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Marietta Chapter

## Constitution and By-Laws



Revised September 14, 2022
Revised March 11, 2020
Revised November 13, 2019
Revised January 10, 2018
Reviewed January 12, 2017
Reviewed March 10, 2016
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# 1. Constitution: 

Article I: Name

The Name of the Chapter is Marietta Chapter

## Article II: Objects

The objective of this Society shall be to perpetuate the memory of the men and women, who by their services or sacrifices during the American Revolutionary War, achieved the independence of the American People, to unite and promote fellowship among their descendants, to inspire them and the community at large with a more profound reverence for principles of government founded by our forefathers, to encourage historical research and education in relation to the American revolution; to acquire, preserve and publish the records of the individual service of the patriots of the war, as well as documents concerning the same, to conserve relics and landmarks, to mark the scenes of the Revolution and patriot graves by appropriate memorials, to celebrate the anniversaries of the prominent events of the War, to foster true patriotism, and to maintain and extend the information of American freedom.

## Article III: Membership

Any male shall be eligible for membership in this Chapter, who has made application and has been accepted for membership in the National Society and the Ohio Society of the Sons of the American Revolution. The criteria for membership are as set forth in the Constitution of the National Society of the Sons of the American Revolution. An "Active" member is one who has been inducted into the Society and, as applicable, has paid the annual assessment of National, State, and Chapter dues.

## Article IV: Officers

The elective officers of the Chapter shall be a President, First Vice President, Second Vice President, Secretary, Treasurer, Registrar, Genealogist, Historian, Chaplain and Sergeant-atArms. The elective officers shall be chosen by the ballots of the majority of members present at the November meeting. The elected officers will be installed at the December meeting or banquet and take office immediately. The elected officers and Chapter Past Presidents, who are active members, shall constitute the Board of Officers and shall have charge of the affairs of the chapter between regular scheduled meetings.

## Article V: Quorum and Proxies

A quorum of the chapter shall be required for the transaction of business. The number constituting a quorum is defined in the By-Laws. Proxies shall not be voted at any meeting of the Chapter.

## Article VI: Headquarters

The headquarters of the Chapter and the location of its meeting place shall be in Marietta, Ohio.

## Article VII: Amendments

This Constitution may be altered, amended, or repealed by a vote of two-thirds of the members present at any meeting, or special meeting, call for the purpose provided a notice was sent to all members fourteen (14) days in advance, and further that such alteration or amendment is in conformance with the National and State Societies Constitution and ByLaws.

## 2: By-Laws

## Article I: Membership Dues and Fees

Section 1: Application for membership must be prepared in the manner prescribed by the National Society on official forms furnished by the National Society. The recommendations of two members who are personally acquainted with the applicant shall be required for acceptance of an application for membership. The application must be either typewritten using National Society prepared forms or electronically prepared using National Society digital forms and authorized paper, be signed by the applicant and forward with a check for Chapter, State and National Societies application and membership fees. Every applicant and/or member shall be responsible for informing the Secretary of any change in his mailing address.

Section 2: All eligible applicants will be accepted as Chapter members upon approval by State and National Societies.

Section 3: The schedule of State and National fees is subject to change by those Societies. The Chapter dues may be changed by a vote of the Board of Officers. Annual per capita dues become due during the last quarter of the calendar year on a date established by the Treasurer, based upon notification by the state Society, and will become delinquent on the $31^{\text {st }}$ of December. The fiscal year of the Chapter begins on the $1^{\text {st }}$ of January of each year.

Section 4: A member who is in arrears for fees on 31 December shall be dropped automatically from the rolls and is not thereafter eligible to participate in any activity of the Society. A former member may be reinstated at any time upon the payment of current annual dues and any reinstatement fee imposed by National and State Societies or the Chapter.

Section 5: Membership categories shall be consistent with those established by the National Society.

## Article II: Liabilities.

No member of the Chapter shall become liable to the Chapter, State, or National Societies for any amount other than annual dues, reinstatement fees or supplemental application fees, and those only to maintain membership.

## Article III: Officer Election and Board of Officers

Section 1: The President, at the Chapter meeting in September, shall appoint a Nominating Committee of three members from the membership, who shall report their nominations for officers. This report shall be included in the notice of the November meeting. Nothing herein contained shall restrict or prevent nominations from the floor.

