

Bylaw FAQs - GENERAL QUESTIONS and ANSWERS

What are the rules governing a club?

1. Applicable Federal, State and Local Laws
2. Club's Constitution and Bylaws
3. *Robert's Rules of Order, Newly Revised* (parliamentary procedures)
4. Standing Rules (policies adopted by club)

Most State Not-For-Profit statutes usually provide clubs with latitude since they refer most issues back to the organization's governing documents. There will be cases where the club's bylaws are silent, and the statutes will prevail.

Must AKC clubs be incorporated?

Incorporation is not a requirement to be approved as an AKC club, but it is advisable.

CONSTITUTION

What should be included in the constitution?

Please see the [Sample Constitution and Bylaws Checklist](#) for the required provisions which must be included. Please also see AKC's [Club Bylaw Services](#) for the Sample Constitution and Bylaws applicable to your club.

Should clubs have exemption status with the IRS?

ALL AKC clubs are volunteer organizations. The following not-for-profit statement must be included in the Constitution:

"[In Accordance with Federal, State and Local Law] No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, officers, directors, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions on furtherance of the purposes set forth in the Constitution or in Article I of the Bylaws."

While not required, IRS exemption status should be considered: see [IRS Publication 557](#).

BYLAWS

How do we submit bylaw revisions to AKC?

Clubs should provide AKC with their revised document along with a copy of the existing document with strikethroughs for deletions and bold/underline for inclusions. Please see [Club Bylaw Services](#) for guidance in what to submit to Club Relations for processing club bylaw amendments.

The Affirmation of Bylaw Review form must be completed and signed by either a club officer or an attorney.

Does AKC review all bylaw amendments?

Member clubs should submit proposed bylaw amendments to AKC for review, prior to having their club's membership vote on bylaw provisions which may not be acceptable.

AKC reviews Bylaw amendments for all clubs upon receipt of a written request signed by a club officer, Board member, or club-designated Bylaw Chair.

Must all club bylaw amendments be submitted to AKC?

Yes. All AKC clubs must submit bylaw revisions to the AKC for its records.

When do bylaw amendments take effect?

The bylaws for Licensed and Sanctioned clubs (non-Member clubs) become effective once voted on affirmatively by the club's membership. Amendments to Member club bylaws become effective upon approval by the AKC Board of Directors.

Does AKC review Standard Operating Procedures/Standing Rules?

AKC does not review Standard Operating Procedures, Codes of Ethics or Standing Rules documents.

Note: Language contained in separate club documents which contradict the club's Constitution and Bylaws are null and void.

MEMBERSHIP

Can a club impose attendance requirements to maintain membership?

AKC clubs are volunteer organizations. Provisional membership types or attendance or work requirements or required work assignments should not be imposed since members give of their time and efforts in their own capacities.

Eligibility for club Board positions may include meeting requirements and/or volunteering at club events. Eligibility for the adoption of club membership may include attendance at club meetings and/or participation in club functions as a prerequisite for membership.

What if a membership application is denied?

Please write to your club's Board of Directors. Please see AKC's [Working It Out... Guide](#) for assistance.

How can a member resign from the club?

Resignations with an effective date should be sent to the club's Secretary in writing, addressing the club's board of directors. If indicated in the bylaws, resignations may be rescinded if they have not been announced or formally acted upon by the club's board of directors.

What if members resign when in debt to the club?

Members who are in debt to the club for obligations other than dues may be subject to discipline in accordance with the applicable Federal, State and Local laws.

MEETINGS

How often should local clubs hold meetings?

AKC suggests local club meetings should be held at least every other month to maintain club member interest and timely attention to club business. Please check State Law and Executive Order(s) for optional methods in holding meetings.

Where must "in person" meetings be held for local clubs?

AKC local club meetings must be held within the AKC approved territory as designated to the club.

Who is counted in a quorum?

Only voting members in good standing are counted when determining a quorum. Quorums should be set no lower than 20% of the voting membership for local clubs and 10% of the voting membership for Parent Clubs.

Non-voting memberships are not counted in determining the quorum. The bare minimum to conduct business as required by State Law may be utilized.

OFFICERS AND DIRECTORS

Where can we find information on officer responsibilities?

Officer duties should be specified within the club's bylaws and further information may be found in the current edition of *Robert's Rules of Order, Newly Revised*. State Law should also be checked.

How many officers/directors should serve on the board?

AKC suggests club boards be comprised of the four main officers (President, Vice President, Secretary and Treasurer) and at least one other person who would be a director. The number of board members should be relative to club size.

What are some of the responsibilities of the Treasurer?

Please see the information contained in [Managing Club Finances](#).

ELECTIONS

When can a nominating committee reconvene?

A nominating committee may reconvene if an individual selected by that committee resigns, but *only* if the nominating committee's slate of nominated candidates has not yet been sent by the secretary to the members.

What happens if the nominating committee's slate is mailed late?

In the case of the nominating committee's slate or the election ballots being mailed late by a certain number of days, the club may seek the written opinion of a Parliamentarian familiar with State Law.

Are absentee balloting and proxy voting permitted?

Unless permitted by State Law and the club's bylaws include this option, absentee balloting and proxy voting are not permitted.

COMMITTEES

How are committees formed?

Committees are usually appointed and terminated by, and is subject to, the final authority of the club's board of directors. The board of directors can accept, in whole or in part, any committee recommendation.

Who should serve on committees?

Usually, only voting members should be appointed to committees since voting on certain topics may be required.

DISCIPLINE

What is the effective date for club member suspensions?

The effective date of a member's suspension may begin after the hearing is conducted by the club's board of directors and the member has been notified by the club of the effective date.

Individuals shall be suspended from their club membership if any of their AKC privileges have been suspended. For this reason, clubs must include the words "any

of” in their bylaws with respect to AKC suspension. See AKC’s Board of Directors definition of [Good Standing](#).

For more information, please see the [Tips and Best Practices for Effective Club Bylaws](#) document.

AMENDMENTS

How are bylaw amendments implemented?

Local clubs should follow their club’s amendment article contained in the bylaws. The provision usually requires that the membership be notified of the changes in writing, at least two weeks in advance with notice of a regular meeting or special club meeting called for that purpose and propose. The proposed amendments must be voted on affirmatively by 2/3rds secret vote of the members present in order to become effective.

For Parent Clubs (national), the amendment article contained in its bylaws would provide the procedures for secret voting to be conducted by either a dual-envelope or electronic balloting procedure. Notice must be sent by methods in accordance with State Law as noted in the Bylaws and breed standard revisions must be processed in accordance with AKC policies.

DISSOLUTION

What should clubs submit to AKC upon dissolution?

Should a club choose to dissolve, AKC requires in writing the possible reasons for dissolution, the date an affirmative vote of the membership was reached to dissolve, the percentage of members who voted to dissolve, and to which organization(s) club funds were donated. State Law must be adhered to with respect to dissolution for clubs which are Incorporated.

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