

# CONSTITUTION OF THE TEXAS ELKS STATE ASSOCIATION

## PREAMBLE

*This association of Lodges of the Benevolent and Protective Order of Elks in the State of Texas is formed to unite all Elks in closer bonds of fraternity; to further good fellowship among and within said Lodges; to promote and protect the interest of this Order in the State of Texas; to engage in state wide charitable endeavors, and to bear allegiance to the Constitution and Statutes of the Benevolent and Protective Order of Elks of the United States of America, and the ideals of democracy as formulated under the Government of the United States of America.*

### RECORD OF CHANGES:

November 5, 2011	State Conv, New Braunfels, TX	2.030, Fiscal Year
October, 2015	Fall Conf, Kerrville, TX	4.030.2, President, PE on COL
June 2017	State Conv, Farmers Branch, TX	5.030, Housekeeping (TECSI)
		4.020.3.1 & 4.020.3.3, add tie-breaking process

**ARTICLE I**  
**SUPREME LAW**

**SECTION 1.010:** The Texas Elks State Association shall at all times be subject to and amenable to the supervision and control of the Grand Lodge and its properly qualified officers. (Art. III, Sec.20 and Sec.18.010 and 18.020 GLS)

**SECTION 1.020:** The Texas Elks State Association shall not exercise any legislative, executive or judicial functions nor power of government except concerning its own internal affairs, nor have any jurisdiction over the Subordinate Lodges of which it is composed, nor their members, and shall, in all matters conform with all applicable Grand Lodge Statutes.

**SECTION 1.030:** The Constitution and Bylaws of the Texas Elks State Association, all amendments and changes, hereto shall, before becoming effective, be approved in the manner provided by the Grand Lodge Statutes.

**ARTICLE II**  
**GENERAL PROVISIONS**

**SECTION 2.010: ASSOCIATION NAME:** This Association shall be known as the TEXAS ELKS STATE ASSOCIATION, and may be properly referred to hereinafter by the acronym, TESA.

**SECTION 2.020: T.E.S.A. SEAL:** TESA shall have a seal which shall be in the form of a circle bearing the words “TEXAS ELKS STATE ASSOCIATION,” encompassing a five-pointed star, and the Secretary of TESA shall be the custodian of such seal, and shall use the same to authenticate all documents and papers as require his official attestation.

**SECTION 2.030: FISCAL YEAR:** The Fiscal Year and Association year of TESA shall begin on the first day of June of each calendar year and shall terminate on May 31 of each succeeding year.

**ARTICLE III**  
**MEMBERSHIP**

**SECTION 3.010: MEMBERSHIP:** An individual Elk is a member in good standing with TESA only as long as his Lodge has that status, except as otherwise provided in these Articles of Constitution for Honorary Life Member.

**SECTION 3.020: ELIGIBILITY FOR MEMBERSHIP:** Every duly constituted Subordinate Lodge of Elks, located within the territorial limits of the State of Texas shall be eligible for

membership in TESA by complying with the provisions relative thereto contained within the Constitution and Bylaws of TESA.

**SECTION 3.030: CONFORMANCE TO CONSTITUTION & BY-LAWS:** Each Subordinate Lodge of the Elks, in order to become a member of TESA, agrees to abide by this Constitution and bylaws and such amendments thereto and such alterations therein as may be properly adopted and approved herein.

**SECTION 3.040: GRAND LODGE MEMBERSHIP:** No Lodge may be a member, or continue as a member, in TESA unless said Lodge is in good standing with the Grand Lodge.

**SECTION 3.050: HONORARY LIFE MEMBERS:** Past Presidents of TESA who have completed with honor, their elected term of office as President of TESA are Honorary Life Members of TESA without further action by the membership of TESA. The membership of TESA may also, by proper resolution and majority vote, extend to other individual members of TESA, for meritorious services rendered to TESA, the rights of Honorary Life Membership. Such Honorary Life Membership in all cases shall carry with it the rights to individually vote upon any and all questions and propositions properly brought before TESA for ballot or vote, and may not be contingent upon the Lodge in which the individual holds membership being in good standing with TESA, or the payment of per-capita dues or assessments. However, all Honorary Life Memberships granted under this section, shall be contingent upon such individual Elk remaining in good standing in a Subordinate Lodge which is in good standing with the Grand Lodge. Each Honorary Life Member must personally cast their ballot.

