



Executive Order No. 2

April 24, 2020

Pursuant to Section 618(a)(4) and the National Council of Administration's April 17, 2020 vote to adopt the Contingency Planning Committee's recommended option for navigating the fraternal business of the organization within COVID-19 restrictions, the following mandate is hereby issued. This provides a directive for the election of National officers and provides options as to how Departments, Districts, and Posts may conduct elections in keeping with the requirements and customs of the VFW. This order supersedes all other guidance regarding conducting the fraternal business of the organization within COVID-19 restrictions.

National:

On July 24, 2020, if no formal business can be transacted at the National Convention, the 2019-20 terms of all National officers are ended, thereby vacating those offices, the incumbents having satisfactorily served to the end of their term as defined in Section 719 of the National Bylaws. Those positions for which succession is provided will be immediately filled pursuant to Section 620 of the National Bylaws and Manual of Procedure (the Senior and Junior Vice Commanders will succeed to Commander and Senior Vice respectively). Immediately thereafter, the Commander-in-Chief shall appoint a Quartermaster General Pro Tempore (as well as all other appointments pursuant to Section 618(a)(6) of the National Bylaws); and shall announce that all other elected vacancies will be filled by the National Council of Administration. Fifteen (15) days thereafter, August 8, 2020, the Commander-in-Chief shall advise the National Council of Administration of the names of comrades presented for those elected positions. The National Council of Administration may vote to fill those vacancies at the next regular or special meeting or by ballot pursuant to Section 620 of the Manual of Procedure.

A *pro-forma* National Convention shall be conducted for the purposes of maintaining compliance with Section 603 of the National Bylaws; no business shall be transacted due to lack of a quorum as "the inability to transact business does not detract from the fact the society's rules requiring the meeting to be held were complied with and the meeting was convened-even though it had to adjourn immediately" pursuant to Robert's Rules of Order Newly Revised.

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Departments:

Departments that are able to conduct Conventions in accordance with Section 503 of the National Bylaws by June 24, 2020 are encouraged to do so.

Alternatively, the Department Council of Administration may vote by ballot to cancel the formal Department Convention, declare (on a date no earlier than April 24, 2020 and no later than June 24, 2020) that the 2019-20 terms of all Department officers, and National Council Members elected by the Department who have fulfilled their four-year term, are ended thereby vacating those offices the incumbents having satisfactorily served to the end of the term as defined in Section 719 of the National Bylaws. Those positions for which succession is provided will be immediately filled pursuant to Section 520 of the National Bylaws and Manual of Procedure (the Senior and Junior Vice Commanders will succeed to Commander and Senior Vice respectively). Immediately thereafter, the Department Commander shall appoint a Quartermaster Pro Tempore (as well as all other appointments pursuant to Department and National Bylaws); and shall announce that all other elected vacancies will be filled by the Department Council of Administration. Fifteen (15) days thereafter, the Department Commander shall advise the Department Council of Administration of the names of comrades presented for those elected positions. The Department Council of Administration may vote to fill those vacancies at the next regular or special meeting or by ballot pursuant to Section 520 of the Manual of Procedure.

Finally, if the Department Council of Administration does not vote to cancel the formal Department Convention and no Convention is held prior to June 24, 2020 on July 24, 2020 the 2019-20 terms of all Department officers, and National Council Members elected by the Department who have fulfilled their four-year term, are ended thereby vacating those offices the incumbents having satisfactorily served to the end of the term as defined in Section 719 of the National Bylaws. Those positions for which succession is provided will be immediately filled pursuant to Section 520 of the National Bylaws and Manual of Procedure (the Senior and Junior Vice Commanders will succeed to Commander and Senior Vice respectively). Immediately thereafter, the Department Commander shall appoint a Quartermaster Pro Tempore (as well as all other appointments pursuant to Department and National Bylaws); and shall announce that all other elected vacancies will be filled by the Department Council of Administration. Fifteen (15) days thereafter, the Department Commander shall advise the Department Council of Administration of the names of comrades presented for those elected positions. The Department Council of Administration may vote to fill those vacancies at the next regular or special meeting or by ballot pursuant to Section 520 of the Manual of Procedure.

Departments (continued):

If a Department Convention cannot be held, (on a date no earlier than April 24, 2020 and no later than June 24, 2020) a *pro-forma* Department Convention shall be conducted for the purposes of maintaining compliance with Section 503 of the National Bylaws; no business shall be transacted due to lack of a quorum as “the inability to transact business does not detract from the fact the society’s rules requiring the meeting to be held were complied with and the meeting was convened-even though it had to adjourn immediately” pursuant to Robert’s Rules of Order Newly Revised.

Districts:

Districts that are able to conduct Conventions in accordance with Section 403 of the National Bylaws no later than June 14, 2020 are encouraged to do so; otherwise, those Districts are to elect officers at their next regular or special meeting.

