



ABATE of Delaware, Inc.

By-laws

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The Constitution of ABATE

The Constitution of ABATE of Delaware, Inc. (American Bikers Aiming Towards Education), a duly incorporated, nonprofit organization, is in existence to protect the rights of motorcyclists through political action and public awareness.

Any person may become a member regardless of race, color, creed, or motorcycle preference. Motorcycle ownership is not required.

ABATE shall be governed by a Board of Officers consisting of officers from each county, hereafter will be called the State Board.

Membership meetings are open to the general public and shall be in each county, at a time, place and date designated in the newsletter(s).

All amendments to the constitution shall be submitted to the board, reviewed in the newsletter(s), and voted on by the membership the following month. Two-thirds (2/3) of the votes received from the state membership must approve the proposed amendments in order to change the Constitution.

Article 1 Statement of Incorporation

1. The name of the organization shall be ABATE of Delaware, Inc. The date of Incorporation is June 28, 1977.
2. The principle office of ABATE of Delaware, Inc. (a non profit, tax-exempt organization) is the home address of the current State Coordinator.
3. Auxiliary offices shall be maintained for each county as needed.
4. The corporation is organized for and in accordance with Internal Revenue Code Section 501 (c) (3) purposes, and for any other legal purpose allowed and which is consistent with Internal Revenue Code Section 501 (c) (3).
5. For purposes only, in these by-laws, ABATE of Delaware, Inc. will be called ABATE, when appropriate.

Article 2 By-laws

These by-laws shall be the official by-laws of ABATE of Delaware, Inc.

1. Amendments must be submitted in writing and submitted to any board member and brought to the next state board meeting.
2. These by-laws become effective immediately upon approval.
3. A copy of these by-laws shall be available for any member that requests a copy.
 - a. They shall also be available on ABATEofde.com web site.

Section 1: Authority

Each County (New Castle, Kent, and Sussex) may add their own special contingencies as necessary; however, all must comply with these by-laws and can only be additions, not amendments.

Section 2: Procedures for amending the By-laws

1. These bylaws may be altered, amended or repealed.
2. A written request must be submitted for amendment stating which section and paragraph are to be changed and what the new wording should be.
3. The State board will read the suggestions and write a recommendation; which will be

- printed in the newsletters and/or on the state website.
4. Proposed bylaw changes must be published in the County Newsletter or available on the internet along with the existing bylaw.
 5. The newsletters shall include a mail-in ballot or the ballot must be posted on the website to be printed.
 6. Two-thirds (2/3) of the ballots received must approve the change for it to become effective.

Section 3. Effective Date

These bylaws and subsequent amendments shall become effective immediately upon adoption.

Article 3 Purposes and Goals

The purposes and goals of the organization shall be:

1. To review and inform our members about federal, state, and local levels of government motorcycle legislation.
2. To improve road conditions thus making roads safer for motorcyclists by alerting the State of Delaware Department of Transportation of dangerous roadway conditions.
3. To help prevent accidents through education by:
 - a. promoting motorcycle awareness programs for all motorists.
 - b. promoting rider education courses for motorcyclists.
 - c. working towards insurance reductions through motorcycle rider education.
4. To promote positive community relations by:
 - a. active participation in activities benefiting the common welfare of the community.
 - b. active participation in events sponsored by/for charitable organizations.
5. To promote favorable motorcycle legislation regarding the following:
 - a. Insurance
 - b. Licensing
 - c. Modifications
 - d. Bans
 - e. Restrictions
 - f. Emissions

Article 4 Board of Officers

Section 1: Purpose

The Board of Officers has the responsibility to carry out the purposes and goals of ABATE of Delaware, Inc. as adopted by the By-Laws, and the Articles of Incorporation:

1. There shall be five (5) voting officers per county, who will be elected for a two year term. These officers will be the Coordinator, Co-Coordinator, Secretary, Treasurer and a fifth officer to be named at each County's preference.
2. The State Board shall consist of the five (5) voting officers of each county, as covered under section 1 of this article, and the four (4) state officers, Coordinator, Co-Coordinator, Secretary and Treasurer, who are non-voting.

3. Board members shall each have one (1) vote per person (except for State officers). In the case of a tie, only the State Coordinator or designated chair (in State Coordinators absence), shall vote to break the tie.
4. The State Board shall meet at least six (6) times per year. Dates, times, and places to be determined by the board.
5. All elected Officers must attend two (2) out of three (3) consecutive meetings, including State Board and county meetings. Any state or county officer that misses two (2) or more scheduled meetings in a row, can be referred to the State Board with recommendations for removal from office. Exceptions may be granted if the officer can give and prove, just cause. Excuses must be approved by County Coordinators.
6. No person may seek or hold more than one state office, and/or more than one county office at one time.
7. Any member holding an officers position must maintain current dues and be in good standing during their term in office. Definition of current dues pertaining to an officer means no grace period of sixty (60) days will be applied.

Section 2: Responsibilities

- a. To satisfy state and federal laws governing tax status.
- b. To authorize contracts, financial deals and authorize other assignments.
- c. To enlist the services of an attorney as required.
- d. To retain an authorized accountant for tax purposes and for audit, if needed.
1. The State Board also has the managerial responsibility to formulate policies:
 - a. To review and act on committee reports.
 - b. To assist in implementing plans and projects.
 - c. To assist in maintaining good public relations.
 - d. To submit necessary By-Law amendments.
2. Between county meetings, each counties officers shall be empowered to act on behalf of the membership to the extent urgent business requires.
3. Between meetings of the Officers, the Coordinator shall be empowered to act on behalf of his/her officers and county, subject to subsequent approval.

Section 3: Seniority

The seniority of officers shall be:

- Coordinator
- Co-Coordinator
- Secretary
- Treasurer
- Fifth (5th) Voting Officer

Officers may appoint their own assistants but those appointees will not have positional or signature authority of that office.

Section 4: Suggested Additional Officers

- Newsletter Editor
- Sargeant at arms
- Chaplain

Webmaster
Membership officer
Products officer
Road Captain and any assistants to any of the above.

All additional officers are expected to cooperate with the State Board and carry out the duties associated with their office to the best of their ability.

Section 5: Eligibility and Qualifications

1. Officer's

- a. **Coordinator:** A candidate for this position shall have demonstrable management skills. Shall have been a member in good standing for no less than one (1) year. Must accept the nomination in person prior to the close of nominations to be considered a candidate. Exceptions to “in person acceptance of nomination” will be handled by the election committee, on a case by case basis.
 - b. **Co-Coordinator:** A candidate for this position shall have demonstrable management skills. Shall have been a member in good standing for no less than one (1) year. Must accept the nomination in person prior to the close of nominations to be considered a candidate. Exceptions to “in person acceptance of nomination” will be handled by the election committee, on a case by case basis.
 - c. **Secretary:** A candidate for this position shall have secretarial experience with typing skills, have filing and records experience. Shall have been a member in good standing for no less than one (1) year. Must accept the nomination in person prior to the close of nominations to be considered a candidate. Exceptions to “in person acceptance of nomination” will be handled by the election committee, on a case by case basis.
 - d. **Treasurer:** A candidate for this position shall have some accounting experience. Shall have been a member in good standing for no less than one (1) year. Must accept the nomination in person prior to the close of nominations to be considered a candidate. Exceptions to “in person acceptance of nomination” will be handled by the election committee, on a case by case basis.
2. The State Board may, at its discretion, qualify a candidate with equivalent officer experience.
 3. All county officers must have served one (1) full term in a county position before becoming a state officer.
 4. Each nominated officer shall have a current phone number and/or email address where said officer may be contacted.
 5. Officers of the county must be a member of that county.
 6. No member of an organized motorcycle club may serve as the State Coordinator of ABATE of Delaware, Inc or the Coordinator of any county so long as they are members of such clubs. This prohibition is enforced to insure that the objectivity of the Board of Officers of ABATE of Delaware, Inc is not compromised due to association or involvement with a specific motorcycle club. Membership in other motorcycle rights organizations [e.g., the American Motorcyclists Association (AMA), the Motorcycle Riders Foundation (MRF), the National Coalition of Motorcyclists (NCOM) or Bikers Against Manslaughter (BAM)] is exempt from

this prohibition.

