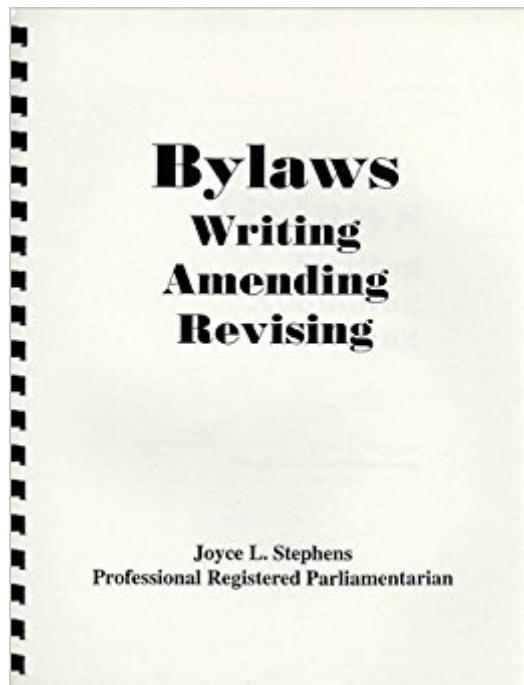


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# Bylaws: Writing Amending Revising



## **Synopsis**

How to write understandable and usable bylaws using a simple and tested formula; how to write and adopt amendments without causing more problems; how to chair a meeting to consider amendments or a revision; how to instruct committees; how to write and adopt a revision; and scripts for handling these and other motions.

## **Book Information**

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## **Customer Reviews**

The bylaws, sometimes called constitution and bylaws, is the governing document of the organization. The bylaws specify how the organization will be managed, who shall be the members and how they shall be chosen. This document describes the purpose of the organization and how various matters shall be handled. The constitution is a separate document, many of the rules will be contained in it, and it takes precedence of the bylaws. However, more and more organizations are choosing to combine these two documents into one, called the bylaws. Usually, there is very little reason to have separate documents. Some organizations call the articles of incorporation the charter, and some call the constitution the charter. Usually, however, the charter is a document distributed by a parent organization to a subordinate unit, such as a local or state chapter, giving authority to exist under the name of the parent organization. It is important to distinguish between the different types of documents because the statutes and other rules will govern their content. If some state statutes define the articles of incorporation as the 'corporate charter', then that is the term that should be used to describe them. The articles of incorporation should contain only as much information as the statutes require. The main organizational rules should be contained in the bylaws. Some organizations with existing bylaws have great difficulty in understanding the original intent of many provisions and find them to be a hindrance to the work of the organization. If

amending them proves to be too difficult, many just give up and try to live with them, usually ignoring them. Occasionally, a parliamentarian consulting for an organization will find that bylaws are nonexistent, or have been missing for many years, or no one has a copy to use for guidance. In these cases, I recommend a revision so that a new document can be devised to reflect the current use of rules and customs of the organization. In this book, we will start with the basic bylaws articles and describe each one, with explanations of the various ways each can be written. Then, we will discuss additional articles to meet individual organizational needs. We will provide an explanation of the amending process, how a revision works, how a bylaws committee goes about its work, and finally we will provide scripts for the procedures. The information in this publication is directed to nonprofit voluntary organizations. Organizations which require the help of an attorney to write their bylaws include nonprofit organizations with very large purses, those providing personal or social services which could lead to legal difficulties, condominium and homeowner associations which are governed by strict state statutes, and business organizations. However, regardless of what type of organization you have, this book will help you to understand the process better, so that you can work with the attorney more knowledgeably. Amending bylaws is not difficult if one has an explanation of process at hand. If the bylaws are too complicated, ambiguous, or reflect procedures no longer used, a revision might be in order. This publication will help to do both without undue difficulty. A special section on starting a new organization is included for those who have requested the information from the author. We will attempt to answer the questions most often asked of parliamentarians regarding governing documents. The glossary will be helpful in finding words that are unfamiliar.

Joyce L. Stephens, Professional Registered Parliamentarian, Parliamentary Specialist, Certified Teacher Joyce L. Stephens was awarded a Certificate of Registration in 1980 by examination of the National Association of Parliamentarians, and achieved the designation of Professional at the same time. She is certified by examination of The Academy of Parliamentary Procedure and Law as Parliamentary Specialist and Certified Teacher. Her certifications are the highest which can be achieved by both organizations. She has served as National President of the Academy and as President of the Florida State Association of Parliamentarians. She graduated from Eckerd College (formerly Florida Presbyterian College) with a degree in management. She is a colleague of the Community Associations Institute. She is adjunct faculty at Daytona Beach Community College and an instructor for the Florida Institute of Government at the University of South Florida. She is author of books on parliamentary procedure and articles in several publications, editor of *The Answer*, the

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