## **ARTICLE IV**

### **DEPARTMENTS OF GOVERNMENT**

**SECTION 4.010: POWERS OF GOVERNMENT:** The powers of government concerning the internal affairs of TESA shall be divided into three departments, viz: Legislative, Executive, and Judicial.

**SECTION 4.020: LEGISLATIVE DEPARTMENT:**

**SECTION 4.020.1: POWER VESTED:** The Legislative power of TESA shall be vested in an Annual Convention and Fall Conference and properly called special meetings as may be necessary, and shall consist of the following:

**SECTION 4.020.2: MEMBERS:**

**SECTION 4.020.2.1:** All Honorary Life Members in good standing in their respective Lodges, and whose respective Lodges are in good standing with the Grand Lodge.

**SECTION 4.020.2.2:** All delegates to the Annual Convention, Fall Conference, or Special Called Session as specified in Chapter 4 of the bylaws.

**SECTION 4.020.3: LIMIT OF POWER VESTED:** The Legislative power vested in Section 4.020 hereof and the right of franchise hereby conferred shall be limited as follows:

**SECTION 4.020.3.1:** The total number of votes to which any member Lodge shall be entitled upon any one question or proposition that may come before the Legislative Department of TESA shall be limited to not more than eight (8) votes plus one (1) additional vote for each 500 members or fraction thereof, in excess of 500 members. Such total vote shall include all votes granted to said Lodge and to individual members thereof, excepting only such Honorary Life Members of TESA herein provided, and the TESA President or President Elect who is presiding over the voting session.

**SECTION 4.020.3.2: No individual** shall be entitled to more than one (1) vote or ballot upon any one question or proposition that may come before the Legislative Department of TESA, and it being further specifically provided that such individual must be personally present at the time of such voting or balloting to be cast, except that an alternate for a delegate may vote for such delegate in his absence. An alternate may not vote for an Honorary Life Member. Such Honorary Life Member must cast his vote in person. (SEE: Section 2.020 of bylaws.)

**SECTION 4.020.3.3:** In the event of a tie after the second ballot on any ballot or issue voted upon by the TESA membership in a legislative session, the Presiding Officer (TESA President or President Elect) shall break the tie.

#### **SECTION 4.030: EXECUTIVE DEPARTMENT:**

**SECTION 4.030.1: EXECUTIVE POWER:** The executive power of TESA shall be vested in the President of TESA.

**SECTION 4.030.2: COMMITTEES:** The President shall appoint all standing committees except the Advisory Committee, all members of rotating committees whose terms have expired, and all special committees when the bylaws, motion, or resolution authorizing their creation does not otherwise provide. The President or President Elect shall not serve on the Committee on Laws while in office.

**SECTION 4.030.3: VACANCY OF OFFICER POSITION:** The President shall have power to fill vacancies, which may occur in offices while TESA is not in session, by appointment, which shall expire with the next ensuing session of TESA.

**SECTION 4.030.4: PRESIDE AT ALL MEETINGS:** The President shall preside at all meetings, preserve order, decide all questions of order subject to an appeal to TESA, perform all other duties that may be imposed upon him by this Constitution and bylaws, and all such other duties as are customarily performed by presiding Officers.

**SECTION 4.030.5: OFFICIAL VISITS:** The President shall make such official visits to the Subordinate Lodges composing TESA as may be deemed proper in the interest of TESA and the President shall, when in his discretion he deems it proper, direct any of the Vice

Presidents to make such visits within his respective district. In the non-availability or failure of a Vice President to make such directed visit, the President may designate another Officer of TESA to make such a visit. A Vice President or other Officer making such a visit by direction of the President shall promptly make a written report thereof, to the President.