7. All officers both state and county are expected to conduct themselves, at all times, in a manner that will not bring embarrassment to, or legal action upon ABATE of Delaware, Inc.

Section 6: Term of Office

The term of office for the State Board of Officers shall be for two (2) years or until resignation, death or removal from office in accordance with Article 4, Section 10, with no maximum number of consecutive terms in office.

Section 7: Rules of Order

The current edition of "Robert's Rules of Order" governs the Organization in all parliamentary situations that are not provided for in these By-laws. The State board shall have and provide a current copy to be accessible to each County if needed.

Section 8: Problem Solving

Each county coordinator shall address and resolve any problem/conduct at a meeting/event that may arise that is strictly a county level problem. If a question arises whether the problem is of state level significance, the county coordinator may request to be heard by the State Board for assistance in resolving the problem. The State Board shall then determine if the problem is a state-level or county level problem. The State Board or county officers shall then act accordingly.

Section 9: Resignation

- a. A State Board officer may resign at any time by giving written notice to the State Coordinator or State Secretary. Any such resignation shall take effect at the time specified therein or at the pleasure of the State Board. The acceptance of such resignation shall not be necessary to make it effective. The State Board officer must turn over all ABATE property and paperwork immediately.
- b. Any County officer may resign at any time by giving written notice to the County Coordinator or County Secretary. Any such resignation shall take effect at the time specified therein, or at the pleasure of the County Officers. The County officer must turn over all ABATE property and paperwork immediately.
- c. Any state or chapter officer that resigns must wait one calendar year before he / she can hold any office again.

Section 10: Removal

1. A member of the State Board may be removed when sufficient cause exists for such removal pertaining to article 15, section 4 (Trial Procedures). The State Board may entertain charges against any member.
2. No such action shall be taken without the presence of at least three (3) written complaints by the Coordinator or member of the State Board, documenting malfeasance or inability to perform the duty of the office, or evidence indicating the Officers actions of a nature which discredited the organization as cited in article 15, section 4 (trial procedures). The State Board shall have the final judgment on what acts shall warrant action.

- a. Malfeasance shall be defined as any wrongful conduct that affects, interrupts, or interferes with the performance of official duties or the performance of the Corporation.
 - b. Any Officer of the Corporation facing removal from their position shall be entitled to a hearing before the State Board. The officer and members of the State Board shall be notified by the State Secretary, not less than seven (7) days prior, of the time, date and location of the State Board meeting where such a hearing will take place.
 - c. Upon completion of their term or removal of office, all officers and/or Assistants/Alternates shall surrender to the State Board and/or County, immediately (within seven (7) days) all documents and property of ABATE, in their possession.
 - d. The State Board has the obligation, by law, to protect the integrity of the corporation and may temporarily remove certain access to monies, records, etc. from the parties involved.
3. Any person holding the position of State or County Officer who is removed for malfeasance or resigns that position to avoid the removal process, shall not again serve in the position of Officer for a period not less than five (5) years commencing from the date of such removal and/or resignation.
 4. Notification of removal must be given in writing. The grounds for removal must be clearly stated, citing the cause(s), date of request for resignation, findings of the appropriate board review, and the date of the vote to remove said officer.
 - a. Any officer in the process of removal loses all voting rights. Any access to ABATE of Delaware, Inc. finances shall be frozen or rescinded immediately.
 - b. To start removal proceedings, a special hearing/meeting shall be called, by the Coordinator or a majority of officers. The Coordinator shall act as chairman, and if the State Coordinator is not present, a chairman shall be elected by majority vote. Minutes shall be taken at this meeting. At the conclusion of the discussion, a secret ballot shall be taken on whether or not to proceed with impeachment. If the majority vote is yes, a report shall be prepared (to include the minutes of the special meeting and list reasons for which a removal is deemed necessary) and a copy of this report shall be presented to the officer in question. The officer may or may not wish to resign at this time.
 - c. If the officer has not resigned at this time, the report from the special meeting shall be read at the next regularly scheduled county meeting to the members present, and a secret ballot taken to see if the removal should proceed. If voted yes, a vote will be held at the following regular meeting, with an effort being made to contact all members to inform them of the proceedings beforehand.
 - d. At the conclusion of the proceedings, a full report shall be maintained by the county with any change of officers to be forwarded to the State Secretary.
 - e. Any office vacated for any reason during the term, except for the Coordinator's position, shall be filled by interim appointment by the Coordinator with the approval of a 2/3-majority vote of the membership, until such time as a special election can be held and its results verified. In the event,

2. Membership shall be open regardless of race, creed, color, sex, or affiliation with any other organization or club and furthering the Aims and Purposes of ABATE of Delaware, Inc. There shall be no restrictions as to a member owning a motorcycle or to the brand, make, or size of motorcycle.
3. There will be no prospecting, initiation or petitioning to join ABATE or its counties.

Section 4: Dues

1. The yearly membership fee shall be \$25 for a single person.
2. The yearly membership fee shall be \$40 for a couple, living at the same address. Only one newsletter shall be mailed to a single address. Dues shall be non-refundable.
 - a. The word couple in membership criteria shall mean: Two (2) people that are married or living in a domestic partnership and reside in the same household (mailing address).
 - b. If the couple relationship is terminated, the next renewal application shall be made as a single person to the address on file.
3. Life membership shall be 10 times the annual membership dues of a full paying member. Life membership is for single memberships only. There is no life membership for couples. A lifetime member shall receive a year pin on his/her original renewal date. Life Membership in this organization shall be available upon payment of dues. Purchase of a Life Membership shall entitle the member to:
 - a. A special, permanent membership card.
 - b. One (1) emblem, patch or pin bearing the words "LIFE MEMBER".
4. A free lifetime membership to the Organization may be granted as a high honor to an individual who has been a member in good standing.
5. Annual membership dues shall be subject to change upon recommendation of the State Board, to the membership. No change may be made without the approval of the membership as outlined in article 2, section 2 (procedures for amending the by-laws).
6. The first annual dues shall be payable and submitted in full with the application. Future annual dues shall be due and payable on the anniversary of the member's admission to membership. Membership shall be non-transferable and non-assignable.
7. Upon payment of dues by a new member or within 30 days of receipt of application, the chapter is to provide: a membership pin, membership card, and anything else that may help encourage further involvement.
8. If annual dues are not submitted, membership shall terminate after a grace period of sixty (60) days. A lapsed member does not receive a newsletter and does not have the right to vote. In the situation a lapsed member wishes to be reinstated, he/she may pay their dues and will be reinstated to the year they left. He/she may also buy back those "missing" years, if they wish, by paying dues for each of those years.
9. If the member failing to renew their membership is an Officer of ABATE of Delaware, Inc., their office/position shall be considered vacated.
10. Members shall become eligible for any and all ABATE benefits when they have paid their dues.
11. Members shall not be restricted from joining one or more counties in the State.
12. Member's of other State's Motorcycle Rights Organizations are eligible to become members of ABATE of Delaware, Inc., and carry their membership years up to one (1) year. This excludes Life memberships. Proof of SMRO membership and

Delaware residency must be provided.

Section 5: Membership Cards

Membership cards shall be non-transferable and non-assignable and dues non-refundable. If a card is lost or mutilated, a new card may be issued.

Section 6: Transfer of Membership

1. Membership in the corporation is not transferable or assignable to another organization or person.
2. Death of the member. The balance of the year may be extended, as a courtesy, to the spouse or a family member. Life Memberships are not transferable.

Section 7: Termination of membership/membership removal

The following are cause for termination of membership:

1. Written resignation
2. Failure to re-new.
3. A membership may be terminated, suspended, and/or the member expelled for malfeasance (Article 4, section 10, sub section 2a) or actions of a nature which discredits the organization's slated objectives and purposes.
4. Failure to follow proper civil conduct at meetings or events, or abide by the bylaws of ABATE of Delaware, Inc. These matters may be handled under the grievance section (Article 15).
5. The conviction of a felony committed during the course of the organizations' activities.
6. Failure to follow any reasonable rules and regulations promulgated by the organization for any of the activities promoted by the organization.
7. The commission of any act that does not uphold the purposes of the organization.
 - a. Any member accused of violating sub-sections 4, 5, or 6 above shall be notified by certified mail and shall be entitled to a hearing before the State Board within 30 days of notification upon request.
 - b. Member has committed an act(s) that are prejudicial to the Aims and Goals of ABATE.
 - c. Member has jeopardized the welfare of ABATE or its members.
8. For good cause after a trial (see Article 15, section 4).
9. No person may be denied membership or have membership terminated except for failure to pay membership fees, and/or for actions that are detrimental to the organization and its goals, as specified in Article 3.

