

# ABATE of Indiana By-Laws

Updated 2022

## Article 1

- A) This organization is not a club and is known as ABATE: A Brotherhood Against Totalitarian Enactments/ American Bikers Aimed Toward Education.
- B) ABATE will not discriminate against any race, religion, creed, nationality, or other basis, and will not violate laws emulating public policy.

## Article 2

The corporate officers of ABATE shall be: Executive Director, Operations Director, State Secretary/Treasurer and Region Directors.

## Article 3

### *Duties of the Executive Director:*

- A) To preside at all state meetings.
- B) To have general supervision of the affairs of ABATE, and run the organization per the direction of the policies set forth by the executive board.
- C) To appoint any person or committees to special tasks.
- D) To personally represent the organization on proper occasions, lobbying and business contracts.
- E) To assist all other officers of the organization and handle problems in general that may arise.
- F) To promote interest in the part of each member in ABATE life and ABATE activities.
- G) To vote only when necessary to break a tie.
- H) Required to have a state issued motorcycle endorsement on their valid, state issued driver's license and ride to at least one event per year (exception: medical reasons).

## Article 3.1

### *Duties of the*

### *Operations Director:*

- A) To assist the executive director in the day to day operations of the organization.
- B) To oversee satellite operations of the organization.
- C) To have general supervision of the affairs of ABATE and run the organization per the direction of the policies set forth by the executive board.
- D) To personally represent the organization on proper occasions, lobbying and business contracts as directed.
- E) To assist all other officers of the organization and handle problems in general that may arise.
- F) To promote interest in the part of each member in ABATE life and ABATE activities.
- G) Required to have a state issued motorcycle endorsement on their valid, state issued driver's license and ride to at least one event per year (exception: medical reasons).
- H) The operations director will perform the duties of the executive director in the absence of the executive director and at the direction of the executive director and/ or the executive board.

## Article 4

### *Duties of the State Secretary / Treasurer:*

- A) To keep and review all organization records.
- B) To perform all duties pertaining to this office under the supervision and direction of the executive director.
- C) To be responsible for accounts payable and receivable.
- D) To be responsible for the transfer of monies between accounts.

Any major transfer of monies which does not include the day-to-day expenses of the state office are subject to approval by the executive board.

- E) To be responsible for any investments made with ABATE funds. Changes to investments must have full executive board approval.
- F) To be responsible for all insurance policies regarding ABATE employees, programs, and events.

## Article 5

### *Duties of the Region Directors:*

- A) To have general control over all region officers, events, activities, and financial reports.
- B) To sit on the executive board of ABATE of Indiana.
- C) Required to have a state issued motorcycle endorsement on their valid, state issued driver's license and ride to at least one event per year (exception: medical reasons).

## Article 6

### *Duties of the Executive Board:*

- A) The executive board is comprised of the executive director and the region directors.
- B) To set policies and have general control over ABATE affairs.
- C) To investigate any written complaint registered against a member or officer.
- D) To make final decisions concerning conduct problems.
- E) The executive board will meet a minimum of 6 times per year.

## Article 6.1

### *The Advisory Committee*

- A) The committee shall consist of five members and the executive director.
- B) Two members shall be elected by the executive board, one appointed by the executive director. One shall be the legal advisor for ABATE of Indiana and one shall be the financial advisor for ABATE of Indiana.
- C) If one member resigns or is suspended, the executive director will appoint a temporary replacement until the next board meeting. The executive director cannot appoint more than one temporary committee member.
- D) Terms for the elected and appointed members will be two year staggered terms. There are no term limits. The legal and financial advisors will be permanent seats on the committee.
- E) The executive board must be advised of any decisions made by the committee within ten working days.
- F) The executive director will vote only in the event of a tie.
- G) The committee will meet once every month.
- H) Non-director members of the committee will be reimbursed for travel expenses under the same guidelines as used for directors.

## Article 6.2

### *Duties of Advisory Committee*

- A) Review the financial statements monthly and report on these to the executive board.
- B) Review the projected budget for the year, and report on this to the executive board.
- C) Review and recommend changes to the executive board concerning ABATE properties, goals, and programs; research new programs.
- D) Review and recommend salary and benefits for: executive director, safety

director, operations director, and editor.

- E) Review and recommend applicants for positions of: executive director, safety director, operations director and editor.
- F) Perform the duties of the operations director in his/her absence at the direction of the executive director and/or the executive board.

