

# CONSTITUTION AND BYLAWS OF THE KANSAS ELKS ASSOCIATION, INC.

(as revised and amended October 30, 2011)

## PREAMBLE

This Association of the Benevolent and Protective Order of Elks Lodges of the State of Kansas is formed to unite all Elks in closer bonds of fraternity; to further good fellowship among Lodges; to protect and promote the interests of this Order in the State; to discountenance the introduction of any political, sectarian or personal interests; to exchange ideas beneficial to the Lodges of this State; and to bear true allegiance to the Constitution and Laws of the Benevolent and Protective Order of Elks of the United State of America.

## ARTICLE I -- Name

**Section 1.** This Association shall be known as Kansas Elks Association, Inc.

## ARTICLE II -- Membership and Dues

**Section 1.** Every Lodge in the State of Kansas shall belong to the Kansas Elks Association and will be eligible to participate in matters concerning the Association upon the payment of its annual dues and compliance with the provisions of the Constitution and laws hereinafter expressed.

**Section 2.** Every Lodge in the State having complied with Section 1 of this Article shall be entitled to vote upon any matter arising at any meeting of the Association, whether regular or special, as follows:

Each Lodge shall be entitled to one vote for each fifteen - or a major portion thereof - of its members in good standing based on the membership as certified by the local Lodge Secretary in his annual report to the Grand Secretary under date of March 31st of the current year.

**Section 3.** The members of a Lodge present at any business meeting of the Association may cast the entire vote of their Lodge. In event the members present are unable to unanimously agree upon the vote of their Lodge, the votes to which their Lodge is entitled shall be proportionately divided among them. When the vote to be taken involves any amendments to the Constitution and Bylaws of the Kansas Elks Association, Inc., or involves the election of officers of said Association, then the Lodges of the Association shall vote upon such amendments or officers and certify to the Association prior to or at the time such vote is to be taken by the Association the outcome of the vote of said Lodge on the issue involved and the vote of the Lodge shall be considered in the vote of the Association. If the vote of the Lodge is not so certified as herein provided, then the vote of such Lodge is void and shall not be considered in the voting on the issue involved. Whenever any Lodge desires to vote upon any matter being considered at any business meeting of the Association, at which none of its members are present, it may cast its vote by written instrument, executed by one of its officers and filed with the Secretary of the Association, either before or at the time that a vote is being taken. The officer who is conducting any business meeting of the Association, may in his discretion, determine the manner of voting upon any matter being considered, provided however, that upon the request of at least five (5) Lodges, the vote shall be by a roll call of all of the Lodges. Any dispute or contest of the validity of the vote of any Lodge shall be referred to the Judiciary Committee of the Association. The decision of the Judiciary Committee shall be final.

**Section 4.** To obtain the revenue necessary for defraying the expense of the State Association, each local Lodge shall pay annually to the State Association an amount equal to Three Dollars and Fifty Cents (\$3.50) for each member thereof in good standing on April 1st of the current year. Fifty Cents (\$0.50) thereof shall be paid to Kansas Elks Training Center for the Handicapped, Inc., for use by it in operating the training

center.

**Section 5.** Annual membership dues shall be due and payable on April 1st of each year. If said dues are not paid by or before the first day of the Annual State Association Convention of each year, the Lodge failing to pay said dues shall be in violation of the Grand Lodge Constitution, Article III, Section 20, and shall be suspended from membership in the Association. Any Lodge which has been suspended from membership, and the members of said Lodge, with the exception of any Grand Lodge member, shall not be entitled to participate in any functions or activities of the Association subsequent to the date of said suspension. Any Lodge which has been suspended from membership, for non-payment of dues, may be reinstated by delivering to the State Secretary, a certified cashier's check or money order for any dues which are then and there payable for the current year.