Section 8: Removal of member

1. Written charges, signed by the accuser and another member, shall be submitted to the State Board postmarked no more than sixty (60) days following the date the act was committed.
2. Charges shall only be submitted by a member in good standing.
3. One (1) month advance written notice of pending investigation shall be sent registered mail, return receipt requested, to the member in question.
4. If reinstated, the member can go to the County of their choice.

5. Terminated member shall forfeit any dues paid.

Section 9: General Order

1. Each of us, in becoming members of ABATE, has also accepted responsibilities for adhering to social conduct contributing to a friendly, cooperative and effective organization. This involves not only the respect for the rights and feelings of others, but the assurance that our personal conduct while at or involved in ABATE functions avoids any action which might be harmful to ourselves and or others.
2. ABATE of Delaware, Inc, its chapters and members shall not engage in willful disobedience of the law, except in sanctioned, organized events or protests. These events or protests will be conducted in good taste appropriate for the occasion.

Article 6 Meetings

Section 1: State Board Meeting

1. Minutes of the last board meeting will be made available to be read by State Secretary and can be waived if copies have been distributed to all in attendance prior to the start of the meeting.
2. Agenda items shall be submitted by State Coordinator through the State Secretary, in writing, to members of the state board prior to the meeting.
 - a. Additional items may be added at this time, but shall be discussed only if allocated time permits.
3. All state board members shall be allowed comment as long as it pertains to the issues before the state board, preference given to members of the sponsoring County.
4. Floor for discussion shall be given only after member is recognized by the State Coordinator.
5. Comments shall be brief and to the point and pertain to the issues before the State Board. **NO GRANDSTANDING!**
6. No one outside of state board members shall be recognized, unless the member holding the floor relinquishes it to them, and the State Coordinator recognizes them, for comment pertaining to the issue before the state board.
7. **NO ALCOHOLIC BEVERAGES** will be permitted during a state board meeting. Any member coming into a state board meeting who is visibly intoxicated shall be refused admittance.
8. All state board meetings should follow “Roberts Rules of Order”.
9. Taping and/or recording of state board meetings is recommended, however must be approved by all state board officers in attendance.
10. Verbal or email notice of state board meetings shall include time, place and date of the meeting.
 - a. All state board officers **MUST** be given five (5) day’s notice and time to attend.
 - b. An effort to contact all state board officers **MUST** be made. Failure to attempt to contact **ALL** state board Officers shall null and void any decisions made at said meeting.

Section 2: Membership meetings

1. Minutes of the previous meeting shall be available to be read.
2. All members shall be allowed to comment as long as it pertains to the issues being

- discussed.
3. Floor for discussion shall be given only after member is recognized by the Coordinator.
 4. Comments shall be brief and to the point.
 5. Taping and/or recording of meetings is recommended, however must be approved by members in attendance.
 6. **NO ALCOHOLIC BEVERAGES** will be permitted during a meeting. Any member coming into a meeting who is visibly intoxicated shall be refused admittance.

Section 3: Special Meetings

1. Special meetings of the state board or county meeting may be called by the County Coordinator or by any member of the state board and such meeting shall be held at any place so designated.
2. Any state board officer may go on record as refusing to accept the urgency of said meeting. If a majority of the state board refuse to accept the urgency of the emergency meeting, the vote on that subject is postponed until the next regularly scheduled state board meeting.
3. The call for a special meeting shall state the nature of the business to be considered and the place, date, and hour of the meeting and notice of such special meeting shall be by serving a copy of such notice personally, email or by regular mail to each Coordinator at least five (5) days before the day on which the meeting is to be held.
4. Business considered and acted upon shall be limited to that business stated in the call for the meeting.
5. E-mail or telephone calls may be used to confirm dates of meeting or attendance.
6. Every reasonable effort should be made to postpone any decision making to a regularly scheduled State Board meeting.

Section 4: Meeting Guidelines

1. General membership meetings shall be held once a month.
2. Meetings should be kept as short as possible and still cover all business.
3. Any member who attends a meeting in an unruly, intoxicated condition, or creates a disturbance shall lose the right to speak at the meeting.
4. Meetings shall be conducted in accordance with Robert's Rules of Order and the by-laws of ABATE of Delaware, Inc.
 - a. Any member wishing to speak shall raise his/her hand and wait to be recognized by the chairperson. Unless it is proper for new business: he/she should keep their remarks to the subject at hand
 - b. The Coordinator may appoint a member to act as "Sargeant-at-Arms" at any meeting or other function as the need arises.

Section 5: Order of Business

1. Moment of silence
2. Reading of the minutes of the preceding meeting
3. Treasurer reports
4. Recognize any and all guests

8. A member shall not accept a nomination for any office or position for which they are knowingly unqualified.
9. Nominees for state office shall have the right to visit any county within the state for campaign purposes and address the membership. Counties have the right to apply fair and non-discriminatory time limits for such addresses.
10. Any member in good standing may make a nomination.
11. No member may have his/her name placed in nomination as a candidate for more than one office in an annual election.

Section 2: Elections

1. An election committee shall be established in accordance with each county's procedures, in the month of August, in the year elections are to be held.
 - a. Procedures for voting will be presented at a county membership meeting by the election committee.
 - b. Notification shall be provided by mail, email or phone at least fourteen (14) days of the date, time and place of voting. This shall be sent to the last known address of each member.
 - c. Tallying of election votes shall be overseen by at least two trusted members. No elected or nominated officer shall tally votes.
2. Elections shall be run in a democratic manner according to procedures set forth by the election committee.
3. Election of Officers shall be by Secret Ballot or Write-In Ballot.
 - a. An absentee ballot may be available (see article 7, section 3).
 - b. Elections of officers is by simple majority.
 - c. As soon as the ballots have been counted, the results will be posted in each county newsletter, after which they will be destroyed.
4. Each member shall be entitled to one ballot in any general or special election in the county or counties of their membership at the time the member signs in and presents their voting credential. However, each member can only vote once for State Office positions.
5. A special election may be held to replace an officer who resigns from office or terminates his/her membership.
6. In the event of a tie vote for any office or position:
 - a. Immediate recount of all ballots.
 - b. As the last resort for a continued tie, the State Board shall have the final vote.

Section 3: Absentee Ballot

1. Absentee ballot: Eligible voters who are unable to be present when the election is held, may request an absentee ballot from the chairperson of the election committee. Returned ballot must be postmarked five (5) days prior to elections.
2. This ballot shall be in all respects similar to the regular ballot and shall be marked absentee ballot and signed by the chairperson of the election committee. All absentee ballots shall be opened only on the day of elections and in the presence of the election committee.

Section 4: Qualifications for voting

1. Any member of ABATE of Delaware, Inc. in good standing on the date of elections, shall be entitled to vote.
2. A member in good standing is defined as a member whose dues are paid in full at the time of elections, and has not had the privilege revoked or suspended for any reason.
3. Each member shall be entitled to one vote upon any matter duly brought up for a vote to the membership of the organization.

Section 5: Special Elections

1. No proxy votes or absentee votes allowed.
2. The County Coordinator will appoint a pro-tem to fill a vacant position until the next regular meeting when the membership can vote on a person to fill the vacant position.
 - a. Exception: Treasurer will be replaced by vote of the membership only.

In the event of the absence or inability of the Treasurer to exercise his office, the County Coordinator shall assume the responsibilities of the Treasurer and may appoint an interim Treasurer until a special election can be held.

