the meeting of the Department Encampment, the amount of increase shall automatically be applicable to the Camps of the Department and shall be so levied in the quarter and/or period said increase is due and payable.

**Section 3. Camps; fees.** The Camps shall pay to the Department, in addition to the per capita tax, such fee as shall be fixed by the Regulations or by the National Organization as payable to the National Organization, on applications for memberships.

**Section 4. Department Banking.** Department funds shall be kept on deposit in one or more bank institutions whose deposits are fully insured to the amount of the deposit.

## **ARTICLE IX Budget**

**Section 1. Department Council; to prepare budget.** The Department Council shall prepare and present to each annual Department Encampment, a budget of the amounts required to conduct the affairs of the Department. It shall also include an appropriation for the conducting of the Department Encampment to include a nominal room rental and for the lodging and meal expenses of the Department Commander and the Commander-in-Chief, only, while attending the annual Department Encampment, not to exceed one (1) night.

**Section 2. Reports.** At least one month prior to the Department Encampment, the Department Treasurer or Secretary-Treasurer shall make a report to the Department Council outlining the financial status of the Department to that point for the year.

**Section 3. Elected Officers; budget recommendations.** All elected and appointed officers shall, at least one month prior to the Department Encampment, make recommendations to the Department Council in writing relative to the financial needs of the Order related to their office.

## **ARTICLE X Expenses**

**Section 1. No Expenses paid to Officers.** There shall be no transportation, hotel and/or per diem expenses paid to any Department Officer other than that provided in Article IX, attending any Encampment.

## **ARTICLE XI Charter Fee**

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<sup>7</sup> Article VIII, Section : revised by amendment adopted 03/11/2017 (see 2017 endnotes for details)

**Section 1. New Camp Charter fee.** The Charter fee of twenty-five dollars (\$25.00) for each new Camp, payable to the National organization, shall accompany the application. This fee shall be paid from the Department's funds.

## **ARTICLE XII REGULATIONS AND POLICIES**

**Section 1. Regulations.** The Department Encampments may, from time to time, issue such Regulations as it deems necessary and prudent, not inconsistent with these Bylaws, for conducting the affairs of this Department. A majority of those Delegates voting shall be required to issue any such Regulation.

**Section 2. Policies.** Subject to the approval of the Department Encampment, the Department Commander may, from time to time, promulgate such policies not inconsistent with these Bylaws, as he may deem necessary and prudent, relative to a course of action, guiding principle, or procedure considered expedient, judicious, or advantageous to the Department. Additionally, the Department Encampment may likewise promulgate such policies.

## **ARTICLE XIII Committees**

**Section 1. Department Commander to Appoint.** The Department Commander shall appoint such committees as directed by the Department Encampment and may appoint other such committees as he may see fit to carry out the work of the Order. The duties and responsibilities of said committees shall be set at the time of creation as should the duration of their service.

## **ARTICLE XIV**

### **Camp Election and Installation of Officers**

**Section 1. Camp Officers Election and Installation.** The election of Camp officers shall be held during the Camp's first meeting held between October and the first meeting in December, each year inclusive. The officers of Camps shall be installed at a regular meeting of the Camp to be held between the first meeting in November, and the first meeting in the following January, inclusive, by a person designated by the Department Commander.

## **ARTICLE XV Amendments and Severability**

**Section 1. Two-thirds Vote to Amend.** These By-laws may be amended by a two-thirds (2/3) vote of the members present and voting at any Encampment of the Department, provided at least thirty (30) days notice of any proposed additions, alterations and/or amendments shall be sent to each Camp, each Department Officer and each Past Department Commander, all of whom must be in good standing. No amendments to existing Bylaws or new Bylaws shall take effect until approved by the Commander-in-Chief of the SUVCW.

**Section 2 Severability.** In the event that any Article (or provisions thereof) in these Bylaws, or the application thereof to any person or circumstances, shall be found or held as invalid by any act of law, by any court of competent jurisdiction, by a conflict in the SUVCW Constitution and Regulations, or National Policies, or for any other legitimate reason, such invalidity shall not affect the remaining provisions of these Bylaws, including the application of that part or provision to other persons or circumstances, and to this end the provisions of these Bylaws are severable, all other provisions remaining in full force and effect.

**Article XVI**

**Amended Department By-laws—Adoption and Approval**  
revisions to: (initials Dept. Cmr. and S/T)

**Article I**  
**Article I Sec. 7**

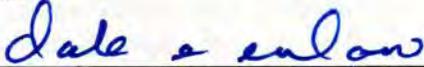
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**Section 1. Adoption of Amended By-laws.** The foregoing By-laws, as amended, were adopted in Tucson, Arizona on March 30, 2019, by the Third Annual Encampment of the Department of the Southwest.



