

# 152<sup>nd</sup> GRAND LODGE SESSION



**RESOLUTIONS**

**Houston, Texas**

**JULY 3-6, 2016**

## **BALLOTING INSTRUCTIONS**

Tuesday, as you enter the Sessions Hall, there will be specially designated lines to enter the hall for those holding voter credentials and others for non-voting members.

Balloting on resolutions will be by paper ballot. All delegates holding voter credentials should be in place with a paper ballot and voting pencil in their possession. After discussion of each resolution and a vote having been called for, you will mark your ballot "yes" if in favor of the resolution or "no" if not in favor of the resolution. Please do not bend or distort the ballot as it may invalidate your vote.

After completing all voting please pass the ballots and pencils to the right of your section where the ballots and pencils will be collected. Please remain seated until all ballots have been collected.

Counting of the ballots will be done outside the main entrance of the convention hall in plain sight of the delegates who wish to view the proceedings. The results will be reported before the end of the day's session.

Thank you for your participation and cooperation!

## **SUMMARY OF RESOLUTIONS**

**2016-01** To rename the Grand Lodge Public Relations Committee the Public Relations and Marketing Committee to better reflect the practices, duties and responsibilities of the Committee.

**2016-02** To eliminate any responsibility for the Elks National Home given its recent sale.

**2016-03** To allow a Lodge, by By-Law, to set the reinstatement fee at any amount it wants, or to eliminate it altogether.

**2016-04** To allow a Lodge, by By-Law, to set the initiation fee at any amount it wants, or to eliminate it altogether.

**2016-05** To amend the Grand Lodge Constitution to clarify that Lodge trusts and other related legal entities are subject to the applicable provisions of Section 16.030.

**2016-06** To amend the Grand Lodge Statutes to clarify that Lodge trusts and other related legal entities are subject to the applicable provisions of Sections 16.030 and 16.050.

**2016-07** To provide that seven Members shall constitute a quorum in Local Lodges with membership of 99 or less.

**2016-08** To return to an incorporated Lodge the choice of having a Board of Trustees or a Board of Directors as the Managing Body of the Lodge.

**2016-09** To clarify that the number of elected Trustees of a Lodge shall be not less than three nor more than five.

**2016-10** To clarify that a widow or widower of a deceased Member, who subsequently remarries, is not eligible for an identification card.

**2016-11** To increase the filing fee in Local Forum proceedings to more accurately reflect the cost to the Lodge.

**2016-12** To confirm the obligation of a Lodge to disclose the existence of all related legal entities.

## **RESOLUTION 2016-01**

**Proposal to amend Section 4.357 of the Laws of the Order:**

**The above Section now reads as follows:**

The Committee on Public Relations is charged with the duty and responsibility of implementing a Public Relations Program of the Order.

**The proposed amendment would read as follows:**

The Committee on Public Relations and Marketing is charged with the duty and responsibility of implementing a Public Relations and Marketing Program of the Order.

**This Resolution is proposed by the Committee on Judiciary.**

**Purpose:** To better reflect the practices, duties and responsibilities of the Committee.

**Committee on Judiciary:** The Committee on Judiciary finds that the adoption of this Resolution would not violate the Constitution or Laws of the Order.

## **RESOLUTION 2016-02**

### **Proposal to amend Article III, Section 15 of the Constitution of the Order:**

#### **The above Section now reads as follows:**

**Section 15.** The Grand Lodge shall annually, by resolution, assess upon each Member of the Order annual dues, in such amount and to be paid in such manner as may be prescribed by the Grand Lodge, for raising revenue to meet the expenses of the Grand Lodge, including the maintenance of the Elks National Home, so long as the Home shall be maintained by Statute, and including the maintenance of the National Headquarters and for the expense of publishing and distributing The Elks Magazine. No money, except the funds controlled by the Elks National Foundation Trustees, shall be drawn from the treasury, except as authorized by the Grand Lodge.