Article 8 State Officer Duties and Requirements

Section 1: State Coordinator

1. The State Coordinator shall be the principle Officer of the Organization and shall, subject to the Board of Officers have general supervision, direction and control of the organization and officers.
2. The State Coordinator shall preside over state board meetings, and shall coordinate business and affairs as determined by the Board of Officers.
3. Shall act as the official spokesperson for ABATE of Delaware, Inc.
4. Should have the ability to communicate ABATE goals effectively and positively to both motorcyclists and the general public.
5. The Coordinator will sign with the State Secretary or any other authorized Officer of the Organization, any instruments which the State Board has authorized to be executed, except where authorization has been delegated to some other Officer or agent.
6. Should possess good communication skills.
7. Should possess the skills to best serve the interests of ABATE in a professional and business like manner.
8. The Coordinator will insure accomplishment of duties by other State Board members in the time frame allotted.
9. The Coordinator will initiate such actions as are necessary to insure the orderly operation of the Corporation.
10. Shall attend at least two (2) monthly meetings of each of the three (3) chapters annually.
11. Shall have served as a County officer for at least one (1) full two (2) year term.
12. Should be acquainted, and prepared to work with Robert's Rules of Order.
13. Shall reprimand officers in the event of incompetence or neglect of their duties.
14. In the event that the Secretary will be unable to attend, it is the responsibility of the State Coordinator to arrange for a replacement to record meeting minutes.

15. Shall receive copies of meeting minutes from each chapter on a monthly basis.
16. Shall act as tie-breaker and vote last in case of tie, otherwise no vote.
17. Shall answer to the Board of Officers and not the general membership.
18. May include informative note in each chapters newsletter.
19. The Coordinator shall act as mediator and resolve minor conflicts in the organization not requiring the Grievance Board.
20. Enforce the decisions of the Grievance Board.
21. State Coordinator and State Treasurer shall review all financial statements provided by the Legislative Coordinator and all state concerned bills and present them to the State Board.
22. The State Coordinator will be supported by a State Treasurer and a State Secretary, who shall be elected and will follow the same guideline as the State Coordinator.
23. Be available within reason for ABATE events around the State.
24. In the event of the absence or inability of the Treasurer to exercise his office the State Coordinator may appoint an interim Treasurer until a special election can be held.
25. Is an elected position with a two (2) year term.
26. Shall be a member in good standing.
27. If membership lapses, office is forfeited.
28. Shall receive newsletters from all three (3) counties.

Section 2: State Co Coordinator

1. The Co-Coordinator in the absence of the Coordinator, or in the event of his/her death, inability, or refusal to act, will perform the duties of the Coordinator, and when so acting, shall have the same powers and be subject to the same restrictions as the Coordinator.
2. Should have the ability to communicate ABATE goals effectively and positively to both motorcyclists and the general public.
3. Should possess good communications skills.
4. Should possess the skills to best serve the interests of ABATE of Delaware, Inc. in a professional and a business like manner.
5. Should be acquainted, and prepared to work with Robert's Rule of Order.
6. Shall answer to the board of officers and not the general membership.
7. If the State Coordinator cannot complete his/her term, the State Co-Coordinator will finish the term of office if he so desires. The position of the State Co-Coordinator will be filled by holding a special election meeting. The position of State Coordinator will be filled by holding a special election if it is not filled by the State Co-Coordinator.
8. Will have no vote on the state board unless he/she is chairing a meeting for the State Coordinator, and then will only have a tie-breaker vote.
9. Must be a member in good standing.
10. He/she shall perform such other duties as from time to time may be assigned by the state board or the State Coordinator.
11. Must help assure that chapter business is run in accordance with the by-laws of ABATE of Delaware, Inc.
12. Is an elected position with a two (2) year term
13. If membership lapses, office is forfeited.
14. Shall have served as a County officer for at least one (1) full two (2) year term.

15. Shall receive newsletters from all three (3) counties.

Section 3: State Secretary

1. The State Secretary will take and maintain all minutes of state Board meetings and review those minutes at meetings. (NOTE: Tape recorders are recommended).
2. Certify and keep a copy of the Corporation By-Laws as amended from time to time, and a copy of the Articles of Incorporation.
3. The State Secretary shall keep copies of all records necessary to the running of the State and will turn all records over to any newly elected State Secretary.
4. Secretarial support shall be given to the State Coordinator by the State Secretary.
5. Should possess good communications skills.
6. Must be a member in good standing.
7. Must possess the ability to take full and accurate meeting minutes.
8. Provide copies of minutes from previous month's meeting by mail, fax, email or in person.
9. Must prepare an agenda for each state board meeting and shall make available at all meetings for all attending members.
10. In advance of the next meeting, is responsible for all State correspondence unless otherwise decided by the board.
11. The State Secretary shall keep a copy of its Bylaws, as amended and provide copies to all state officers and chapters within 15 days of approved changes.
12. Maintain copies of correspondence, especially that between ABATE and other organizations or individuals.
13. To prepare reports, and research when asked to do so by the board of officers.
14. The State Secretary shall perform other secretarial duties as directed by the state board.
15. To insure completion of all Corporate correspondence, reports and required forms.
16. Shall give and serve all notices to members of the organization including but not limited to notice of the state board meetings as prescribed in Article 6 of these by-laws.
17. Shall answer to the board of officers and not the general membership.
18. In the event of the absence or inability of the State Coordinator and State Co-Coordinator, the State Secretary shall perform the duties of the State Coordinator with rights, privileges and powers as if he/she had been duly elected, until a special election can be held.
19. Will have no vote on the state board, unless he/she is chairing a meeting for the State Coordinator, and then will only have a tie-breaker vote.
20. The Secretary shall keep a register of the names, addresses, and phone numbers of all individual members and the affiliated County(s) in which the member has joined.
21. The Secretary shall sign all documents or instruments relevant to this office.
22. Must help assure that chapter business is run in accordance with the by-laws of ABATE of Delaware, Inc.
23. Is an elected position with a two (2) year term.
24. Shall be a member in good standing.
25. If membership lapses, office is forfeited.
26. Shall have served as a County officer for at least one (1) full two (2) year term.

27. Shall receive newsletters from all three (3) counties.

Section 4: State Treasurer

1. The State Treasurer, shall oversee all financial activities of the corporation. Those activities include, but not limited to: maintaining an expense system to be used to authorize all expenditures of the corporation.
2. The State Treasurer shall keep a complete and accurate account of all the Corporation's monies. He/she must record the income and disbursements of such funds.
3. The State Treasurer shall give a copy of the Monthly Financial Report to the State Secretary.
4. Shall act as the liaison to any certified public accountant hired by ABATE.
5. Shall ensure that all tax forms and financial statements are produced and filed in a timely manner so as to be in compliance with State and Federal tax codes and laws, as well as the by-laws of ABATE of Delaware, Inc.
6. Shall perform any other financial duties as directed by the Board of Officers.
7. The State Treasurer will maintain and manage all State financial records and will turn them over to any newly elected State Treasurer.
8. Must possess the skills to properly maintain financial records of ABATE of Delaware, Inc.
9. Should possess good communications skills.
10. Generates monthly financial reports and presents them to the Board.
11. To be responsible for the accuracy of the state records and bank accounts submitted for audit.
12. To receive and deposit all moneys due the organization promptly in the State bank account.
13. The State Treasurer shall maintain a State checking account for all state monies to be deposited into this account.
14. He/she must keep accurate books of account and report to the State Board as to the financial condition of the corporation.
15. The State Treasurer shall keep a copy of records at such other place and make this information accessible to the state Board upon request.
16. The State books shall be audited by an accountant annually, or as the need arises for required financial reports. The accountant must be approved by the State Board, cannot be a member of, nor related to any member of the State Board.
17. To keep and submit all slips, receipts, and vouchers for the state files for audit.
18. To disburse all moneys as directed by the State Board and obtain appropriate signatures as required.
19. The Treasurer is responsible for reviewing and paying all bills or outstanding statements against the Corporation and insuring these bills and or judgments are paid in a timely manner, as to not jeopardize the Corporation's standing and credit.
20. Treasurer will physically submit and prepare invoices for payment. Withdrawals from the Corporation accounts can be made by check and must be signed by the Treasurer and one of the following: Coordinator, Co-Coordinator, Secretary or by ACH (Electronic Banking) payments. He/she will review accounts payable and reconcile with the check register and the accounting thereof.