Alternatively, if on July 24, 2020 no business can be transacted at a District Convention and no elections held, the 2019-20 terms of all District officers are ended thereby vacating those offices the incumbents having satisfactorily served to the end of the term as defined in Section 719 of the National Bylaws. Those positions for which succession is provided will be immediately filled pursuant to Section 420 of the National Bylaws and Manual of Procedure (the Senior and Junior Vice Commanders will succeed to Commander and Senior Vice respectively). Immediately thereafter, the District Commander shall appoint a Quartermaster Pro Tempore (as well as all other appointments pursuant to District and National Bylaws); all other elected vacancies shall be filled at the next regular or special meeting.

If on a date no later than June 14, 2020 a District Convention cannot be held, a *pro-forma* District Convention shall be conducted for the purposes of maintaining compliance with Section 403 of the National Bylaws; no business shall be transacted due to lack of a quorum as “the inability to transact business does not detract from the fact the society’s rules requiring the meeting to be held were complied with and the meeting was convened-even though it had to adjourn immediately” pursuant to Robert’s Rules of Order Newly Revised.

Posts:

Posts that are able to conduct meetings for the purpose of electing officers are encouraged to do so.

Alternatively, if on July 24, 2020 no election can be conducted, the 2019-20 terms of all Post officers are ended thereby vacating those offices the incumbents having satisfactorily served to the end of the term as defined in Section 719 of the National Bylaws. Those positions for which succession is provided will be immediately filled pursuant to Section 220 of the National Bylaws and Manual of Procedure. Immediately thereafter, the Post Commander shall appoint a Quartermaster Pro Tempore (as well as all other appointments pursuant to Post and National Bylaws); all other elected vacancies shall be filled at the next regular or special meeting.

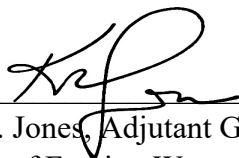
Nothing within this section shall prevent a Post from deciding to have any elected and/or appointed officer serve consecutive terms in the same position so long as their subsequent election and/or appointment is done so in accordance with Section 220 of the National Bylaws and Manual of Procedure

By order of:



William "Doc" Schmitz, Commander-in-Chief
Veterans of Foreign Wars of the United States

Official:



Kevin C. Jones, Adjutant General
Veterans of Foreign Wars of the United States



April 29, 2020



Re: Executive Order No. 2 – FAQ

Comrades, below are frequently asked questions and their corresponding answers. A searchable FAQ should be live behind on the member login by Friday May 1, 2020; however, this document should help in the interim.

1. What is Executive Order No. 2 and where can I find it?
 - a. Executive Order No. 2 is a Commander-in-Chief issued order pursuant to the National Council of Administration's adoption via a ballot vote conducted on April 17, 2020 of a contingency plan if no National Convention could be held. Executive Order No. 2 supersedes all previous guidance on conducting fraternal business under COVID-19 restrictions. You can find it and its corresponding step-by-step instruction for Departments [here](#).
2. There is a lot of VFW COVID-19 guidance out there, which one do I follow?
 - a. Executive Order No. 2 issued April 24, 2020 supersedes all previous guidance on conducting fraternal business under COVID-19 restrictions. You can find it and its corresponding step-by-step instruction for Departments [here](#).
3. If my Department is not going to have a Convention, what do we do?
 - a. Executive Order No. 2 and its corresponding step-by-step instructions for Departments can be found [here](#). After careful review of these documents, please refer back to this FAQ should you have additional questions.
4. How did the National Council of Administration decide on a plan to elect National Officers and what authority do they have to do that?
 - a. In response to COVID-19, the Commander-in-Chief appointed the Contingency Planning Committee to develop contingency plans for navigating the fraternal business of the organization within COVID-19 restrictions; specifically, the committee was charged to explore options for the National Convention under current CDC guidelines of social distancing pursuant to our Bylaws. You can read the committee's report which was presented to the National Council of Administration on April 13, 2020 [here](#).
5. If the Department Council of Administration votes to cancel the Department Convention, can the Department Council of Administration amend the Department Bylaws?
 - a. No. The Department Bylaws may only be amended by the Department Convention pursuant to Section 502 of the National Bylaws.
6. If there is no National Convention, can the National Council of Administration amend the National Bylaws?
 - a. No. Pursuant to Section 1401 of the National Bylaws, the National Bylaws may only be amended by the National Convention; however, pursuant to Section 622(5) of the National Bylaws, the National Council of Administration may amend the National Manual of Procedure.