#### **The proposed amendment would read as follows:**

**Section 15.** The Grand Lodge shall annually, by resolution, assess upon each Member of the Order annual dues, in such amount and to be paid in such manner as may be prescribed by the Grand Lodge, for raising revenue to meet the expenses of the Grand Lodge, ~~including the maintenance of the Elks National Home, so long as the Home shall be maintained by Statute,~~ and including the maintenance of the National Headquarters and for the expense of publishing and distributing The Elks Magazine. No money, except the funds controlled by the Elks National Foundation Trustees, shall be drawn from the treasury, except as authorized by the Grand Lodge.

#### **This Resolution is proposed by the Committee on Judiciary.**

**Purpose:** To eliminate any responsibility for the Elks National Home given its recent sale.

**Committee on Judiciary:** The Committee on Judiciary finds that the adoption of this Resolution would not violate the Constitution or Laws of the Order.

## **RESOLUTION 2016-03**

### **Proposal to amend Section 14.180 of the Laws of the Order:**

#### **The above Section now reads (in relevant part) as follows:**

... After sixty (60) days from the date of being stricken from the Rolls of Membership for nonpayment of dues, an unaffiliated Member may be reinstated upon application being read at a regular Lodge meeting, after being referred to the Fraternal Committee and, upon receipt of their report, voted on at the next regular Lodge meeting, by two-thirds (2/3rds) of the votes cast. Before reinstatement, the applicant shall pay the reinstatement fee fixed by the By-Laws which shall not be less than fifteen (15) dollars, and the proportionate share of the current dues. However, a Lodge may, by By-Law amendment, establish a reduced initiation fee of One Dollar (\$1.00) during any one or two months during the Lodge year, except the months of February, March, April and May. ...

#### **The proposed amendment would read as follows:**

... After sixty (60) days from the date of being stricken from the Rolls of Membership for nonpayment of dues, an unaffiliated Member may be reinstated upon application being read at a regular Lodge meeting, after being referred to the Fraternal Committee and, upon receipt of their report, voted on at the next regular Lodge meeting, by two-thirds (2/3rds) of the votes cast. Before reinstatement, the applicant shall pay the reinstatement fee, if any, fixed by the By-Laws ~~which shall not be less than fifteen (15) dollars~~, and the proportionate share of the current dues. ~~However, a Lodge may, by By Law amendment, establish a reduced initiation fee of One Dollar (\$1.00) during any one or two months during the Lodge year, except the months of February, March, April and May. ...~~

#### **This Resolution is proposed by the Committee on Judiciary.**

**Purpose:** To allow a Lodge, by By-Law, to set the reinstatement fee at any amount it wants, or to eliminate it altogether.

**Committee on Judiciary:** The Committee on Judiciary finds that the adoption of this Resolution would not violate the Constitution or Laws of the Order.

## **RESOLUTION 2016-04**

### **Proposal to amend Section 14.290 of the Laws of the Order:**

#### **The above Section now reads as follows:**

The Lodge initiation fee shall be fixed by its By-Laws and shall not be less than twenty-five (25) dollars, provided that a Lodge By-Law may fix the initiation fee for an applicant making application prior to his twenty-sixth birthday at not less than ten (10) dollars. Members of the Order who sign the Charter list of a new Lodge shall not be required to pay any initiation fee whatsoever unless the initiation fee of the proposed new Lodge is greater than the initiation fee of the Lodge from which such Member of the Order shall dimit, in which case the Member shall pay to the new Lodge the difference in the initiation fee.

A Lodge may provide in its By-Laws for a reduced initiation fee of One Dollar (\$1.00) during any one or two months during the Lodge year.

A Lodge shall return the initiation fee of a rejected applicant.

#### **The proposed amendment would read as follows:**

~~The Lodge initiation fee, if any, shall be fixed by its By-Laws, and shall not be less than twenty-five (25) dollars, provided that a Lodge By Law may fix the initiation fee for an applicant making application prior to his twenty-sixth birthday at not less than ten (10) dollars. Members of the Order who sign the Charter list of a new Lodge shall not be required to pay any initiation fee whatsoever unless the initiation fee of the proposed new Lodge is greater than the initiation fee of the Lodge from which such Member of the Order shall dimit, in which case the Member shall pay to the new Lodge the difference in the initiation fee.~~

~~A Lodge may provide in its By Laws for a reduced initiation fee of One Dollar (\$1.00) during any one or two months during the Lodge year.~~

A Lodge shall return any the initiation fee of a rejected applicant.