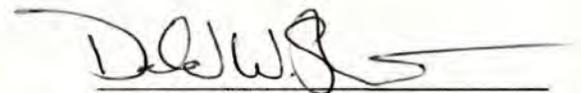
Robert D. McCord  
Department Commander  
Department of the Southwest

Attest



Dale E. Enlow,  
Department Secretary/Treasurer  
Department of the Southwest

**Section 2. Approval of By-laws** The amended Bylaws of the Department of the Southwest, Sons of Union Veterans of the Civil War are found to be in accordance with the Constitution and Regulations of the Sons of Union Veterans of the Civil War and are hereby approved on this 30<sup>th</sup> day of March, 2019.



Donald W. Shaw  
Commander-in-Chief  
Sons of Union Veterans of the Civil War

Attest

Jonathan Davis  
National Secretary  
Sons of Union Veterans of the Civil War

## 2017 Department of the Southwest Bylaws endnotes

There were five proposed changes to the Department of the Southwest Bylaws which were voted upon at the March 11, 2017, Department Encampment as follows:

### **Proposed Change No. 1 : properly moved, seconded, and passed in accordance with Article XV, Section 1**

#### Article III MEMBERSHIP

#### **Current bylaw:**

Section 1: Juniors and Associates.

(a) “Juniors” are hereby authorized as a part of the membership of this Department. Juniors shall be males at least six (6) years of age but less than fourteen (14) years of age who meet the qualifications stipulated in Article III of the National Constitution and Section 5 of the Articles of Incorporation. Juniors may not hold any elected office in any Camp or the Department, nor shall they be eligible to serve in any appointive office of the Department.

(b) “Associates” are hereby authorized as a part of the membership of this Department. Associates are males at least fourteen (14) years of age who do not meet the qualifications stipulated in Article III of the National Constitution and Section 5 of the Articles of Incorporation, but otherwise meet the requirements of membership established by the National Organization. Associates may not hold an elective office in the Department or in its Camps but otherwise enjoy rights and privileges in the Order’s Constitution and Regulations.

#### **Proposed revision (addition) to Section 1 follows:**

(c) Conduct with Brothers under the age of 18

(i) All Brothers under the age of 18 years of age should be accompanied by a parent or person designated as a guardian (grandfather, brother over the age of 18 years, or uncle) when participating in any SUVCW activity.

(ii) At no time will a non-related Brother be permitted ‘one-on-one’ contact with a Brother under the age of 18. Any interaction with a Brother under the age of 18 must include at least two (2) Brothers over the age of 18 at all times.

(iii) Any Brother who witnesses or suspects in good faith any type of physical, mental, or sexual abuse of any Brother under the age of 18 will immediately report such suspicion first to local authorities and then to local Camp and Department Commanders.

(iv) Every Brother over the age of 18 who may have contact with a Brother under the age of 18 should complete training related to protecting children from abuse of any type. Free training is available from the Boy Scouts of America at <http://www.myscouting.org>. A Brother will need to create an account, then select Training, E-Training, then choose the youth protection training. It takes about 30 minutes to complete. Upon completion, the Brother will be able to print a certificate along with a wallet-size certification card with is good for a period of 2 years. While this training is not a requirement, it is highly suggested that it is completed to be used as a tool to protect our youth and Brothers.

(v) Ultimately, all Brothers also need to comply with all applicable local, state, and federal laws pertaining to child abuse.

#### **Discussion:**

Per CinC Martin’s General Order #11 this information must be in all Department and Camp bylaws

“Over the past few months I have been receiving Department By-laws that have been revised. None of these by-laws revisions have mentioned restrictions established for the monitoring of Brothers under 18 while interacting within the SUVCW Camps/Departments. PCinC Freshley’s General Order #22 should be incorporated within these revisions. No Department/Camp by-law revisions will be approved without established restrictions concerning Brothers under the age of 18 to include Members, Associates, Juniors and Junior Associates. If the Department/Camp does not provide for Junior/Junior Associates, restrictions still need to be applied to Members and Associates under age 18. Ordered this 3rd Day of January 2017,”

**Proposed Change #2: properly moved, seconded, and passed in accordance with Article XV, Section 1**

**Current Department Bylaw:**

Article III

MEMBERSHIP

Section 2: Department Members-at-Large. The Department Members-at-Large include all Brothers (Members, Juniors, and Associates) residing within the jurisdiction of the Department. When a new Brother joins (or transfer to) the Department he may belong to a Camp of his choice, or if he chooses to not join a specific Camp, the Department Junior Vice Commander shall assign him to the Camp nearest him.