*Opinion of Section 5, Article II of the Bylaws of the Kansas Elks Association, Inc.:*

*It is the opinion of the Judiciary Committee that a member of a suspended Lodge, (for non-payment of dues), if such member is a member of the Grand Lodge, shall be eligible to participate in the State Association activities, including serving on committees and/or being an officer, if such a member's individual State Association dues are paid for the current year. (May 1, 1987 and May 5, 1995)*

**Section 6.** The fiscal year of this Association shall begin on July 1st, and shall end on June 30th of the following year.

#### ARTICLE III -- Meetings

**Section 1.** Each year the Association shall hold a spring convention, a kickoff meeting, a fall meeting, and a mid-winter meeting, with the times and locations of said meetings, with the exception of the spring convention, designated by the President of the Association. The President by Executive Order may elect not to hold the kickoff meeting during the Association year.

(a). The spring convention of the Kansas Elks Association, Inc. shall be held on the first weekend falling in the month of May in each year.

(b). The actual location of the spring convention, and the city in which it shall be held, shall be designated by the Location Committee. The committee shall consist of the President of the Kansas Elks Association, Inc., the Vice-Presidents of the Kansas Elks Association, Inc., the two immediate past Presidents of the Kansas Elks Association, Inc., and the Secretary of the Kansas Elks Association, Inc.

Special meetings of either the Association or the officers of the Association may be called by the President of the Association or by at least five (5) members of the Advisory Committee. Except in cases of emergency, notice of special meetings shall be given to all local Lodges at least thirty (30) days prior to said meeting. Any business of the Association may be transacted at any special meeting provided that the nature of the business to be transacted shall be stated in the notice of the special meeting.

**Section 2.** The registration fee for each member of a local lodge attending the Annual Spring Convention shall be set each year at the Mid-Winter Meeting by the Advisory Committee. No member, who has not paid the registration fee, shall be entitled to participate in any of the activities or programs of the Association at the convention, except for the annual business meeting. Any registration fee for attendance at any other Association meeting may be set by the Lodge at which meeting is held subject, however, to the approval of the President and First Vice-President of the Association.

**Section 3.** Quorum. Twenty-five (25) members of the Association shall constitute a quorum, provided that at least five Lodges shall be represented.

#### ARTICLE IV -- Grand Lodge Communications

**Section 1.** The proper officers of the Association shall furnish from time to time to the Grand Exalted Ruler

and the Grand Lodge Sponsor the following:

- (a). Copies of its Constitution, Bylaws, Rules and Regulations and all amendments thereto or changes thereto.
- (b). A copy of the minutes of each meeting.
- (c). All printed documents issued by it or under its authority.
- (d). A copy of all general letters, circulars and papers sent by it or by its officers to Lodges composing said Association.
- (e). A correct list of its officers and the Lodges composing it, together with the correct mailing address of the President, the Vice-Presidents, Secretary and Treasurer. Such a list shall also be sent to the Grand Secretary.
- (f). A copy of the annual report of its treasurer.

#### ARTICLE V -- Officers

**Section 1.** The officers of the Association shall be a President, a First and Second Vice-President, a Secretary, a Treasurer, a Sergeant-at-Arms, a Tiler, and a Chaplain.

For the purpose of electing the President and Vice-Presidents, the State of Kansas is hereby divided into three (3) districts, and shall be known as the Kansas Northeast District, the Kansas Southeast District, and the Kansas West District. The boundaries of such districts shall conform to the boundaries established by the Grand Lodge.

Each of the said officers shall be elected at the Midwinter Meeting of the Association and for the term of one year, except the Sergeant-at-Arms, Tiler, and Chaplain, who shall be appointed by the President following his election. All officers shall be installed for the term of one year.

For the 2012-13 Association year, the President of the Association shall be elected from the West District, the First Vice-President from the Southeast District, the Second Vice-President from the West District, and a special officer referred to as the Third Vice-President from the Northeast District.

For the 2013-14 Association year, the President of the Association shall be elected from the Southeast District, the First Vice-President from the West District, and the Second-Vice President from the Northeast District. Each year thereafter the election of the President and the First and Second Vice-Presidents shall continue in the same rotation as established for the year 2013-14, it being the intent that the President shall be elected from the District where the First Vice-President is situated.