#### **This Resolution is proposed by the Committee on Judiciary.**

**Purpose:** To allow a Lodge, by By-Law, to set the initiation fee at any amount it wants, or to eliminate it altogether.

**Committee on Judiciary:** The Committee on Judiciary finds that the adoption of this Resolution would not violate the Constitution or Laws of the Order.

## **RESOLUTION 2016-05**

### **Proposal to amend Article III, Section 18 of the Constitution of the Order:**

#### **The above Section now reads (in relevant part) as follows:**

... A Lodge or State Association may establish and maintain under such terms and conditions as may be provided by Grand Lodge Statutes and Lodge or State Association By-Laws, one or more charitable, educational or philanthropic projects. A Lodge corporation formed under this Article shall comply with the provisions of Section 16.030 unless otherwise required by the laws of the State where incorporated.

#### **The proposed amendment would read as follows:**

... A Lodge or State Association may establish and maintain under such terms and conditions as may be provided by Grand Lodge Statutes and Lodge or State Association By-Laws, one or more charitable, educational or philanthropic projects. A Lodge corporation, trust, or other related legal entity formed under this Article shall comply with the applicable provisions of Section 16.030 unless otherwise required by the laws of the State where incorporated.

#### **This Resolution is proposed by the Committee on Judiciary.**

**Purpose:** To clarify that Lodge trusts and other related legal entities are subject to the applicable provisions of Section 16.030 of the Laws of the Order.

**Committee on Judiciary:** The Committee on Judiciary finds that the adoption of this Resolution would not violate the Constitution or Laws of the Order.



## **RESOLUTION 2016-06**

### **Proposal to amend Section 16.030 of the Laws of the Order:**

#### **The above Section now reads (in relevant part) as follows :**

... Upon dissolution of a separate corporation, all property owned, held or controlled by it shall be transferred and distributed by its Board of Directors to the Lodge or other non-profit organization, fund, corporation or trust forming a part of or controlled by the Benevolent and Protective Order of Elks of the United States of America.

No Articles of Incorporation or By-Laws or any amendment thereto of a separate corporation shall take effect unless submitted to and approved by the Committee on Judiciary.

A separate corporation shall be subject to and comply with the provisions of Section 16.050 in all matters applicable thereto and the Laws of the Order.

#### **The proposed amendment would read as follows:**

... Upon dissolution of a separate corporation, trust, or other related legal entity, all property owned, held or controlled by it shall be transferred and distributed by its Board of Directors to the Lodge or other non-profit organization, fund, corporation or trust forming a part of or controlled by the Benevolent and Protective Order of Elks of the United States of America.

No Articles of Incorporation, trust agreement, formative documents, or By-Laws or any amendment thereto of a separate corporation, trust, or other related legal entity shall take effect unless submitted to and approved by the Committee on Judiciary.

A separate corporation, trust, or other related legal entity shall be subject to and comply with the provisions of Section 16.050 in all matters applicable thereto and the Laws of the Order.

#### **This Resolution is proposed by the Committee on Judiciary.**

**Purpose:** To clarify that Lodge trusts and other related legal entities are subject to the applicable provisions of Sections 16.030 and 16.050 of the Laws of the Order.

**Committee on Judiciary:** The Committee on Judiciary finds that the adoption of this Resolution would not violate the Constitution or Laws of the Order.

#### **Passage of this Resolution is dependent on the approval of Resolution No. 5**

**RESOLUTION 2016-07**  
**(Proposed by Appleton, Wisconsin Lodge No. 337)**

**Proposal to amend Article VII, Section 3 of the Constitution of the Order:**

**The above Section now reads as follows:**

Nine Members of a Local Lodge, of whom at least two shall be elective Officers, shall constitute a quorum.