21. The Treasurer will review checkbook reconciliation, checks paid, deposits made, explain adjustments, deviations, mathematical errors in register and other topics that may pertain to the reconciliation and the explanation thereof.
22. Treasurer will reimburse expenses upon receipt of signed and dated receipt with a statement of how the expenses were incurred.
23. The State Treasurer's office shall be audited at the conclusion of each fiscal year or when the office changes hands, and the results provided to the State Board.
24. The Treasurer shall receive moneys due and payable to the Organization from any source whatsoever; and give receipts for moneys received; and deposit all such moneys in the name of this Organization in approved accounts.
25. The Treasurer shall perform all duties of this office and such other duties as may be prescribed by the State Board.
26. Receives all Chapter Treasurers reports on a monthly basis.
27. Be one of the officers who shall sign checks or drafts of the organization.
28. Shall have served as a County officer for at least one (1) full two (2) year term.
29. Will have no vote on the State Board, unless he/she is chairing a meeting for the State Coordinator, and then will only have a tie-breaker vote.
30. In the event of the absence or inability of the State Coordinator, State Co-Coordinator and State Secretary, the State Treasurer shall become Acting State Coordinator of the organization with all the rights, privileges and powers as if he had been the duly elected official until a special election can be held.
31. Shall answer to the Board of Officers and not the general membership.
32. Is an elected position with a two (2) year term.
33. Shall be a member in good standing.
34. If membership lapses, office is forfeited.
35. Shall receive newsletters from all three (3) counties.

Article 9 Duties and Responsibilities of County Officers

Section 1: County Coordinator

1. Shall have overall responsibility for the direction and action of the County.
2. Shall be an elected position and shall be elected by the members of the County in accordance with the provisions of Article 7, section 1, of these By-Laws.
3. Shall keep the State Coordinator and the State Board informed as to what is going on in his /her County.
4. Shall have overall authority similar to the State Coordinator but at the County level.
5. Shall only vote at County Meetings in the event of a tie or on a secret ballot.
6. Shall have one vote at the State Board Meetings.
7. May sign County checks.
8. Shall be a member in good standing.
9. If membership lapses, office is forfeited.
10. Resolve disputes within the county that do not require the Grievance Board.
11. Represent County members at state board meetings.
12. To maintain law and order within their county.
13. To preside at all county meetings with the exception of at least one county meeting to allow the Co-Coordinator to conduct per term.

14. To represent the county on proper occasions in county matters.
15. Report on all upcoming county activities to the Newsletter Editor.
16. To insure accomplishment of duties by other County Board members in the time frame allotted.
17. Will appoint a pro-tem to fill a vacant position until the next regular meeting when the membership can vote on a person to fill the vacant position.
 - a. Exception: Treasurer will be replaced by vote of the membership only. In the event of the absence or inability of the Treasurer to exercise his office, the County Coordinator shall assume the responsibilities of the Treasurer and may appoint an interim Treasurer until a special election can be held.
28. Must have been an active ABATE of Delaware, Inc. member for the past year.
19. Shall receive newsletters from all three (3) counties.

Section 2: County Co-Coordinator

1. The County Co- Coordinator of the Corporation shall, in the absence of the County Coordinator, perform all duties required of and possess all powers vested in the County Coordinator.
2. He/she shall perform other such duties as may be assigned by the State Board or the County Coordinator.
3. Shall have one vote at the State Board Meetings.
4. To attend all chapter meetings and conduct at least one chapter meeting per term.
5. To assist County Officers in compliance of their duties.
6. Must have been an active ABATE of Delaware, Inc. member for the past year.
7. Shall receive newsletters from all three (3) counties.
8. May sign County checks.

Section 3: County Secretary

1. The County Secretary shall keep full and fair records and accounts of all proceedings and transactions at all County meetings. (NOTE: Tape recorders are recommended).
2. To prepare agendas, reports, and research when asked to do so by the County Coordinator.
3. To insure completion of all County correspondence, reports and required forms in a timely manner.
4. To update, protect the chapter's records, and properties.
5. To submit a list of names, addresses, and phone numbers of chapter officers to the state secretary after election.
6. May sign County checks.
7. Shall be an elected position.
8. Shall be a member in good standing.
9. If membership lapses, office is forfeited.
10. Shall have overall authority similar to the State Secretary but at the County level.
11. To process notices of special meetings and process all mail, when requested to do so, by any officer concerning ABATE business.
12. Shall attend all meetings when requested to do so by the County Coordinator, when needed for the taking of minutes, or other records.
13. Shall have one vote at the State Board Meetings.

14. Must have been an active ABATE of Delaware, Inc. member for the past year.
15. Shall receive newsletters from all three (3) counties.

Section 4: County Treasurer

1. To receive, record and account for all the Counties funds in accordance with legal and Corporation policies.
2. To dispense County funds in accordance with the policies established by the County Board of Officers and to maintain records of the same.
3. Maintains and furnishes such financial records to the County Board of Officers as may be required.
4. To conduct county financial affairs in accordance with county and state by-laws, and in accordance with county vote.
5. To cooperate in full with the State Treasurer.
6. To assure that all monies due to the state are forwarded to the State Treasurer in a timely manner.
7. Insure that a current signature card is on file with the Counties chosen financial institution and maintain a written record of all financial transactions of the Corporation.
8. At monthly meetings give a verbal accounting of the finances to the membership and have a written accounting available upon request. A copy of the written report shall be affixed to the minutes of the monthly meetings and filed.
9. Shall sign all Chapter checks.
10. Shall be a member in good standing.
11. If membership lapses, office is forfeited.
12. Shall be an elected position.
13. Follow Accounting Procedures for Treasurers.
14. Counties shall submit monthly treasurer's reports and bank statements to the State Treasurer.
15. He/she shall keep an accurate accounting of the income and disbursements of the Corporation.
16. Additional duties may be assigned to him/her by the County or the State Board.
17. Shall have such other powers and perform such other duties as may be required by the County Coordinator.
18. To keep copies of all receipts, slips, and vouchers for the chapter files.
19. Shall attend all State and County meetings unless excused.
20. Shall have one vote at the State Board Meetings.
21. Shall receive newsletters from all three (3) counties.

Article 10 Other State and County Officer duties

Section 1: State Chaplain

1. Provide spiritual guidance for ABATE members as requested.
2. Shall be appointed by the State Board or volunteer with the approval of the State Board.
3. Term of office is indefinite, with annual confirmation by the Board of Officers.
4. Shall be a member in good standing.

5. If membership lapses, office is forfeited.
6. Shall receive newsletters from all three (3) counties.
7. Expenses shall be paid by the county for deceased member when attending a funeral for spiritual guidance.
8. Shall have one vote at the State Board Meetings if this is the fifth voting officer position, otherwise no vote at the State Board meetings.

Section 2: State Webmaster

1. Maintain ABATE webpage.
2. Shall send the FTP user ID, user password, and host name to the State Secretary for any chapter websites that are not hosted on the state server. If any changes are made, the updated information will be sent to the State Secretary immediately. The State Secretary shall keep this information confidential.
3. Shall be aware the web page is owned by ABATE of Delaware, Inc.
4. Shall have one vote at the State Board Meetings if this is the fifth voting officer position, otherwise no vote at the State Board meetings.
5. Term of office is indefinite, with annual confirmation by the State Board.
6. Shall be appointed by the State Board or volunteer with the approval of the State Board.
8. Will post all proposed By-law Amendments for a specified length of time proposed by the State Board.
9. Will post completely revised By-laws after voted on and approved.
10. Shall receive newsletters from all three (3) counties.

