

— 2021 —
**STATUTORY
AMENDMENTS**

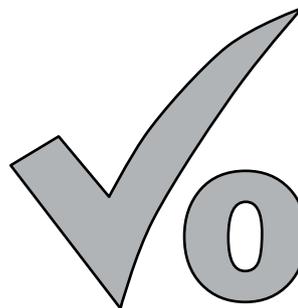
**Approved at Grand Lodge Convention
in Tampa, Florida
Tuesday, July 6, 2021**

IMPORTANT!!

(Keep this pamphlet to use with the 2020 Statutes Annotated until the 2021 edition of the Statutes Annotated is received at the Lodge.)

THESE STATUTES WERE AMENDED TUESDAY, JULY 6th, 2021, BY LODGE REPRESENTATIVES AND GRAND LODGE MEMBERS ASSEMBLED AT THE GRAND LODGE SESSION IN TAMPA, FLORIDA, AND AUTOMATICALLY TOOK EFFECT AS WORDED HERE AT 12:01 A.M. ON AUGUST 3rd, 2021, IN ALL LODGES.

(Lined-out words are deleted, and underlined words are added.)

 **VOTED**

**Benevolent and Protective
ORDER OF ELKS
of the United States of America**



— STATUTORY AMENDMENTS —

Resolution 2021-06

► **AMENDED Section 14.310 of the Laws of the Order to read as follows:**

Section 14.310. A Lodge may provide in its By-Laws for the waiver of the Lodge dues of any Member who is sick or in distress, and may further provide for the waiver of the dues, initiation fees or reinstatement fees of any Applicant or Member who is serving as a member on active duty in a branch of the Armed Forces of the United States, or who has separated from active duty during the preceding twenty-four months by virtue of retirement or the receipt of an Honorable Discharge. A Lodge may also have the option to provide for the waiver of first-year dues, initiation fees, and/or application fees of any Applicant who is a current or former Elks National Foundation, State Association, or Lodge scholarship recipient, who has attained the age of twenty-one (21) years, as well as the option to provide for the waiver of subsequent dues for those scholarship recipients who are presently and actively continuing their education as college, vocational, or graduate students. Additionally, the Lodge may provide in its By-Laws the ability to cover the payment of Grand Lodge assessments and fees, as well as State Association dues and assessments for such scholarship recipients.

Resolution 2021-07

► **AMENDED Section 1.070 of the Laws of the Order to read as follows:**

Section 1.070. Grand Lodge Member:—A Member of the Order who is a Past Exalted Ruler and has attended a Grand Lodge Session, the Exalted Ruler attending a Grand Lodge Session, or a member of the clergy who is or has served as Grand Chaplain.

Notwithstanding the provisions of this section, in the event the annual Grand Lodge Session is cancelled or fails for lack of a quorum, the Grand Exalted Ruler, upon recommendation of the State Sponsor, may issue an Executive Order bestowing Grand Lodge membership, with all the rights and privileges thereunto pertaining, to Elks meeting all statutory qualifications save attendance at a cancelled Grand Lodge Session, or one that fails for lack of a quorum. It is specifically provided that this section shall take effect immediately upon enactment.

Resolution 2021-08

► **ADDED New Section 17.052 to the Laws of the Order to read as follows:**

Section 17.052. Each Lodge shall enact and have in force a House Rule prohibiting the over service of alcohol as defined by local law or ordinance.

Resolution 2021-09

► **AMENDED Section 9.210 of the Laws of the Order to read as follows:**

Section 9.210. All Executive Orders provided for in Sections 9.010, 9.011, 9.012, 9.020, 9.030, 9.040, 9.110 and 9.160 shall be final unless timely appealed as provided therein. Upon trial of an appeal from an Executive Order, it shall be the burden of the Grand Exalted Ruler to prove one or more of the charges contained within the Executive Order by a preponderance of the evidence. The decision of the Grand Forum on the appeal shall be final.