**The proposed amendment would read as follows:**

Nine Members of a Local Lodge, having a membership of one hundred (100) or more, measured as of the preceding March 31, of whom at least two shall be elective Officers, shall constitute a quorum. Local Lodges having a membership of ninety-nine (99) or less, measured as of the preceding March 31, shall have a quorum constituted with seven Members, of whom at least two shall be elective Officers.

**Purpose:** To provide that Local Lodges with memberships of 99 or less only require seven Members to constitute a quorum.

**Committee on Judiciary:** The Committee on Judiciary finds that the adoption of this Resolution would not violate the Constitution or Laws of the Order.

**RESOLUTION 2016-08**  
**(Proposed by Ridgefield Park, NJ Lodge No. 1506)**

**Proposal to amend Section 16.020 of the Laws of the Order:**

**The above Section now reads (in relevant part) as follows:**

... The Officers and Committees of all Lodges, whether incorporated or not, shall be designated by the same names or titles and shall possess the same functions and powers, as now obtain, or as may from time to time be provided by the Grand Lodge. The Chief or Presiding Officer of such corporation shall be the Exalted Ruler of the Lodge and shall be designated as such in the corporation and all other Officers of the corporation shall be the respective Officers of the Lodge and shall be known by their respective Lodge titles. All Lodge Members in good standing shall be members of the corporation. An incorporated Lodge shall make provision for a Board of Directors which shall be designated in accordance with the requirements of the corporation laws of the State or Territory in which such Lodge is situated and which shall be composed of the four Chair Officers of the Lodge and the Trustees, and which shall be vested with the powers and duties conferred upon the Board of Trustees by the Laws of the Order, including, but not limited to, Section 12.070. ...

**The proposed amendment would read as follows:**

... The Officers and Committees of all Lodges, whether incorporated or not, shall be designated by the same names or titles and shall possess the same functions and powers, as now obtain, or as may from time to time be provided by the Grand Lodge. The Chief or Presiding Officer of such corporation shall be the Exalted Ruler of the Lodge and shall be designated as such in the corporation and all other Officers of the corporation shall be the respective Officers of the Lodge and shall be known by their respective Lodge titles. All Lodge Members in good standing shall be members of the corporation. An incorporated Lodge ~~shall~~may make provision for a Board of Directors which shall be designated in accordance with the requirements of the corporation laws of the State or Territory in which such Lodge is situated and which shall be composed of the four Chair Officers of the Lodge and the Trustees, and which shall be vested with the powers and duties conferred upon the Board of Trustees by the Laws of the Order, including, but not limited to, Section 12.070. ...

**Purpose:** To return to an incorporated Lodge the choice of having a Board of Trustees or a Board of Directors as the Managing Body of the Lodge.

**Committee on Judiciary:** The Committee on Judiciary finds that the adoption of this Resolution would not violate the Constitution or Laws of the Order.

## **RESOLUTION 2016-09**

### **Proposal to amend Article VII, Section 2 of the Constitution of the Order:**

#### **The above Section now reads as follows:**

The Officers of a Local Lodge shall be an Exalted Ruler, who may also be known as the President; an Esteemed Leading Knight, who may also be known as the First Vice-President; an Esteemed Loyal Knight, who may also be known as the Second Vice-President; an Esteemed Lecturing Knight, who may also be known as the Third Vice-President; a Secretary, a Treasurer, an Esquire, a Tiler, a Chaplain, an Inner Guard, a Board of Trustees of not less than three and such other Officers as may be authorized by Statute, all of whom shall be elected or appointed, and hold office for such terms as may be provided by Statute, except that the alternative President and Vice-President titles provided for may only be used when communicating with the non-Elk public.

#### **The proposed amendment would read as follows:**

**Section 2.** The Officers of a Local Lodge shall be an Exalted Ruler, who may also be known as the President; an Esteemed Leading Knight, who may also be known as the First Vice-President; an Esteemed Loyal Knight, who may also be known as the Second Vice-President; an Esteemed Lecturing Knight, who may also be known as the Third Vice-President; a Secretary, a Treasurer, an Esquire, a Tiler, a Chaplain, an Inner Guard, ~~a Board of Trustees~~ of not less than three nor more than five, and such other Officers as may be authorized by Statute, all of whom shall be elected or appointed, and hold office for such terms as may be provided by Statute, except that the alternative President and Vice-President titles provided for may only be used when communicating with the non-Elk public.