**SECTION 4.030.6: REIMBURSEMENT FOR EXPENSES:** The President, President-Elect, and other elected Officers of the Texas Elks State Association, shall receive no salary. The travel expenses of the President, President Elect, Vice-Presidents, Secretary, Treasurer and Trustees shall be set by and limited to the sum provided in the Annual Budget of TESA.

**SECTION 4.030.7: CALL SPECIAL MEETINGS:** The President shall have the power, with approval of a majority of the Trustees, to call a special meeting of TESA by complying with the provisions in the bylaws, Section 2.030.

**SECTION 4.040: JUDICIAL DEPARTMENT:**

**SECTION 4.040.1: JUDICIAL POWER:** The Judicial Power of TESA shall be vested in the Annual Convention, Fall Conference, or Special Meeting.

**SECTION 4.040.2: LIMIT OF POWER:** The Judicial power shall be limited to matters pertaining to the internal affairs of TESA, and to the trial of TESA Officers under impeachment charges.

**SECTION 4.040.3: INTERPRETATION OF LAWS:** The interpretation of the Constitution and bylaws of TESA is vested within the Committee on Laws. The decision of the Committee on Laws may be appealed at the next Annual Convention of TESA, unless such interpretation is a result of a decision from the Grand Lodge Judiciary Committee.

**ARTICLE V**

**OFFICERS OF TESA**

**SECTION 5.010: ELECTIVE OFFICERS:**

**SECTION 5.010.1: PRESIDENT**

**SECTION 5.010.2: PRESIDENT-ELECT**

**SECTION 5.010.3: VICE PRESIDENT** for each District in TESA

**SECTION 5.010.4: SECRETARY**

**SECTION 5.010.5: TREASURER**

**SECTION 5.010.6: TRUSTEE** for each District in TESA.

**SECTION 5.020: APPOINTED OFFICERS:**

**SECTION 5.020.1: SERGEANT-AT-ARMS**

**SECTION 5.020.2: CHAPLAIN**

**SECTION 5.020.3: TILER**

**SECTION 5.020.4: ORGANIST/Vocalist**

**SECTION 5.030: ELECTION OF TESA OFFICERS:** The President Elect, Secretary and Treasurer are elected at the Fall Conference, and installed at the following Annual Convention as is provided in the bylaws. The District Vice Presidents and Trustees are elected in their individual districts. The President, President Elect, Secretary, Treasurer, appointed Officers, all Vice Presidents and new Trustees are installed at the following Annual Convention as provided by the TESA bylaws. The President-Elect shall provide a list of his appointive Officers to the TESA Secretary by the second business session of the Annual Convention. The Secretary will then include these names in the roll call for installation of Officers.

**SECTION 5.040: TERM OF OFFICE:** The term of office of the Officers named in this Constitution shall be as specified in the bylaws. The Officers will remain in office until their successors have been installed. There will be one Vice President and Trustee for each DDGER District.

**SECTION 5.050: ELIGIBILITY TO HOLD OFFICE:** The President Elect must be a Past District Deputy Grand Exalted Ruler and Past TESA Vice President to be elected. The Vice President must be a Past Exalted Ruler. All Elective Officers, and Appointed Officers must be an Elk in good standing of a TESA member Lodge. No Elk shall hold more than one elective or appointive officer position in TESA at the same time.

**SECTION 5.060: TITLE OF ELECTED OFFICERS OF TESA:** The individual elected to the office of President-Elect shall carry the title of that office along with the word "Designate" at the end of that title until he is sworn in at the next Annual Convention. The individuals elected to the office of Secretary and Treasurer shall carry the title of that office along with the word "Elect" at the end of that title until he is sworn in at the next Annual Convention unless they are an incumbent in that position. The titles of "President-Elect Designate", "Secretary-Elect" and "Treasurer-Elect" deserve no more protocol than that of "candidate".