Section 2: In case of a vacancy in any office or if from disability or other causes, if any officer shall be unable to perform his duties, the Board of Officers shall have power to fill the place for the time being, or for the balance of an unexpired term, as the case may require. The Board of Officers shall make the appointment at the next scheduled Chapter meeting after the office has been determined to be vacant. If the President is unable to perform his duties, the First Vice President will assume the office of President and the Board of Officers will fill the office of First Vice President.

Section 3: Any officer may hold more than one office if it is deemed necessary or desirable by the nominating committee and the membership. Any member of the Chapter may chair committees of the Chapter.

Section 4: The President may succeed himself for a second term if nominated and elected. However, there are no limitations on serving additional terms as President.

Section 5: There shall be no limitations on terms, whether successive or cumulative, of officers.

## Articles IV: Duties of Officers

Section 1: President: The President shall fulfill the customary duties of the office and shall maintain general supervision over the affairs of the Chapter. He shall keep the Chapter membership informed on all activities of the Chapter. He shall appoint all Committee Chairman not herein appointed. He shall be an ex-officio member of all committees, except
the nominating Committee. Prior to each Ohio Society Board of Management meeting, he shall cause to be prepared and remitted to the Ohio Society a report detailing the activities of the Marietta Chapter since the last report. He shall notify the candidates of their admission to membership in the Society and assure that they receive their certificates of membership. He shall have signature authority on the Chapter financial depository, in the event the Treasurer is unable to exercise his duties. He shall appoint an auditor and provide the results of the financial audit to the Board of Officers prior to the November meeting. He shall appoint a Program Committee. He shall be responsible for maintaining the Chapter Charter and boxes of Chapter Historical Records in his possession. In the absence or inability of the President to serve, his duties shall be performed temporarily by the First Vice President, Second Vice President, Secretary, or the Treasurer in that order of succession.

Section 2: First Vice President: The First Vice president shall assist the President in the discharge of his duties. He will constantly familiarize himself with the activities of the Chapter and serve as Chairman of the Program Committee, as well as Chapter Parliamentarian. He shall promote the interest and activities of the Chapter.

Section 3: Second Vice President: In the absence of the President and First Vice-President, the Second Vice-President shall preside over the Regular and Special Meetings of the Chapter.

Section 4: Secretary: The Secretary shall maintain an accurate roll of the membership in the Chapter in coordination with the Treasurer, ensure the accuracy of National and State membership rolls, conduct the general correspondence for the Chapter, and maintain appropriate files. He shall have charge of and maintain all records of the Chapter, including historical operating records, which are not herein expressly placed in charge of other officers of the Chapter. He shall notify the Ohio Society Secretary of the death, resignation, suspension, or removal from the rolls of any member. He shall, under the direction of the President, give due notice of the time and place of all meetings of the Chapter and make reservations for meeting as necessary and take and prepare minutes of all meetings. The secretary shall notify the Ohio Society Secretary of the election results immediately after the November meeting. No Chapter records shall be destroyed without approval of the Board of Officers.

Section 5: Treasurer: The Treasurer shall maintain an accurate roll of the membership in the Chapter in Coordination with the Secretary and, prior to $15^{\text {th }}$ December of each year; submit a report, along with annual State and national dues collected to the Registrar of the Ohio Society of the Sons of the American Revolution. To enhance retention of Chapter membership and to forestall the need for reinstatement action, the treasurer shall begin dues collection on or after October 1 or each year, or as soon thereafter as practicable, as he receives appropriate dues information from the State Society. He shall establish a federally insured depository for the Chapter and shall ensure the President has signature authority along with himself, in the event he is unable to exercise his duties. He shall collect all dues and other monies received by the Chapter and shall deposit same in the depository to the credit of the "Marietta Chapter, Sons of the American Revolution." He shall pay out only funds as voted on by the Board of Officers or members at regular meeting. He shall keep a
true account of the receipts and expenditures and shall render an annual report to the same President in January and more often when requested by the President. The Treasurer's account shall be audited annually during the month of October or as often as deemed necessary by the Board of Officers in such a manner as may, from time to time, be determined by the Board. The results of any audit shall be provided to the President and thereupon be provided to the Board by the President prior to the November meeting. The Treasurer shall have charge and shall maintain all financial records of the Chapter. No financial records shall be destroyed without approval of the Board of Officers.