Resolution 2021-10

► **ADDED New Section 9.005 to the Laws of the Order to read as follows:**

Section 9.005. Any Member, Lodge, State Association, or an officer of any entity formed under the Laws of the Order whose rights are substantially affected by action of the Grand Lodge or any of its agents or designees shall be entitled to fair process as defined by the following provisions:

(a) Where any Executive Order or action has the effect of expulsion from the Order, suspending or limiting the membership rights of a Member or affecting that Member's ability to serve in any office of a Local Lodge, State Association, or an officer of any entity formed under the Laws of the Order or places a Lodge or State Association on probation, or suspends or revokes its Charter, the following procedure shall be followed:

1. The Member, Lodge, State Association, or officer of any entity formed under the Laws of the Order shall receive fifteen (15) days written notice of the charge(s) to be levied, which charge(s) shall be contained within a proposed Executive Order.
2. Upon receipt of the proposed Executive Order, the Member, Lodge, State Association, or officer of the entity formed under the Laws of the Order shall be afforded an opportunity to object to the issuance of said proposed Executive Order by filing a written response with the Grand Secretary setting forth in detail good cause why such proposed Executive Order should not be issued, and such written objection shall be filed or postmarked no later than five (5) days after the date the proposed Executive Order.
3. Upon receipt of a written objection to a proposed Executive Order, a review shall be conducted by the Grand Exalted Ruler, or his designee, of the facts and information set forth in the written objection, and thereafter the proposed Executive Order shall either be withdrawn, issued without changes or issued with modification.
4. In the event a written objection is not received, such proposed Executive Order shall become final on its effective date.

- (b) When any Executive Order of the type referenced in Section (a) above is to be issued under emergency circumstances the following procedure shall be followed:
1. The Grand Exalted Ruler may issue an Emergency Executive Order immediately placing a Lodge or State Association on probation, suspending any Member, Officer, Lodge, State Association, or an officer of any entity formed under the Laws of the Order or removing any Lodge or State Association Officer, for a period up to thirty (30) days, pending a review.
 2. The Emergency Executive Order shall set forth the charge(s) to be levied and a summary of the underlying facts supporting the charge(s), which shall include the circumstances constituting an emergency.
 3. Notice and service of such Emergency Executive Order shall be provided as required by the Laws of the Order.
 4. No later than fifteen (15) days after the post-marked date of the Emergency Executive Order the Respondent shall have the right to provide a written response to the charges set forth in the Emergency Executive Order. The Grand Exalted Ruler, or his designee, shall consider the response, and underlying facts and circumstances before issuing a final Executive Order that shall be issued within five (5) days of receipt of the response.
- (c) For purposes of this section, "emergency circumstances" exist where sufficient evidence to indicate that a Member, Officer, Lodge, State Association, or an officer of any entity formed under the Laws of the Order has engaged or may engage in theft, improper removal of property or assets, or an act that endangers the life, health or safety of others.
- (d) Nothing contained within this section shall waive, impair or affect the appeal rights provided under the Laws of the Order upon the issuance of Executive Orders.

Resolution 2021-11

► AMENDED Section 12.050 of the Laws of the Order to read as follows:

Section 12.050. The Secretary of the Lodge shall: ...

- ~~(h)~~ (h) Prepare the Annual Report to the Grand Lodge.
- ~~(i)~~ (i) ~~Prepare a period membership report on forms furnished by the Grand Secretary as of the 1st day of November of each year. The report is due on or before the 5th day of November of that same year.~~
- ~~(j)~~ (i) Report all expulsions and suspensions to the Grand Secretary.
- ~~(k)~~ (j) Read and answer all correspondence of the Lodge subject to the approval of the Exalted Ruler.
- ~~(l)~~ (k) Give bond of at least \$5,000 or in a greater amount as may be provided in the By-Laws, unless such coverage is provided through the Grand Lodge insurance program.
- ~~(m)~~ (l) Present a written report of the transactions of his office to the Lodge at the first session in April and October.
- ~~(n)~~ (m) Receive compensation as fixed by the By-Laws.
- ~~(o)~~ (n) Perform all duties required by the Local Forum.
- ~~(p)~~ (o) Attend all District Deputy Clinics unless excused for good cause.
- ~~(q)~~ (p) Collect all records, materials, other information and personal property of the Lodge as described in Section 12.180.

Resolution 2021-12

► AMENDED Section 12.060 of the Laws of the Order to read as follows:

Section 12.060. The Treasurer of the Lodge shall: ...