Section 3: Newsletter Editor

1. The Editor shall be responsible for the monthly publication of a newsletter to be mailed in a timely manner.
2. To be responsible for printing, publishing, and mailing a monthly newsletter to all members, and complimentary issues to interested parties.
3. Shall establish a consistent deadline for the publishing and shall be knowledgeable about current postal mailing regulations.
4. He/she is also responsible for obtaining and billing advertising.
5. To have extra newsletters printed for events, functions, and for promoting ABATE of Delaware, Inc.
6. Shall collect and/or solicit articles for the newsletter so as to portray a positive image of ABATE to the general public.
7. Proofreading, typesetting and layout of newsletter.
8. Should have good organizational skills for layout.
9. Must maintain an e-mail address so articles may be sent, and other information obtained.
10. Will maintain a database of all county and state activities/meetings for inclusion in the newsletter.
11. The Editorial policy for the newsletter encourages letters, articles, etc. from members that are positive in nature and related to ABATE and/or motorcycling in general.
12. Negative and/or impertinent material will be rejected for publication. If text is determined to be rejected for publication as being negative or impertinent against

- ABATE and the County Coordinator notifies the individual, they shall have one (1) day to resubmit non-detrimental text, or by the newsletter deadline, whichever is later. The author of the disputed material may appeal the decision to the State Board.
13. The Newsletter Editor shall forward any questionable material to the County Coordinator for decision.
 14. Shall forward all receipts to county treasurer at least four (4) days prior to the monthly membership meeting.
 15. Shall be a two (2) year term with confirmation by the County, unless position is the fifth voting officer, which will then follow nominations and elections.
 16. Shall have one vote at the State Board Meetings if this is the fifth voting officer position, otherwise no vote at the State Board meetings.
 17. Shall be a member in good standing.
 18. If membership lapses, office is forfeited.
 19. Shall receive newsletters from all three (3) counties.

Section 4: Sergeant at Arms

1. The Sergeant at Arms shall be responsible for keeping order during all ABATE meetings.
2. If unable to attend any scheduled meeting, shall notify the Coordinator at the earliest possible time.
3. Shall maintain order at the request of the State Coordinator and/or the State Board.
4. Shall have one vote at the State Board Meetings if this is the fifth voting officer position, otherwise no vote at the State Board meetings.
5. Shall be a member in good standing.
6. Shall be a two (2) year term with confirmation by the County, unless position is the fifth voting officer, which will then follow nominations and elections.
7. If membership lapses, office is forfeited.
8. Shall receive newsletters from all three (3) counties.

Section 5: Membership Officer

1. Shall attend regular county meetings to assist membership in renewals and answer questions, etc.
2. Shall have pins and cards available at meetings.
3. Shall keep popsicle game updated and available at regular county meetings.
4. Shall attend as many ABATE functions as possible or arrange an assistant to help with renewals and new memberships at the event.
5. Shall keep and maintain accurate membership files (renewal dates, correct addresses, all pertinent information needed).
 - a. Keep the computer generated membership list, with all information updated.
 - b. Send out renewal notices.
6. Maintain a backup card file with membership information.
7. Process all renewals in a timely manner.
 - a. Mail membership cards.
 - b. Control and disperse membership pins.
 - c. Keep all renewal slips on file.
8. Turn all renewal monies over to the treasurer promptly.

3. Volunteer position with the approval of the membership.
4. Cannot be one of the candidates for any position.
5. Must print and maintain ballots.
6. Distribute ballots during voting.
7. Tally votes for all candidates.
8. Check membership cards or roster for verification of good standing for each member.
9. Mail and control absentee ballots.
10. Open and count absentee ballots on day of elections.

Section 3: Political Action Committee

A : Purpose and responsibilities

1. The political action committee shall be called Bike Pac-De and shall consist of not less than a Chairman and Treasurer appointed by the State Board.
2. This Committee shall research the positions and views of legislators and political candidates.
3. This Committee shall research issues and laws pertaining to the rights of motorcyclists
4. This Committee may pay for political fund raisers, not to exceed \$100.00 per event.
5. The members and the resources of this Committee shall not be used for Judicial or Agency branches of the government, and shall be allowed only limited involvement in the Executive branches of the government.
6. This Committee shall work toward furthering the involvement of the Organization in Local, State, and Federal legislation by focusing on the legislative branches of Local, State, and Federal governments, and the election of political candidates.

B: Members and Officers

This Committee shall have officers as follows:

1. Coordinator
2. Secretary
3. Treasurer

C: Responsibility of Officers

1. Coordinator

1. Shall preside over all Bike Pac-De committee meetings.
2. Shall cast the deciding vote in the case of a tie during this Committee's decision making processes.
3. Shall appoint the state coordinator as an alternate to chair the committee meetings in the event that Chairperson is unable to attend.
4. Responsible for keeping abreast with all legislative movements concerning motorcycles in the state and federal legislatures and in other states.
5. Should be familiar with local, state and federal laws, and proficient in legal research methods.

2. Secretary

1. Shall attend all BikePac-De committee meetings.
2. Shall file and keep written copies of the Committee meeting minutes.
3. Shall provide copies of committee meeting minutes to the committee members.
4. Shall provide copies of the agenda for the next scheduled meeting to all committee members prior to that meeting.
5. Shall take accurate minutes at all BikePac-De committee meetings.
6. Shall provide a written copy of the minutes to the Chairperson within seven (7) working days of the meeting.
7. Is a voting member of this committee.

3. Treasurer

1. Shall keep accurate records of all disbursements, to include date, amounts, recipient(s), and reason for disbursement(s).
2. Shall keep accurate records of all incoming monies, to include date, amount, method of payment, and name(s) of contributor(s).
3. Shall provide a statement of all income and disbursements.
4. Is a voting member of this committee.
5. Chairmen and Treasurers of the respective PACs shall be responsible for any and all reports required by state or federal agencies.
6. Copies of reports shall be retained by the PAC Treasurer.
7. Copies of reports shall be made available to any current member requesting it.

D: Term of Positions

1. The position of chairman, secretary or treasurer shall be for a term of two (2) years.
2. Members seeking appointment to either PAC shall submit their letter of intent to the County officers for review.
3. The County officers shall make its recommendation to the State Board.
4. PAC positions are not automatically officers of the corporation or members of the Board of Officers. Officers of the Corporation may hold a position on this PAC.

E: PAC Treasury

1. This Committee shall have its own and separate treasury, who's monies shall be obtained solely from personal contributions from those that qualify.
2. There shall be no combining of funds with this treasury and any other treasury.

Article 12

Legislative Task Force

Section 1: Purpose of Task Force

1. To interact with lawmakers and other policy makers in attempt to gain favorable legislation and/or policies for motorcyclists in the First State.

2. To coordinate efforts of general membership through comprehensive understanding of past, present, and future legislation.
3. To encourage grass roots participation in the organization and to encourage members to vote and participate politically.
4. To promote political involvement of motorcyclists.

Section 2: Task Force Positions

1. Legislative Coordinator
2. County Liaison

Section 3: Duties of Task Force

1. Legislative Coordinator

1. The Legislative Coordinator shall keep membership informed of political activity; local, federal or international which is of concern to the membership.
2. He/she shall coordinate with the County Liaisons and other Motorcycle Rights Organizations (MRO's) on political activities and pertinent informational issues.
3. The Legislative Coordinator may establish a legislative committee and will be chairperson of said committee.
4. Shall appoint an assistant of his/her choice from within the membership.
5. Shall work in the Legislative/Government relations affairs.
6. Shall work with Motorcycle Safety/Awareness programs.
7. Shall work as liaison with other organizations, clubs and groups on State and National levels.
8. Shall be a registered voter.
9. Shall attend all State Board Meetings.
10. Remit expense report.
11. To keep the Counties informed on all State and National news.
12. Distribute all paperwork to the appropriate Officers.
13. The Legislative Coordinator shall coordinate all state and federal legislative concerns and work in conjunction with the American Motorcyclist Association, the Motorcycle Riders Foundation and county Legislative Liaisons.
14. Should possess the skills to communicate ABATE of Delaware, Inc. positions effectively to Legislators, the press, and the general public.
15. To ensure all political endorsements are in accordance with the policy set forth by the State Board.
16. To communicate to the chapter, and the public positions of ABATE of Delaware, Inc.
17. Shall attend all committee hearings and schedule testimony where ABATE issues are involved, or designate a replacement to do so.
18. Must have been an active ABATE of Delaware, Inc. member for the past one (1) year, and in good standing.
19. Shall coordinate all legislative tactics, letter writing, call in campaigns, or whatever else is deemed necessary and encourage members to write their