**Section 2.** President. The President shall be the chief executive officer of the Association. The President shall preside at all meetings; preserve order; appoint all committees not otherwise provided for; and decide all questions of order subject to appeal to the Association. The President shall fill all vacancies, unless otherwise specified; and perform all other duties that may be imposed upon him by law and such as are customary to be performed by presiding officers.

**Section 3.** Vice-Presidents. The Vice-Presidents shall assist the President in the performance of his duties and, in the absence of the President or at his request, shall preside at the meetings of the Association in accordance with their seniority.

**Section 4.** In the event that the office of the President becomes vacant, the First Vice-President shall become the President of the Association and each of the successor Vice-Presidents shall advance to the higher priority Vice-President. If more than six months remains in the Association year, then the Vice-Presidents shall retain their advanced status, and the Lodges of the District from where the new Vice-President shall be elected shall submit at least two nominations to the then President of said Association, who shall select one nominee to fill the vacancy.

In the event less than six months shall remain in the Association year, then and in that event, the advanced Vice-Presidents shall be considered only as temporarily filling the chairs. The rotation status of

the Vice-Presidents and President shall remain intact, and the office of the lowest priority Vice-President shall be considered vacant until filled by a regular election at the Mid-Winter Meeting.

**Section 5.** Vice-Presidents. It shall be the duty of each of the Vice-Presidents to represent and work for the best interest of the State Association and the Lodges in the District from which the Vice-President is elected, and to perform such duties and attend such meetings as may be directed by the President.

Vacancies will be filled following the advancement procedure established in Article V, Section 4 above.

**Section 6.** Official Visits. It shall be the duty of the President to make such official visits to the local lodges composing this Association as may be deemed proper in the interests of the Association. The President shall have power to direct any of the Vice-Presidents to make such visits when in his discretion he may deem it proper. In the event a Vice-President shall not be available for such visits, the President may designate any other officer of the Association to make such visits. Any officer making any such official visit under the direction of the President shall promptly thereafter make a written report of said visit to the President.

**Section 7.** Secretary. The Secretary shall attend all meetings of the Association, keep a true record of the proceedings of the same, and preserve all books and documents. The Secretary shall also attend to all correspondence, prepare and submit an annual report to the Association, receive all money paid into the Association, and deliver said money to the Treasurer, taking a receipt therefore, and perform such other duties as may properly be required of him.

In the event of a vacancy in the office of the secretary, the President shall appoint a successor to fill the vacancy for the remainder of the term of that office.

**Section 8.** Treasurer. The Treasurer shall attend all meetings of the Association, receive and be the custodian of all money belonging to the Association. He shall pay out the money of the Association only upon proper warrant drawn by the Secretary and countersigned by the President. He shall submit a report at the first Association meeting following the end of the fiscal year showing the transactions of his office during the preceding year.

In the event of a vacancy in the office of the treasurer, the President shall appoint a successor to fill the vacancy for the remainder of the term of that office.

**Section 9.** Sergeant-at-Arms. The Sergeant-at-Arms shall execute the orders of the President, assist in preserving order, act as Marshall on occasions, and shall assist the Tiler in examining the qualifications of all persons presenting themselves for admission to meetings. The Sergeant-at-Arms shall select such deputies as may be deemed needed to assist in the discharge of his duties.

**Section 10.** Tiler. The Tiler shall have charge of the doors of the hall in which meetings are held and shall examine the qualifications of all persons presenting themselves for admission.

**Section 11.** Chaplain. The Chaplain shall have charge of the prayers at meetings of the Association and shall perform other duties usually associated with the office of Chaplain.

**Section 12.** Salaries and Expenses. The Association shall from time to time make such provision for additional compensation and expenses of its officers and committeemen as it may determine, upon recommendation of the Budget Committee.