#### **This Resolution is proposed by the Committee on Judiciary.**

**Purpose:** To clarify that the elected Trustees of a Lodge shall be not less than three nor more than five.

**Committee on Judiciary:** The Committee on Judiciary finds that the adoption of this Resolution would not violate the Constitution or Laws of the Order.

## **RESOLUTION 2016-10**

### **Proposal to amend Section 14.140 of the Laws of the Order:**

#### **The above Section now reads (in relevant part) as follows:**

A Lodge may issue without charge, identification cards for use of its facilities only upon the written request of any Member in good standing to:

**(a)** A spouse of a Member.

**(b)** An unmarried widow or widower of a deceased Member.

**(c)** A child or stepchild, under the age of twenty-one (21), of a Member or deceased Member.

....

#### **The proposed amendment would read as follows:**

A Lodge may issue without charge, identification cards for use of its facilities only upon the written request of any Member in good standing to:

**(a)** A spouse of a Member.

**(b)** An ~~unmarried~~ unremarried widow or widower of a deceased Member.

**(c)** A child or stepchild, under the age of twenty-one (21), of a Member or deceased Member.

....

#### **This Resolution is proposed by the Committee on Judiciary.**

**Purpose:** To clarify that a widow or widower of a deceased Member, who subsequently remarries, is not eligible for an identification card.

**Committee on Judiciary:** The Committee on Judiciary finds that the adoption of this Resolution would not violate the Constitution or Laws of the Order.

## **RESOLUTION 2016-11**

### **Proposal to amend Section 8.020 of the Laws of the Order:**

#### **The above Section now reads (in relevant part) as follows:**

When a complaint is filed with the Secretary, he shall serve a copy thereof upon the Accused, and also notify the Exalted Ruler and the Presiding Justice. The Accuser may, at any time up to the start of a trial, withdraw the complaint by filing a written motion to withdraw complaint with the Secretary or Presiding Justice. Only a Member in good standing may file a complaint.

A check or money order in the amount of \$100.00 shall be paid by the Accuser to the Secretary at the time of the filing of the complaint as a deposit against the costs of the Lodge. A refund of the deposit will be promptly made by the Secretary upon receipt of a decision of the Local Forum in favor of the Accuser. ....

#### **The proposed amendment would read as follows:**

When a complaint is filed with the Secretary, he shall serve a copy thereof upon the Accused, and also notify the Exalted Ruler and the Presiding Justice. The Accuser may, at any time up to the start of a trial, withdraw the complaint by filing a written motion to withdraw complaint with the Secretary or Presiding Justice. Only a Member in good standing may file a complaint.

A check or money order in the amount of ~~\$100.00~~ \$250.00 shall be paid by the Accuser to the Secretary at the time of the filing of the complaint as a deposit against the costs of the Lodge. A refund of the deposit will be promptly made by the Secretary upon receipt of a decision of the Local Forum in favor of the Accuser. ....

#### **This Resolution is proposed by the Committee on Judiciary.**

**Purpose:** To more accurately reflect the cost to the Lodge of a Local Forum proceeding.

**Committee on Judiciary:** The Committee on Judiciary finds that the adoption of this Resolution would not violate the Constitution or Laws of the Order.

## **RESOLUTION 2016-12**

**Proposal to add Section 9.130(I) to the Laws of the Order:**

**The proposed Section would read as follows:**

*(I)* Failure to disclose to the Grand Lodge the existence of any separate corporation, trust, or other related legal entity created or maintained by or for the benefit of the Lodge.

**This Resolution is proposed by the Committee on Judiciary.**

**Purpose:** To clarify the obligation of a Lodge to disclose the existence of any and all related legal entities.

**Committee on Judiciary:** The Committee on Judiciary finds that the adoption of this Resolution would not violate the Constitution or Laws of the Order.