- representatives at federal, state, and local levels, on all issues concerning motorcycles: Favorable or Unfavorable.
20. Must present a report to all State Board meetings. This report should include bill numbers, committees assigned, committee members, voting record, scheduled legislative action, and any bills, which may be of concern to ABATE.
 21. Should write a monthly article for the Newsletter's.
 22. Shall meet the Legislators to communicate objectives and determine position on pertinent issues.
 23. He/she shall work legislative bills as decided by the State Board and shall get approval from the State Board before a commitment is made on policies, direction, and goals.
 24. Shall provide constituency coverage of every Legislator whose district is coincident with the geographic territory of the County and its members.
 25. Inform members how elected or appointed government representatives voted on legislation affecting motorcyclists.
 26. Shall be appointed by the State Coordinator or volunteer with the approval of the State Board.
 27. Attend motorcycle events and distribute information on current status of motorcycle legislation. Report on elected officials at all levels of government who approve or disapprove of said legislation.
 28. To act as liaison between motorcyclists and government authorities, police departments, government agencies, insurance companies and other organizations.
 29. Encourage qualified members to run for public office.
 30. Encourage members to be registered voters and be politically active and vote.
 31. This office may be held con-currently with any other office at the County or State level.
 32. If membership lapses, office is forfeited.
 33. Has no State Board vote.
 34. Shall hold a seat on State and PAC boards and attend meetings of said boards whenever possible.
 35. Shall prepare, in conjunction with our affiliated PACs, a voter's guide for statewide and national elections grading all candidates as to their positions on motorcycling issues.
 36. Shall work at the pleasure of the Board of Officers.
 37. Term of office is indefinite, with annual confirmation by the Chapter.
 38. The Legislative Officer shall report to the State Board.
 39. The Legislative Officer shall perform all duties of the office and other duties as may be prescribed.
 40. Can be removed using the trial procedures set forth in article 15, section 4.
 41. Shall receive newsletters from all three (3) counties.

2. County Liaison's

1. Works with the State Legislative Coordinator.
2. Support Task Force and will report the current legislative activity to the membership of their county.
3. Each county should have one (1) County Liaison on the Task Force.
4. Volunteer position with the approval of the membership.
5. Has no State Board vote.
6. Two (2) year term.
7. Must be a member in good standing.
8. If membership lapses, office is forfeited.
9. Shall be a registered voter.
10. County Liaison can be removed using the trial procedures set forth in article 15, section 4.
11. Shall work at the pleasure of the State Board.
12. Shall receive newsletters from all three (3) counties.

Section 4: Task Force Expenses

1. No monetary gains is to be made by any Task Force member.
2. Expenses should be pre-approved, but when not possible, if over One Hundred Dollars (\$100.00), must first be taken to the State Coordinator and then be approved by three (3) County Coordinators.
3. Receipts and full accounting is to be kept of any and all expenses.
 - a. County of representation shall assume expenses of County Liaison.
 - b. Legislative Coordinator expenses shall be divided equally between all counties.

Article 13

Financial

Section 1: Treasury

1. Each chapter will maintain its own treasury.
2. There shall be no limitations to monies in Chapter treasuries.

Section 2: Reports

1. Each chapter shall make available to any member the financial status of the chapter and/or the last known status of the treasury.
2. All financial reports must be accompanied by receipts, related paper work and all money owed.

Section 3: Audits

1. An audit of ABATE's financial books and records per chapter will be done annually. The County Treasurer and Coordinator will be responsible for having three (3) qualified members perform an audit on all checking accounts, savings accounts, C.D.s, petty cash funds, and all assets and property. A copy of the audit shall be sent to the State Treasurer of ABATE of Delaware, Inc, and also shall be available to any Chapter member upon request. The chairperson of the panel will present a report to the county officers.

- a. An audit shall be conducted at the conclusion of each elected year and when the office changes hands.
 - b. An internal audit shall be conducted at least once a year, or at the discretion of each county membership. The internal audit shall be conducted by three (3) qualified county members.
 - c. If an external audit is needed, the cost of this audit shall be funded by the county requesting such audit.
2. An audit of ABATE's state financial books will be done on an annual basis, by an internal panel of not less than three (3) members, preferably each county treasurer or one member from each county.

Section 4: Checking Accounts

1. Each County shall maintain a checking account through which all of the County funds shall flow.
2. All monies raised in a function for a chapter is to be deposited in that county's account.
3. All monies collected from the sales of chapter event products are to be deposited in that county's account.
4. All monies collected from donations are to be deposited in that county's account.
5. All monies raised at a State level function will be deposited in the State account.
6. The checking account will be managed by the Treasurer.

Section 5: Business/Financial Transactions

1. The Treasurer will be required to bring to each meeting the last two monthly Chapter financial reports and the Chapters current checkbook and register.
2. The monthly chapter financial report shall contain an itemized listing of income and expenses.
3. Withdrawals from the Corporation's funds shall require two (2) signatures and the approval of the State Board.

Section 6. Personal Liability

No officer or member of this organization shall be personally liable for debts, liabilities, or obligations of the corporation.

Section 7. Compensation

1. Officers and Assistant officers shall receive no compensation for their services.
2. State Board members shall be reimbursed for such telephone and travel expenses incurred in the completion of their duties as assigned by the State Board.
3. All State officers expenses shall be equally divided between counties.
4. County officers will receive reimbursement from their chapters.
5. All expenses for seminars must be pre-approved thirty-five (35) days in advance of said seminar, by the State Board.
 - a. Seminar expenses must include thirty-five (35) days advance flight discounts advantage and estimated hotel expenses, forwarded to the State Treasurer. If delegates voted to attend said seminar have not confirmed travel arrangements

- thirty-five (35) days in advance of said seminar, the delegates voted to attend shall be asked to pay the difference or forfeit the right to attend.
- b. Meal allowance of twelve dollars and fifty cents (\$12.50) per meal, with a maximum of two meals per day for a total of twenty five dollars (\$25.00) will be provided. If a meal is provided with the event attended, member will only be reimbursed for one (1) meal.
 - c. Mileage will be reimbursed at the current Federal allowance per mile. Must have document for mileage total. This is for wear and tear on personal vehicles.
 - d. Gas and tolls will be reimbursed with receipts. If receipts are not submitted, member will not be reimbursed.
6. Any member of the organization, in good standing with the organization, is eligible for reimbursement for expenses incurred while performing any activity that has been adopted by the organization provided:
- a. The member was specifically requested by the Board of Officers to perform an activity in the interest of the organization.
 - b. The request must be with supporting documents and is presented to the treasurer for approval.
 - c. The request for reimbursement is made within 30 days from the time the expense occurred.
 - d. The request for reimbursement does not deplete the funds.

Section 8: Per Diem

County per diem dues shall be \$2.00 (Two dollars) paid annually to the state treasurer by September 30.

Section 9: Accounting Procedures

1. Checking accounts shall be set up with two signatures.
2. No two signatures shall be married or cohabitating partners.
3. The bearer of the check may not be one of the counter signers.
4. All monies due ABATE of Delaware, Inc for products, or other legitimate debts shall be paid when due, but not to exceed thirty days from the date of obligation.
5. No check is to be written without a receipt except in special circumstances.
6. County assets shall be inventoried yearly. A record shall be kept of all assets and a copy sent with the County Treasurers' report to the State Treasurer for the January State Board meeting. Any member can request an audit at any time.
7. A general ledger or a check book shall be maintained, which documents all financial transactions of the County. The entries shall be made on the day of each transaction, or as quickly as is reasonably possible after the transaction.
8. Disbursement or payments by the County shall be by check whenever feasible.
9. Disbursement by cash shall be made only for legitimate expenses upon presentation of receipt.
10. Petty cash funds may be set up at the County's discretion. Funds shall not exceed \$100.00 per office. Members accepting an office that necessitates a petty cash fund shall sign a receipt to the County for funds upon assumption of office. Upon termination of office, funds will be returned to the treasury.