**ARTICLE VI**

**TESA MEETINGS AND RESPONSIBILITIES**

**SECTION 6.010: TESA SESSIONS:** TESA shall meet semi-annually in regular session. The sessions shall be known as, The Annual State Convention of TESA, and the Annual Fall

Conference Meeting. The time and place is to be set as provided by bylaws. The President, with approval of a majority of the Trustees, may convene a special session of TESA, as provided by bylaws.

**SECTION 6.020: QUORUM:** Three (3) or more, duly elected Officers of TESA and not less than twenty-five (25) duly accredited delegates shall constitute a quorum, provided that at least one-fourth (1/4) of the member lodges of TESA shall be represented.

**SECTION 6.030: TESA RESPONSIBILITIES:** TESA shall have the power, subject to the limitations herein.

**SECTION 6.030.1:** To define the powers and duties of its Officers and committees.

**SECTION 6.030.2:** To fix, by provision of its Constitution or by bylaw, the amount of annual dues for membership.

**SECTION 6.030.3:** To regulate its own internal affairs in such manner as it shall see fit not inconsistent with the Constitution and Statutes of the Grand Lodge.

**SECTION 6.030.4:** To prepare and use a ceremony for the installation of its Officers, such ceremony first having been approved by the Grand Lodge Committee on State Associations.

**SECTION 6.030.5:** To provide revenue for TESA, control its property, and to appropriate its funds.

**SECTION 6.030.6:** To act as Trustees of all funds raised or contributed for charitable purposes, and to control the use and distribution of such funds.

**SECTION 6.030.7:** To propose a new Statute, or an Amendment to a Statute, to the Constitution of the Grand Lodge, and to transmit to the Grand Lodge Secretary, after having been read and approved by ballot at the Annual Convention, its recommendations concerning any matter of amendment.

**SECTION 6.030.8:** To establish a bylaw designating who shall compose its governing body and length of term.

**SECTION 6.030.9:** To provide in a bylaw for the impeachment and removal from office of any TESA Officer, and define the offenses for which impeachment shall be based. All action is limited to participation in TESA. Removal is disqualification from holding office in TESA forever.

**SECTION 6.030.10:** The State Trustees may establish one or more “Charitable Trusts” and to manage any funds received from the Elks National Foundation or any other source, which may distribute funds to TESA for charitable, benevolent and educational purposes. The funds will be managed under whatever terms and conditions set by the donor and/or TESA.

**SECTION 6.030.11: LAWS ENACTED BY TESA:** All laws enacted by TESA shall be of general application, and shall be called bylaws.

**SECTION 6.030.12: VOTE BY ROLL CALL:** Upon the demand of the representatives of not less than five (5) member Lodges of TESA, vote by roll call may be ordered upon any question or proposition before TESA not provided by this Constitution or bylaws to be so voted upon. In the absence of a proper demand for roll call vote, the vote shall be taken by "ayes" and "noes," unless otherwise provided by bylaw.

## **ARTICLE VII**

### **AMENDMENTS TO CONSTITUTION**

**SECTION 7.010: SUBMITTING OF PROPOSED AMENDMENT:** Any proposed amendment of this Constitution must be submitted in writing by first class mail, return receipt requested, to the Committee on Laws of TESA at least Ninety (90) days prior to the opening of the Annual Convention and/or Fall Conference of TESA. It shall set forth in full the proposed amendment, as it will read if adopted. Not later than sixty (60) days prior to the Annual Convention and/or Fall Conference of TESA, the Committee on Laws will forward the proposed amendment, along with their recommendation, to the TESA Secretary. Notice of such proposed amendment shall be mailed to all member Lodges of TESA, TESA Committee on Laws, President, President-Elect and Past State Presidents by the TESA Secretary, not less than thirty (30) days prior to such Annual Convention's and/or Fall Conference's opening date. Such proposed amendment shall be presented for voting at the said Annual Convention and/or Fall Conference by the Committee on Laws under proper order of business. If such receives two-thirds (2/3) of the vote of TESA present and voting, it shall be submitted through proper channels for approval by the Grand Lodge Judiciary Committee and upon approval, shall immediately be promulgated as part of this Constitution.

**\*End\***