- (c) Maintain an accurate record of receipts and disbursements.
- (d) Give bond of at least \$5,000 or in a greater amount as may be provided in the By-Laws, unless such coverage is provided through the Grand Lodge insurance program.
- (e) Act as Treasurer of all Committees unless otherwise provided by the By-Laws.
- (f) Sign all checks unless the By-Laws also provide for a member of the Board of Trustees (or Board of Directors as may be applicable) or a chair officer designated by the Treasurer and approved by the Lodge to sign. The Trustee or designated officer shall give bond in the same amount as required of the Treasurer. A Lodge may authorize the Treasurer to establish and replenish a checking account, not to exceed \$5,000.00, for the sole purpose of paying for Club supplies and inventory. With the approval of the supervising and managing body of the Club, the Treasurer may authorize another Officer or the Club Manager to be a signer on this account only. Should the By-Laws require more than one signature, the additional signatories shall not be permitted to be an immediate family member of the first signatory.
- (g) Receive compensation as provided for in the By-Laws.

- (h) Notify the Board of Trustees (or Board of Directors as may be applicable) when the unappropriated cash in his possession exceeds such amount as shall be set forth in the Lodge By-Laws.

Resolution 2021-13

► AMENDED Section 13.040 of the Laws of the Order to read as follows:

Section 13.040. The Auditing & Accounting Committee.

1. The Auditing & Accounting Committee shall:

- (a) Oversee the Lodge's submission of the Financial Reporting System [FRS] reports. The FRS must include all books, records and activities of the Lodge, Home, Club, separate corporations and any other entity or trust affiliated with the Lodge.
- (b) Ensure that the Lodge's Federal and State Information and Tax Returns must be prepared and signed as preparer by a Licensed Tax Professional (Certified Public Accountant or Enrolled Agent) who is independent of the preparation of the FRS. The same financial information used to prepare the FRS must be independently used to prepare the applicable Federal and State Information and Tax Returns.
- (c) Receive from the Licensed Tax Professional, deliver to the Lodge and submit to Grand Lodge by August 1 following the close of the fiscal year the applicable Federal and State Information and Tax Returns, completed for all entities of the Lodge.
- (d) Ensure that each entity of the Lodge is documented in segregated profit and loss statements in the FRS.
- (e) Require the use of the Uniform Chart of Accounts provided in Section 4.330 for all entities of the Lodge.
- (f) Act on other matters of finance as the Lodge may direct.
- (g) The Members of the Committee shall continue with their duties until the FRS for the month of March and the applicable Federal and State Information and Tax Returns are completed, reported to the Lodge and filed with the Grand Lodge for the fiscal year in which it is appointed as herein directed.
- (h) The Committee shall, in the months of July, October and January, review the required record-keeping of the financial affairs of the Lodge and Club and compliance with the approved budget, and report at the last regular meeting of the Lodge during those months.

2. Financial Reporting System Local Lodge Requirements and Compliance:

- (a) A Local Lodge shall use the FRS and comply with the Grand Lodge Auditing and Accounting Manual.
1. A Local Lodge failing to use the FRS is subject to an Audit or a Review engagement by a Certified Public Accountant as determined by the Area Grand Lodge Auditing and Accounting Committee Member and approved by the State Sponsor(s).
2. At any time a Lodge FRS indicates mismanagement, financial inconsistencies or failure to follow standard accounting principles and or Grand Lodge requirements, the Area Grand Lodge Auditing and Accounting Committee Member, with approval of the State Sponsor(s), may require an Audit or Review engagement by a Certified Public Accountant.
- (b) Local Lodge Fiscal Year Requirements. Every Local Lodge and all corporations, trusts or other entities associated with or under the control of the Local Lodge shall establish and operate with a fiscal year commencing on the first day of April of each year and closing on the thirty-first day of March the following year.
- (c) Local Lodge Penalties for Failure to timely Report. Failure to timely submit the FRS report may subject the Lodge to a fine of one hundred dollars (\$100) and a subsequent fine of an additional one hundred dollars (\$100) for each calendar month thereafter, not to exceed five hundred dollars (\$500). Payment of a fine does not relieve the Lodge of the duty to file the report and continued refusal will be considered Contumacy.
- (d) No Lodge Secretary, Treasurer, Trustee, Director, or any member of the Supervising or Managing Body of the Club, Social Parlor or other facility established in connection with the Lodge shall serve as a member of the Auditing & Accounting Committee.

Resolution 2021-15

► AMENDED Section 9.170 of the Laws of the Order to read as follows:

Section 9.170. Upon the final adjudication ...

- (c) The appointed Trustees shall convert ...

If the net assets total \$35,000.00 or less, said amount may immediately be transferred as allowed pursuant to Subsection (d) of this Section of the State Association ...