**Proposed revisions are indicated as underlined:**

Section 2: Department Members-at-Large. The Department Members-at-Large includes all Brothers (Members, Juniors, and Associates) residing within the jurisdiction of the Department who are not a member of a camp. When a new Brother joins (or transfers) to the Department he may belong to a Camp of his choice, or if he indicates no preference for a specific Camp, the Department Junior Vice Commander shall assign him to the Camp nearest his residence.

**Discussion:** The proposed changes fixes typos and information inadvertently omitted from the existing bylaws when they were written and approved. Additionally, this does not allow for a Department-at-Large only membership. We need to increase the number of Camps in the Department and this assists that goal.

National Regulations Chapter II Departments Section 13 states:

“Each Department shall make provisions for Department Members-at-Large (DMAL). DMAL shall include all Brothers (Members, Associates, Juniors and Junior Associates residing within the jurisdiction of the Department who are not a Brother of a Camp within the Department. Such provision may be 1) Department MAL, 2) a Camp established by the Department for the purpose of administering the DMAL, or 3) a requirement in the Department By-laws that all Brothers belong to a Camp of their choice or assigned to the nearest Camp if the Brother does not choose a Camp.”

**Proposed Change #3: properly moved, seconded, and passed in accordance with Article XV, Section 1**

**Current Bylaw:**

ARTICLE VII  
Department Council

Section 1. Council to Meet. The Department Council shall meet immediately after the installation of officers to elect a Chairman and a Secretary, fix the amount of bond required (if any) of the Department Secretary-Treasurer and transact such other business presented thereto.

**Proposed revision: add the following section:**

Section 2. Prepare a slate of eligible and qualified nominees for the “Elected Department Officer” positions. The Council is responsible for ensuring that a complete slate of nominees for the “Elected Department Officers” is prepared and presented to the Department Commander for use at each annual Department Encampment.

**Discussion:** By adding this responsibility to the Department Council the Department would ensure that an officer selection process is in place.

**Proposed Change #4: properly moved, seconded, and passed in accordance with Article XV, Section 1**

ARTICLE VIII  
Finances

Section 1. Per Capita Tax from Camps. There shall be fixed at each annual meeting of the Department, by a majority vote of the members present and voting, a per capita tax to be paid by the Camps and forwarded with required reports, based upon the number of members reported. Such reports and tax shall be forwarded by the Camps to reach the Department Secretary-Treasurer not later than the tenth day after the close of the period for which reports are required.

**Proposed revision by adding the following sentence:**

Camps shall pay Department per capita tax for all Brothers (including Life Members) who are primary members of their respective Camps. Department per capita tax for Dual Members is due only from the Brother's primary Camp.

**Discussion:** This clarifies that all Brothers (including Life members) pay the Department tax only to their primary camp. They do not pay a Department tax on dual memberships in other camps.

**Proposed Change # 5: properly moved, seconded, and passed in accordance with Article XV, Section 1**

ARTICLE IV  
ENCAMPMENTS

**Current Bylaw:**

**Section 2. Delegates.** Delegates to the Department Encampment shall be:

- a) all current and Past Commanders-in-Chief, current and Past Department Commanders of this Department, and, current and Past Camp Commanders of this Department, in good standing, who have served a full term or having been elected to fill a vacancy have served to the end of that term;
- b) all Department elective and appointive officers (except Assistants and Aides);
- c) one Delegate from each Camp, whatever its membership;
- d) one additional delegate from each Camp for every ten members, or major fraction thereof, based upon the report for the quarter immediately preceding the Encampment;
- e) any member of the Department serving as a Camp Secretary and/or Camp Treasurer continuously in office for a period of ten years may have conferred upon him the rank of Past Camp Commander with its voting privileges.
- f) any Alternate Delegates attending the Department Encampment shall be chosen consistent with the National Constitution and Regulations. For purposes of this Section, Camp membership shall be the total number of members in good standing based upon the report for the Annual Camp Report immediately preceding the Encampment.

**Proposed revision: Delete current wording in Section 2 and replace with the following:**

**Section 2:** Membership at the Annual Department Encampment shall be in accordance with the current National Constitution and Regulations (CC&R) pertaining to Department Encampments located in Chapter II, Article II, CC&R.

**Discussion:** Section 2 b) is in conflict with the National Regulations which does not allow for "appointive" officers. The National Regulations state in part: ""Article II Membership Section 1(a). The membership of the Department Encampment shall be constituted as follows: "and its own elective officers (except Aides)."