## The Marietta Chapter Treasurer shall at the end of the Fiscal Year file all documents and forms with Federal and State Entities (990's and Ohio Charitable Organizations as required by law).

Section 6: Registrar: The Registrar shall have charge of the chapter records of membership, retain copies of all applications for Membership and Supplemental Applications, and all books and documents not required to be deposited elsewhere. He shall maintain an adequate supply of Applications for Membership, Supplemental Applications and Worksheets. He may serve as Chapter Genealogist and review all Applications for Membership and Supplemental Applications for adequacy prior to their submission to the Ohio Society.

Section 7: Genealogist: The Genealogist shall advise and assist the Registrar and in coordination with the Registrar to periodically contact prospective members to offer assistance in completing their applications. If requested, he will assist members in completing their supplemental applications.

Section 8: Historian: The Historian shall be responsible for maintaining the Chapter Historical Records in his possession. The Historian will be responsible to maintain the history of the Chapter. The Historian will be the custodian of all historical matter belonging to the Chapter. He shall keep a record of the Chapter's historical, commemorative, and patriotic celebrations and social functions. He shall establish and maintain a necrology with biographies of deceased members. He shall coordinate and cooperate with the Historians of the State and National Societies in the preparation and publication of significant material relating to Chapter activities in permanent archives.

Section 9: Chaplain: The Chaplain shall perform those duties ordinarily expected of an organizational Chaplain. He shall open and close meetings of the Chapter with services usual for such occasions.

Section 10: Sergeant-at-Arms: Sergeant-at-Arms shall assist in the preservation of order at all meetings of the Chapter. He shall maintain control of all flags, pennants, streamers and their associated stands and the placing of the colors at each meeting. He will arrive at the meeting site early to assure readiness of the facility, to assist the President as necessary, and to extend the official greeting to members and guests as they arrive.

## Article V: Meetings

Section 1: The regular meetings of the Chapter shall be held as ordered by the president or the Board of Officers. Reports of Officers and Committees may be received at any meeting.

Section 2: Officers shall be elected at the regular meeting in November.
Section 3: Special meetings can be called by the President or by any five (5) members of the Board of Officers and may also be called upon the written request of ten (10) members of the Chapter. The purpose of the meeting shall be started in the call. Except in case of emergency at least seven (7) days' notice shall be given.

Section 4: Ten Percent (10\%) of the active members of the Chapter shall constitute a quorum.

Section 5: Newly elected officers shall be installed at the December meeting or banquet, as applicable. The President of the State Society and his lady, if appropriate, will be invited. The outgoing President, the New Chapter President and Installing Officer should be requested to make short remarks of speeches. The order of business at this meeting will be:

1. Call to order by the outgoing Chapter President
2. Invocation by the Chaplain
3. Pledge of Allegiance to the Flag of the United States of America
4. SAR Pledge
5. Introduction of Special Guests
6. Dinner and Program
7. Introduction of installing officer by the outgoing Chapter President
8. Address by the installing officer
9. Address by the outgoing Chapter President
10. Installation of the New Officers
11. Address by the New Chapter President
12. SAR Recessional
13. Benediction
14. Adjourn

Section 6: The order of business at the regular meeting of the Chapter will be as follows:

1. Call to order by the Presiding Officer
2. Invocation by the Chaplain
3. Pledge of Allegiance to the Flag of the United States of America
4. SAR Pledge
5. Quorum declaration
6. Approval of Previous Meeting Minutes
7. Introduction of Distinguished Guests, Speaker, or Program
8. Officers' reports
9. Committee reports
10. Unfinished business
11. New business
12. SAR Recessional
13. Benediction
14. Adjourn

Section 7: In the event that the Chapter shall become inactive, all materials and monies shall be transferred to the State Society to be held in trust pending restoration of the Chapter. Upon the revival of the Chapter, all records, materials, and monies (including and earned interest by reason of this trust) shall be returned to the Chapter.