**Section 13.** Qualifications for Office. All Elks in good standing in the Lodges comprising this Association and residing within its jurisdiction shall be eligible to hold office, either elective or appointive, in the Association. The President and the Vice-Presidents shall be required to reside within the District from which elected at the time of their election. (*See Judiciary Committee Opinion to Article II, Section 5.*)

**Section 14.** Bonding Required. Whenever any officer, member, officer of any association or affiliate, or member of such association or affiliate, of the Kansas Elks Association, Inc. is authorized to receive any funds, act as a signatory on any accounts, or be authorized to disburse or withdraw any funds of the Kansas Elks Association, Inc., any associates or affiliates thereof, such individuals shall be bonded. The bond shall be in an amount equal to One Hundred Twenty-Five Percent (125%) of the total assets belonging to the

Kansas Elks Association, Inc., or any associates or affiliates thereof. The Association shall pay the expense of said bond.

**Section 15.** Committee Reports. In order to assist and facilitate the activities of the President in his responsibilities, the following committees shall report their activities directly to the President:

Advisory, Auditing, Budget, General Chairman and sub-committees for the spring convention, Judiciary, Lodge Development, and Membership.

The following committees shall report their activities to the First Vice-President:

Americanism, Benevolent, Business Practices, Elks National Foundation, Elks National Home, Government Relations, Insurance and Risk Management, Leadership Training Seminar, Lodge Activities, Public Relations, and Publications.

The following committees shall report their activities to the Second Vice-President:

Drug Awareness, Elks National Veterans Service and sub-committees, Hoop Shoot, Ritual and sub-committees, Scholarship, Soccer Shoot, and Youth Activities.

Any other committees, as appointed by the President, shall report their activities as directed by the President.

#### ARTICLE VI -- Committees and Boards

**Section 1.** The President of the Association shall, annually within thirty (30) days after his installation, appoint the following committees who shall hold their offices, at the pleasure of the President:

- Americanism
- Auditing
- Benevolent
- Budget
- Business Practices
- Drug Awareness
- Elks National Foundation
- Elks National Home
- Elks National Veterans Service    General Chairman
- Government Relations
- Hoop Shoot
- Insurance and Risk Management
- Judiciary
- Leadership Training Seminar
- Lodge Activities
- Lodge Development (includes District Deputies)
- Membership
- Public Relations
- Publications
- Ritual
- Scholarship
- Soccer Shoot
- Youth Activities

Additionally, the President will appoint such other committees as may be necessary to carry on the programs of the State Association and the Grand Lodge. The President shall appoint a General Chairman who shall, with the President, determine and appoint the Committees necessary to conduct the meetings of the Association.

Except as otherwise provided, the President shall fix the number of members of each Committee. It shall be the duty of the General Chairman to notify in writing all members of the various committees of their appointments, naming the chairman of each committee and instructing each committeeman as to his duties. It shall be the duty of each chairman of the various committees to counsel with his committeemen

and to submit in writing to the Secretary his report to the Association at the meetings of the Association.

**Section 2.** Kansas Elks Training Center for the Handicapped, Inc. (KETCH) Board of Directors. This Board shall have the primary responsibility to oversee the operation of the Kansas Elks Training Center for the Handicapped, Inc. This Board shall consist of three Directors from each of the three districts of the State Association. The President and First Vice-President of the State Association shall be Ex-officio, non-voting members of the Board. The Board may by provision in its own Bylaws provide for up to six (6) additional at-large board members from the communities served by KETCH. The selection of these at-large board members shall be governed by the KETCH Bylaws. The Board shall give the Association, at the Annual Spring Convention, a report of the progress and financial condition of the Kansas Elks Training Center for the Handicapped, Inc., and at such other times as may be ordered by the President of the Association.

One Director shall be elected each year from each of the three districts to serve a three year term on the KETCH Board of Directors. The KETCH Board of Directors shall elect their officers as per their Bylaws. Should a position on the KETCH Board from any of the three districts become vacant, it shall be filled by an election at the District level for the remainder of the unexpired term.