Rather than keep the current section 2 in its entirety, it is less cumbersome and more accurate to simply refer to information already contained in the National Regulations.

## 2019 Department of the Southwest Bylaws endnotes

There were two proposed changes to the Department of the Southwest Bylaws which were voted upon at the March 30, 2019, Department Encampment as follows:

### **Proposed Change No. 1 : properly moved, seconded, and passed in accordance with Article XV, Section 1**

Current Article I by-law:

#### ARTICLE I NAME AND JURISDICTION

Section No.1. Name. The name of this Department is the “Department of the Southwest”, Sons of Union Veterans of the Civil War (hereinafter, “SUVCW”), hereinafter referred to as the “Department.”

Section 2. Jurisdiction. It shall act under the authority of its Charter as granted from the National Organization and shall include all Camps in the states of Arizona and New Mexico, and/or such territory as shall be assigned to the Department by the National Organization and/or Commander-in-Chief.

**Proposed revision to Article 1: delete the entire article and replace it as follows:**

#### ARTICLE I Organization

Section 1. Organization. The Department of the Southwest shall be constituted and remain constituted as provided by the Constitution and Regulations (C&R) governing the National Organization, Sons of Union Veterans of the Civil War. It shall be known as the Department of the Southwest, Sons of Union Veterans of the Civil War and is organized as an unincorporated association under the laws of the State of Arizona. The organization is organized exclusively for charitable, religious, educational, and scientific purposes under section 501(c)3 of the Internal Revenue Code, or corresponding section of any future tax code.

Section 2. Activities not in furtherance of exempt purposes. No part of the net earnings, if any, of this unincorporated association, shall inure to the benefit of, or be distributable to its members, trustees, officers or other private persons, except that the unincorporated association shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes described in section 501 (c)3. No substantial part of the activities of this unincorporated association shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the unincorporated association shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these by-laws, this unincorporated association shall not carry on any other activities not permitted to be carried on by (a) an unincorporated association exempt from federal income tax under section 501(c)3 of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by an unincorporated association, contributions to which are deductible under section 170(c)2 of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Section 3. Separation, Dissolution and Disposition of Assets. In the case of surrender or forfeiture of the Department, property and assets shall be turned over to the National Commander-in-Chief of the Sons of Union Veterans of the Civil War via the Department Commander acting as his duly authorized representative to collect and hold all such property in trust for the National Organization, Sons of Union Veterans of the Civil War, an organization exempt from taxes under section 501(c)3 of the Internal Revenue Code.

Section 4. Department property. All property of the Department shall be held for the National Organization, Sons of Union Veterans of the Civil War, as a charitable trust that is held and used for the purpose for which the Order exists. Any such transfer or disposal within six months of disbandment or surrender of the Department Charter without the written

consent of the National Commander-in-Chief of the Sons of Union Veterans of the Civil War is prohibited. The property and funds of the Department shall not be divided among its members.

Section 5. Dissolution of the SUVCW. In the event the National Organization, Sons of Union Veterans of the Civil War, no longer exists, said property and funds shall revert to the benefit of the first and any remaining organization of the Allied Orders of the Grand Army of the Republic or in their absence, to the State archives of Arizona.

Section 6. Notwithstanding the above language, upon the dissolution of this organization, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)3 of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government for a public purpose.

**Discussion:**

General Order No. 18 issued by then CinC Mark R. Day on February 6, 2018, contains mandatory information that must be inserted in the respective by-laws of all Departments and Camps in the SUVCW in order to be in compliance with IRS regulations. All three Department Camps have included the language in their by-laws.

**Proposed Change No. 2: properly moved, seconded, and passed in accordance with Article XV, Section 1**

Current Article I Section 2 Bylaw:

Section 2. Jurisdiction. It shall act under the authority of its Charter as granted from the National Organization and shall include all Camps in the states of Arizona and New Mexico, and/or such territory as shall be assigned to the Department by the National Organization and/or Commander-in-Chief.

**Proposed revision: Add the previously existing Article I Section 2 to the revised Article I; renumber it to Section 7; delete “It shall” and replace with “The Department of the Southwest.”**

Article I Section 7:

Section 7. Jurisdiction. The Department of the Southwest shall act under the authority of its Charter as granted from the National Organization and shall include all Camps in the states of Arizona and New Mexico, and/or such territory as shall be assigned to the Department by the National Organization and/or Commander-in-Chief

**Discussion:**

This will keep the geographic authority of the Department in Article I.

**End of bylaw changes**