## Article VI: Committees

Section 1: Program Committee: The President shall appoint a Program Committee consisting of the Chapter First Vice-President as Chairman and up to three other members whose duty it shall be to plan the annual program for the Chapter and to arrange for speakers and/or activities for presentation at the successive Chapter meetings. It shall be responsible for Chapter property required for use at the monthly meetings that is not otherwise allocated to the responsibility of the Sergeant-at-Arms.

Section 2: Other Standing Committees: Other standing committees shall be, but not limited to, the following: Americanism, History, Publicity, Color Guard, Eagle Scout Scholarship. Revolutionary War Graves, American Flag Recognition, Speakers Bureau, and Veterans. The chairman of the Color Guard committee shall serve as the Color Guard Commander for the Chapter.

Section 3: Other Committees: The President will establish and appoint members to serve on all such committees, standing or special, as the Chapter membership or Board of Officers deem necessary to carry out the work of the Chapter.

## Article VII: Parliamentary Authority

The Rules contained in the Current edition of "Robert's Rules of Order-Newly Revised" shall govern the Chapter in all cases to which they are applicable and are consistent with these By-Laws or any other special rules and orders the Chapter may adopt.

## Article VIII: Adoption and Amendment of the By-Laws

The By-Laws shall be adopted and may be altered, amended, or repealed by a majority vote of a quorum of the members present at any regular meeting, or special meeting called for the purpose, provided a notice was sent to all members fourteen (14) days in advance, and
further that such adoption, alteration, or amendment is in conformance with the National and State Societies Constitution and By-Laws.

Certification of Adoption of the By-Laws

September 14, 2022
Date

## R. Douglas Pettit

President

## Appendix A:

## OHIO SOCIETY SONS OF THE AMERICAN REVOLUTION MARIETTA CHAPTER Conflict of Interest Statement

For Officers, Committee Chairmen, and Executive Committee Members.

No OHSSAR Marietta Chapter Officer, Committee Chairman, or Executive Committee Member shall derive any personal profit or gain, directly or indirectly, by reason of his participation with OHSSAR Marietta Chapter. Each individual shall disclose to any OHSSAR Marietta Chapter personal interest which he may have in any matter pending before OHSSAR Marietta Chapter and shall refrain from participation in any decision on such matter.

Any OHSSAR Marietta Chapter Officer, Committee Chairman, or Executive Committee Member who is an officer, board member, a committee member or staff member of a service or vendor organization shall identify his affiliation with such agency or agencies; further, in connection with any policy commit-tee or Board of Managers action specifically directed to that agency, he shall not participate in the decision affecting that agency and the decision must be made and/or ratified by the full Board of Managers.

Any OHSSAR Marietta Chapter Officer, Committee Chairman, or Executive Committee Member shall refrain from obtaining any list of members for personal or private solicitation purposes at any time during the term of his affiliation.

At this time, I am a Board member, a committee member, or an employee of the following organizations that may pose a potential conflict under Section C of the OHSSAR Marietta Chapter Conflict of Interest/Code of Organizational Conduct Policy:
1.
2.
3.
4.

Now this is to certify that $I$, except as described below, am not now nor at any time during the past year have been:
4. A participant, directly or indirectly, in any arrangement, agreement, investment, or other activity with any vendor, supplier, or other party; doing business with OHSSAR Marietta Chapter which has resulted or could result in personal benefit to me.
4. A recipient, directly or indirectly, of any salary payments or loans or gifts of any kind or any free service or discounts or other fees from or on behalf of any person or organization engaged in any transaction with the OHSSAR Marietta Chapter.

Any exceptions to 1 or 2 above are stated below with a full description of the transactions and of the interest, whether direct or indirect, which I have (or have had during the past year) in the persons or organizations having transactions with OHSSAR Marietta Chapter.