## Article 7

### *Election Procedures:*

- A) General guidelines:
  - 1) All region and county elections are to be completed by October 31st.
  - 2) Each region is to have their election procedure on file at the state office and is to follow said procedure in accordance with ABATE of Indiana state policy.
  - 3) No voting by absentee ballot.
  - 4) Individuals signing up as members at the election meeting or holding "guest" cards cannot accept nomination nor do they have voting or nominating privileges.
- B) Terms of Office:
  - 1) Term of all offices is January 1 through December 31.
  - 2) All ABATE property and membership material will be turned over to new officers by January 15; this includes treasurer reports and necessary documents for transfer of region checking account.
- C) Eligibility for Nomination and Voting:
  - 1) An individual may vote, or accept an officer candidate nomination only in the region and/or county listed on their current active membership.

- 2) Eligible voters must be physically able to cast a vote.
- 3) In order to accept an officer nomination the nominee must be old enough to have a state issued motorcycle endorsement on their state issued driver's license.

### D) Officer

#### Candidate Requirements:

- 1) Must be present to accept nomination; should be present at election meeting.
- 2) Before a candidate for region director can assume the office he/she must have a minimum of one (1) year experience as an ABATE of Indiana officer.

### E) Officer Requirements:

- 1) All officers are required to attend their scheduled region/county officer training; attendance at the Fall Seminar is expected.
- 2) All elected or appointed officers must sign an agreement form; failure to do so restricts them from holding the office regardless of election results.
- 3) All newly elected officers are expected to read and understand the ABATE of Indiana by-laws (available at [abateonline.org](http://abateonline.org)) before signing agreement and taking office.

## Article 8

These by-laws are subject to review every 2 years or as requested by the executive board and can be changed if thoroughly discussed by the executive board at a meeting where a quorum is present and after the document's third reading. Must be done by a majority vote. Policies can be changed by one

reading and a majority vote by the executive board.

## Article 9

- A) All event income goes to region and then to state for operating costs. Income will be forwarded from the county treasurer to the region treasurer then to the state office.
- B) In the event that ABATE of Indiana, Inc. fails to function, upon all operations being halted by the executive board, all assets and properties will be donated to a non-profit or 501(c)(3) organization. A majority vote will be taken by those directors present as to what organization will receive all assets and properties.

## Article 9.1

### *Club Identification:*

- A) ABATE of Indiana is not a club.
- B) Membership cards, T-shirts, stickers, ABATE state patch, and other ABATE products are encouraged as ABATE identification.
- C) We encourage members of clubs to join ABATE, but ABATE will remain as an independent organization fighting for bikers' rights.

## Article 9.2

### *Resignation or Suspension of an Officer:*

- A) If an officer resigns for any reason he/she must sign a resignation form and immediately turn over all ABATE of Indiana property and paperwork.
- B) To replace a region director who is leaving before their term is over the executive director shall make an appointment with majority approval of the executive board.
- C) For all other officers on the region level the region director will make appointments with a majority approval of the current officers at a regularly scheduled meeting.

- D) County officer level procedure is the same as region level, the only difference is members attending the meeting are involved and eligible with a majority approval of attending members.
- E) Any officer not performing their job after assuming office may be removed from office by the region director or the executive director.

## Article 9.3

### *Rules for Suspending Officers from their Position:*

- A) After a thorough investigation of an officer, the executive director or the operations director can suspend an officer and any events or activities of concern for thirty (30) days.
- B) If suspension needs to be permanent, a letter must be submitted to the executive board requesting suspension within five (5) working days from the date of suspension.
- C) The executive board will notify the officer of the suspension via registered letter. If the officer under suspension requests an appeal it must be received by the executive board in writing within five (5) working days following notification.
  - 1) If no appeal is requested the suspension becomes effective for the duration of the current term of office.
  - 2) If an appeal is requested a hearing will be scheduled within ten (10) days from receipt of the request to investigate and make a ruling on the matter. The executive board may take up to ten (10) days to make a ruling.
  - 3) ABATE attorney should be present to act as an advisor to the executive board.

## Article 9.4

### *Rules for Suspending Executive Director or Operations Director*

- A) After an extensive investigation by the advisory committee, the advisory committee will report findings to the executive board who may vote to terminate the executive director or operations director.
- B) The investigation must be requested by a member of the executive board.

## Article 9.5

### *Rules for Suspending or Expelling Members:*

- A) Any member may be expelled, or have their membership suspended, for conduct unbecoming a member of ABATE; a warning letter must be sent to the member by the region director before any suspension or expulsion proceedings occur. In the case of a conflict between said member and the region director, the letter shall be sent by the executive director.
- B) Allegations must be made in writing and sent to the executive director.
- C) The advisory committee will act as mediator and/or investigator and report back to the executive board for a vote.
- D) If an appeal is requested a hearing will be scheduled within ten (10) days from receipt of the request to investigate and make a ruling on the matter. The executive board may take up to ten (10) days to make a ruling.