**Section 3.** KETCH Memorial Trust Fund Board of Trustees. This board shall have the primary responsibility to oversee the investments and disbursement from the KETCH Memorial Trust Fund. The membership of the KETCH Memorial Trust Fund Board of Trustees was reestablished on November 7, 1993, at the Fall Meeting of the Association. The Board membership shall consist of: Two At-Large positions, two Past State Presidents, and one KETCH Board of Directors member. In years evenly divisible by three two Past State Presidents are to be selected. The following year two At-Large positions will be elected, and the next year a KETCH Board of Director member will be selected. Each of these elections and selections shall be for a three-year term and shall be made at the Fall Meeting of the Association. Each represented group shall make their own nominations to replace any vacancies. Nominees to fill vacancies will not be seated on the Board of Trustees until ratified by the Kansas Elks Association at its next regular meeting. Replacement Trustees will serve only for the remainder of the unexpired term unless re-elected during the normal election process.

**Section 4.** Advisory Committee. In addition to all other committees, there shall be an Advisory Committee consisting of all Past State Presidents of the Association. The purpose of this committee shall be to advise with and make recommendations to the incumbent State President and to aid him on matters pertaining to the interest, need and general welfare of the Association, and to advise and recommend on such other matters and affairs coming within its province. Said Advisory Committee shall have the power and authority to make its own rules and regulations, as deemed necessary for the time and place of holding its meetings and the selection of its officers.

**Section 5.** Installing Officer. The First Vice-President shall appoint, on or before the Mid-Winter Meeting, an Installing Officer to install the officers of the Association at the Annual Spring Convention.

#### ARTICLE VII -- Order of Business

**Section 1.** The Order of Business at all meetings of this Association, unless otherwise changed by majority vote of the delegates present, may be as follows:

1. Call Officers to their respective stations and fill any vacancies by appointments.
2. Call to Order.
3. Invocation.
4. Flag Salute.
5. Honor Past State Presidents and Past District Deputies who are present.
6. Roll Call of State Association Officers and District Deputies.
7. Roll Call of Lodges and response by delegates.
8. Addresses of Welcome.
9. Responses.
10. Announcements by the President.

11. Presentation of Minutes of the last meeting.
12. Report of the President.
13. Report of the Secretary.
14. Report of the Treasurer.
15. Reports from the District Deputies.
16. Reports from the Boards.
17. Reports of standing committees as they report to officers.
18. Reading of Communications.
19. Unfinished business.
20. New business.
21. Announcements.
22. Good of the Order.
23. Benediction.
24. Adjournment.

#### ARTICLE VIII -- Limitations

**Section 1.** No questions of a political or sectarian character shall be introduced at any meeting of the Association. No person shall be directly or indirectly endorsed or recommended for any political or Grand Lodge office, nor shall any public question be introduced or discussed unless the same directly relates to or affects the Order and its membership, or unless previous action on such subject shall have been taken by the Grand Lodge.

#### ARTICLE IX -- Provisions Not Otherwise Covered

**Section 1.** In all cases where subjects are not covered by this Constitution and Bylaws, the Grand Lodge Constitution and laws shall govern.

#### ARTICLE X -- Amendments

**Section 1.** A proposed Amendment to the Constitution and Bylaws shall be presented in writing to the Judiciary Committee and the Advisory Committee, at least sixty (60) days before any business meeting at which the amendment is to be considered. The Secretary of the Association shall send a copy of the proposed amendment to all Lodges in the Association, at least thirty (30) days before said meeting. The vote upon the proposed amendment shall be by a roll call vote of the Lodges and shall be adopted by a majority of votes cast.

#### ARTICLE XI – Written Presentation and Notification

**Section 1.** Whenever written presentation or notification is required herein, it shall be acceptable to do so by the official publication of the Association, hand delivery of document, United States Postal Service mail, other carrier service mail, electronic mail (e-mail), facsimile transmission (FAX), or any other electronic communication that provides a commonly accepted method for the intended recipient(s) to view a printed or written document.

#### ARTICLE XII – Miscellaneous

**Section 1.** All gender-specific pronouns within the Constitution and Bylaws of the Association shall be understood to include both the male and female genders, unless this convention makes no sense, as in the case where the pronoun in question is meant to refer specifically to a male or female.

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