Date: $\qquad$
Signature:
Printed Name:

## Appendix B: Chapter Records Retention Schedule

| Type of Document | Minimum Requirement |
| :--- | :--- |
| Accounts payable ledgers and schedules | 7 years |
| Audit reports | Permanently |
| Bank Reconciliations | 2 years |
| Bank statements | 3 years |
| Checks (for important payments and | Permanently |
| purchases) | Permanently |
| Contracts (still in effect) | 2 years |
| Correspondence (general) | Permanently |
| Deeds, mortgages, and bills of sale | 2 years |
| Duplicated deposit slips | 3 years |
| Employment applications | Permanently |
| Year End Financial Statements | 3 years |
| Internal audit reports | 7 years |
| Inventories of product, materials, and supplies | 7 years |
| Invoices (to customers, from vendors) | Permanently |
| Minutes books, bylaws, and charter | 7 years |
| Payroll records and summaries | Permanently |
| Tax returns and worksheets |  |

# Appendix C - "Ohio Revised Code Charitable Trust and Charitable Organization" 

Charitable Trust and Charitable Organization requirements.

The Ohio Revised Code section 109.23, The Ohio Charitable Trust Act, which applies to an entity in Ohio holding funds for a charitable, religious, or educational purpose and Ohio Revised Code section 1716.01, The Ohio Charitable Organizations Act, which applies to an entity requesting something of value for a charitable, religious, educational or patriotic purpose require that such entities register with the Attorney General of the State of Ohio. Each of these acts state that an organization that is exempt under 26 U.S. Code section $501 \odot(3)$ is by definition presumed to be a charitable trust or charitable organization. Entities meeting these requirements must register with the Ohio Attorney General. Having completed registration, charitable trusts and charitable organizations may be required to file annual reports and pay fees based on the level of funds held or level of income from requesting something of value.

In February 2017 the Ohio Society through its chancellor contacted the legal offices of the Ohio Attorney General who performed a review of the Ohio Society's tax exempt status and Articles of Incorporation. (or replace this first sentence with -At the request of the Ohio Society the Ohio Attorney General's office performed a review of the Ohio Societies obligation under these acts.) The Ohio Attorney General's office documented its finding to the Ohio Society in a letter dated 3 March 2017 indicating the Ohio Society was both a charitable trust and charitable organization.

The Ohio Society has previously become registered as a charitable trust. It is the responsibility of the Ohio Society Treasurer to file an annual report with the Ohio Attorney General.

As the chapters within the state of Ohio have the same tax exempt status under 26 U.S. Code section $501 \odot(3)$ and their constitutions and by-laws mirror the same stated educational and patriotic purposes as the National Society and the Ohio Society it is concluded the chapters also meet the requirement for being charitable trusts and or charitable organizations within the state of Ohio. The chapters therefor are obligated to register with the Ohio Attorney General and may be required to file annual reports and pay fees based on the level of funds held or income from requesting something of value.
(optional - the above paragraphs 2 and 4 could be replaced with more detail as follows in italics)

In January 2017 the Ohio Society through its chancellor contacted the legal offices of the Ohio Attorney General and documented the requirements of the Ohio Society and chapters within Ohio. The Ohio Attorney General's offices stated, "The Ohio Society's purpose, as stated in its Articles of Incorporation filed with the Ohio Secretary of State, shows that the organization is both a charitable trust and a charitable organization. Specifically, the Articles state that The Ohio Society's purpose is: patriotic, historical, and educational; to foster true patriotism; to maintain and extend the institutions of American freedom, and to carry out the purposes
expressed in the preamble of the constitution of our country and the injunctions of Washington in his farewell address to the American people. The definition of charitable trust and the definition of charitable organization both include educational purposes. Additionally, ORC 17.16(A) specifies that charitable organization also includes entities that hold themselves out for patriotic purposes."

An entity can meet the definition of a charitable trust or charitable organization without being formally organized or incorporated and without having tax exempt status. The Ohio Society and some of the chapters are incorporated in Ohio some of the chapters are not incorporated. However, the Ohio Society and Ohio chapters have been granted tax exempt status under 26 U.S. Code section 501®(3) through the National Society of the Sons of the American Revolution.

A subordinate entity, chapter, may not be required to register if it is subordinate of a parent entity that does register. A subordinate entity that separately files its own Form 990-N with the IRS is defined as not being a subordinate of a parent entity and must register separately with the Ohio Attorney General as a charitable trust or charitable organization. As Ohio Society and chapters each file their own Form 990-N electronic postcard with the IRS they by definition do not qualify as subordinate.