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7. My state has a statute for non-profits that allows them to have a reduced quorum for their meetings in order to conduct business in times of emergency, does this apply to the VFW?
 - a. No. The state statute does not supersede the VFW's bylaws.
8. Can our Department conduct our Convention electronically?
 - a. No. Pursuant to the National Bylaws and Manual of Procedure, electronic attendance is only allowed at Post and District meetings provided the respective Post or District has adopted additional procedures pertaining the conduct of its meetings. For more information on this topic please see the [COVID 19 – Contingency Planning Committee Report; Recommendation 2; Option 1.](#)
9. Can our Department Council of Administration conduct its meetings electronically?
 - a. No. Pursuant to Section 522(i) of the National Bylaws, a physical quorum is required to conduct such meetings. Councils of Administration may conduct workshops electronically where business is discussed but not conducted; in such cases business may be conducted by mail ballot which may be email pursuant to Section 522(j) of the National Bylaws.
10. Can our District hold elections electronically?
 - a. Yes. If a District is unable to hold a District Convention, it may hold elections at its next regular or special meeting. A District may conduct meetings utilizing electronic attendance and at such meeting an election may be conducted so long as those meetings are done pursuant to Section 403 of the National Bylaws.
11. Can our Post hold elections electronically?
 - a. Yes. A Post may conduct meetings utilizing electronic attendance and at such meeting an election may be conducted so long as those meetings are done pursuant to Section 203 of the National Bylaws.
12. If the Department Council of Administration wants Department officers to “stay in place” or serve consecutive terms does Executive Order No. 2 prohibit them from doing so?
 - a. No. The National Council of Administration voted on a go forward strategy and Executive Order No. 2 reflects that; however, Section 620 of the Manual of Procedure is different as it indicates the succession shall take place; whereas Sections 520, 420, and 220 indicate the succession may take place. If the succession occurs, it is immediate and does not require an additional vote or installation. If the Senior and Junior do not wish to succeed, the Council would affirm those positions for another term and re-elect the Commander for a consecutive term along with the other officers through a ballot vote.
13. If the District wants District officers to “stay in place” or serve consecutive terms does Executive Order No. 2 prohibit them from doing so?
 - a. No. The National Council of Administration voted on a go forward strategy and Executive Order No. 2 reflects that; however, Section 620 of the Manual of Procedure is different as it indicates the succession shall take place; whereas Sections 520, 420, and 220 indicate the succession may take place. If the succession occurs, it is immediate and does not require an additional vote or installation. If the Senior and Junior do not wish to succeed, the District would affirm those positions for another term and re-elect the Commander for a consecutive term along with the other officers through a District election at its next regular or special meeting.

14. If the Post wants Post officers to “stay in place” or serve consecutive terms does Executive Order No. 2 prohibit them from doing so?
 - a. No. The National Council of Administration voted on a go forward strategy and Executive Order No. 2 reflects that; however, Section 620 of the Manual of Procedure is different as it indicates the succession shall take place; whereas Sections 520, 420, and 220 indicate the succession may take place. If the succession occurs, it is immediate and does not require an additional vote or installation. If the Senior and Junior do not wish to succeed, the Post would affirm those positions for another term and re-elect the Commander for a consecutive term along with the other officers through a Post election at its next regular or special meeting.
15. If meetings are not able to be held due to COVID-19 restrictions, how and when are officers installed; how is an installation conducted?
 - a. Installation of officers at any level may be conducted at any regular or special meeting at any level of the organization. If procedures have been adopted previously, such meetings and installation may be conducted electronically pursuant to Sections 203 and 403 of the National Bylaws respectively.
16. Since the National Convention is canceled, are Posts still required to pay the National Convention registration fee?
 - a. The Adjutant General and Commander-in-Chief have sent a ballot to the National Council of Administration with the recommendation to cancel the National Convention registration fee requirement for Posts as well as return all fees to those Posts who have already paid. The National Council of Administration will vote on Friday May 1, 2020 and the results will be forthcoming and immediate.
17. Pursuant to Section 520, once a vacancy occurs there is a fifteen (15) day call for nominations; is the fifteen (15) days from the date of the vacancy or is there flexibility if the vacancy is known in advance?
 - a. No. Section 520 is clear; the fifteen (15) day call for nominations occurs from the date of the vacancy.
18. If the Department Convention is canceled, can Post delegates vote by mail?
 - a. No. Absentee voting is prohibited pursuant to our bylaws.
19. If the Department Council of Administration is going to conduct elections via ballot, can District Commanders be directed by their respective Posts on how to vote?
 - a. No. Although nothing prohibits a District Commander from polling his/her District for guidance regarding elections, those District Commanders are not required to do so as proxy voting is prohibited pursuant to our bylaws.
20. If the Department Council of Administration votes to end the terms of all officers, is the incoming Commander required to appoint the previous Department Quartermaster as Department Quartermaster Pro Tempore?
 - a. No. The incoming Department Commander may appoint any member in good standing as the Quartermaster Pro Tempore; however, an election still must be held for the position of Department Quartermaster.