## (End Optional Verbiage)

Generally, charitable trusts holding funds less than $\$ 25,000$ or charitable organizations annually receiving something of value less than $\$ 50,000$ are not required to pay any fees but still may be required to file an annual report.

## Charitable Registration

Charitable registration and filing is made electronically through the website for the Ohio Attorney General, ohioattorneygeneral.gov, is done only once and will take 30 to 45 minutes. The website provides a complete "Charitable Registration and Filing Users Guide" listing step by step instructions for completing the registration process:

1. Go to ohioattorneygeneral.gov
2. At bottom of page under Business \& Economic Development click on Services for Charities.
3. At left center click on Charitable Registration.
4. At left center click on Charitable Registration Users Guide
5. A 41-page pamphlet titled "Charitable Registration and Filing Users Guide" should appear.

The Guide provides step by step instructions. It is recommended the guide be copied to a file so it can be reviewed in a split screen as the forms are being filled out.

During the registration process a request will be made for supporting documents to be submitted online (uploaded), faxed, or mailed to the Ohio Attorney General. The documents requested involve those used in creation of the chapter. You will need:

1. Articles of Incorporation and State Charter Number (if your chapter is incorporated)
2. EIN Number
3. Constitution and Bylaws
4. Current charter (charter issued by Ohio Society)
5. Letter of Determination (contact Ohio Society Treasurer for copy of this document)

The registration process will require entering information about the chapter. Some questions will request the nature or purpose of organization. Answers selected for purpose should be patriotic, educational and/or historical. Many of the questions asked will apply to larger charitable organizations that are in business to solicit and dispense large sums of contributions and these questions may not apply to the Ohio Society or Ohio chapters.

## Filing First Report

After completing the registration and it is accepted, the system will request that the first report be filed. Follow the steps to complete the report. It should take no longer than 5 to 10 minutes to complete each year's report. The following annual revenue, expenses, assets and liabilities financial information will be required to complete the report:

1. Amount of Individual contributions, gifts, grants and similar amounts received
2. Amount of all other revenue (including only dues collected for your organization and not state or national dues collected)
3. Total revenue (automatically calculated by system)
4. Program service expenses (what money was spent on supporting chapter goals)
5. All other expenses
6. Total expenses (automatically calculated by system)
7. Total assets
8. Total liabilities

Each year the annual report must be filed $51 / 2$ months following the close of the physical year.
The system currently sends out an email notice when the annual filing is due.

## Marietta Chapter Color Guard Committee Policies

1. The minimum number of members in the Chapter Color Guard is three. There will be no maximum. The Chapter Color Guardsmen, individually or as a group, may march with any unit of the OHSSAR or the NSSAR.
2. Members who have access to a flint lock musket are encouraged to form a special unit of the Color Guard. All members are encouraged to march with the Flags in all other activities. Individual members may also join with musketeers from other chapters in State or National events. There is not a minimum to the number of members for this unit. To carry a flintlock at an event you should have training
3. Those that are able to fife or drum are encouraged to join the Color Guard.
4. All members of the Color Guard should wear a proper Uniform when participating in any event. The Uniform should be consistent with National SAR standard: generally, any outfit that replicates that which might have been worn during the time period of the Revolutionary War, whether in battle or not. A diversity of uniforms for the Chapter is encouraged as they provide an opportunity to educate the public regarding the outfits worn during the War.
5. Color Guard members must be in good standing in the SAR to participate in SAR events.
6.The Color Guard Commander will be selected either by color guard members, by the President or by general election, and should serve a minimum two years.
6. Guardsmen are encouraged to be able to explain their uniforms, arms, flags, and weapons to the public.
7. The Commander will prepare semi-annual and an annual report of activities for submission to the OHSSAR Color Guard Commander.
8. The Marietta Chapter should have at least three flags to be carried. Those can be various American flags (Betsy Ross, 50 States, etc.), a State flag, a SAR flag (State, Chapter, National), with one American Flag, two accessory flags and two muskets (optional) being optimal.
9. As a general rule the SAR Color Guard will not participate in the same event with an active unit of the U. S. Armed Services, to prevent comparisons between full-time soldiers and Color Guardsmen.
10. Members are expected to be conversant in the proper respect of the flag, including when and how it should be flown, otherwise used, and disposed of.