11. Reimbursement of petty cash fund shall be by check only upon presentation of receipts for legitimate expenditures.
12. All cash received at any event, meeting, party, ticket sale, etc., will be deposited in the checking account on a timely manner following the transaction. At the County's discretion, it could require that the person handling the funds sign a duplicate receipt to the chapter when accepting the responsibility for said funds.
13. **NOTE: MAC cards are not permitted.**
14. At county's discretion, ticket sales (50/50, raffles, event tickets, etc.) will be entered into the ledger or check book for either the cash prize of the ticket, or the return of the unused tickets.
15. At the end of each event, products shall be inventoried by the Products Officer and assistant. An accounting of sales and remaining inventory shall be made at the first County meeting following event. Funds from the sale shall be turned over to the Treasurer at the end of an event and a receipt shall be issued. Receipts shall be retained in the Product Officers files.
16. Any County income shall be in check form whenever feasible. When cash is tendered, the payer shall be given either a sequentially numbered duplicate receipt and/or two-part ticket. A listing of all attendees and ticket numbers should be kept with the event work sheet as per individual County book keeping procedures.
17. All event transactions shall be recorded in ledger form. An accounting of the event shall be presented as part of the Treasurer's report at the first meeting following the event.
18. All work sheets and receipts shall be accessible to County members, upon prior request, at any meeting.
19. All financial records (including bank statements, cancelled checks, general ledgers, tickets, ticket stubs and cash receipts) shall be retained for seven (7) years.
20. All Treasurer's records shall be made available to any County member upon request, and to the State Board upon written request to the County.
21. Each member shall have the right to request assistance from the State Board if not satisfied with County's response to a treasury discrepancy.
22. By presenting all financial records for County inspection, on a monthly basis at County meetings, discrepancies can be discovered in a timely manner. In the event of a discrepancy, it will be the County's decision on how to facilitate the resolution of said discrepancy. Every resolution shall be instituted within fourteen (14) days of discovery of a discrepancy. After all County solutions have failed to produce results, legal means of solution shall be instituted. The State Board need not become involved as an active participant, but shall be apprised in writing when legal steps are instituted. If the County can not find a solution, the Board of Officers shall be notified.

Article 14

Events

Section 1: Description

1. An event is a large, open to the public, gathering, publicized statewide through the newsletter, mail, email or the website.
2. The following are considered ABATE functions:
 - a. Promote and support education.
 - b. Charity drives, such as Toys for Tots Runs.
 - c. Blood Runs.
 - d. Motorcycle rallies.
3. Two events may be scheduled on the same date, but must be at least 40 miles apart.
4. Chapters may jointly organize events.

Section 2. Funding of Events

1. County's will fund their events. All proceeds from an event will become property of the county and/or beneficiary (if any).
2. If a county cannot fund an event, a loan, (interest free) of up to \$2000 may be made from the state or another county, if funds are available. The loan must be repaid within 60 days of the event and the loan must be authorized by a majority of the State Board if the loan is made through from the State Treasury.
3. State events will be funded by the State Treasury if funds are available.
 - a. All money, receipts and copies of reporting will be turned over to the State Treasurer on day of event, if the event is a state wide event, regardless of what county is the host.

Article 15

Grievances

Section 1: General

1. Disputes between members, outside Organizations, etc. occasionally will arise. These matters should be handled by the officers of the chapters involved as much as possible before involving the State Board.
2. In the event that a member of ABATE acts in such a way as to cause damage to ABATE, its County's, its Officers, or its members, a complaint may be lodged with a member of the Grievance Board.
 1. The Grievance Board will determine if there is merit to the complaint, and if so, will initiate disciplinary procedure.
 2. Disciplinary actions may be one or more of the following:
 - a. A verbal warning or discussion.
 - b. A written reprimand
 - c. Suspension
 3. The affected Member can request a hearing before the Grievance Board.
 4. The State Board of Officers has the final authority with regards to disciplinary actions (article 15, section 6).
 5. Any written notice that is mailed will be sent to the last address of the member shown on the county records.

Section 2: Grievance Board members

1. All members of the state board and one member, not an officer, voted on by the membership from each county, at their October meeting.
2. The elected members of the Grievance Board will elect one of their members to act as Chairperson.
3. The Grievance Board Chairpersons name, address and phone number will be published in each issue of the newsletter.
4. The term for the grievance board shall be two (2) years to coincide with elections.
5. A hearing board consisting of five (5) members of ABATE of Delaware shall be formed by the Board of Officers from a county not involved.

Section 3: Procedure for Requesting a Hearing

1. Members

- a. Any member may request a hearing before the Grievance Board.
- b. Member complaints, disputes, dissatisfaction, problems and etc., with or about ABATE, shall be handled as follows:
 1. The interested parties are urged to talk to each other with a view towards agreement, resolution or compromise.
 2. If necessary, the interested parties can present the issue at hand to the County for discussion and possible handling.
 3. If conditions warrant it, the interested parties can request a hearing before the State Board of Officers.
 4. Request is made, preferably in writing before the Chairperson of the Grievance Board, giving the details of the problem and the persons involved.
 5. The State Secretary will contact all parties involved (if possible), schedule a meeting within 30 days, and notify all parties of the date.
 6. Grievance Board members from the counties of the involved parties will not vote in the decision of that meeting. If the Chairperson is in a county with one of the involved parties, he/she will appoint another member to fill in for that meeting.
 7. Members that are not satisfied with a problem resolution made by an officer that is not specifically addressed in the bylaws, may request a hearing before the Grievance Board.
 8. Ten (10) days advance written notice of pending investigation, sent registered mail, return receipt requested, shall be sent to the member in question.

2. Non-members

- a. While there is no obligation for ABATE to acknowledge complaints from non-members, the Chairperson may feel it in the best interest of the organization to have a hearing on outside complaints. Should he do so, they will be handled in the same manner as member complaints.

Section 4: Trial Procedures

1. Meetings will be held in the area where the complainant is a member.
2. At least one half of the Grievance Board must be present to hold a hearing.
3. At least two State Officers, preferably the State Coordinator and State Secretary should be present, along with the County Officers of the persons involved.
4. The Chairperson will call the meeting to order.
5. The complainant will present the complaint along with any verification (including witnesses) that is present.
6. The other person(s) involved will present their side, along with any verification (including witnesses) that is present.
7. Upon hearing from all parties involved, the Chairperson will adjourn to a private area with the Board and reach a decision by secret ballot without interruption. The decision must be by a 2/3 majority.
8. Upon reaching a decision, the Chairperson will call all parties together and announce the decision.
9. The State Board of Officers has the final authority in resolving grievances.

Section 5. Actions that may be taken by the Grievance Board

1. Removal of an officer from office.
2. Removal of membership from a member.
3. Request for restitution to damaged parties.
4. Recommendation to the State Board of legal action.
5. Banning a member from chapter events.
6. Close a chapter.
7. All of the above may be permanent, or temporary for a stated period of time.
8. The Grievance Board may decide that no action is warranted.
9. Actions may be decided against any party involved including the complainant.
10. Other actions, less severe than 1-6 above, may also be taken.
11. The Board of Officers shall adopt such rules as it may, in its discretion, considered necessary for the best interest of the organization for a hearing.
12. Decisions by the State Board in these matters must be by a three-fourths (3/4) vote of those State Board members present and shall be made known to the accused within seven (7) days of hearing the charges.
13. Decisions of this panel will be final.
14. The words charges, probation and probationer are defined by the ABATE of Delaware Corporate Operating Procedures as:
 - CHARGES:** To blame or accuse. An accusation or indictment.
 - PROBATION:** A trial period in which fitness, for continued membership is reviewed.
 - PROBATIONER:** A member on probation.
15. The charge, specifically, of theft of ABATE of Delaware property, (i.e. cash, bank funds, tickets, records, or other general assets), at the State, or County level shall be handled under the guidelines set forth in this section. However, any person found guilty of theft as defined above shall have their membership in ABATE of Delaware terminated permanently and be prosecuted to the fullest extent allowed by law.

- a. Upon a 2/3 majority vote of the hearing board for acts considered detrimental to ABATE of Delaware disciplinary action up to and including termination of an individual membership can occur.

Section 6: Discipline

The State Board may take disciplinary action against any officer or members of ABATE of Delaware, Inc. for reasons set forth hereafter.

1. If he/she persistently engages in activities unfriendly and injurious to ABATE and to the membership at large.
2. If he/she misappropriates funds or property of ABATE.
3. If he/she engages in a breach of trust.
4. If, in the case of an officer, he/she willfully refuses to attend two (2) consecutive meetings of the State Board or County meeting, without just cause. (Just cause shall be determined by each County Coordinator on a case by case basis.
 - a. Such disciplinary action may take the form of reprimand, fine, removal from office, suspension of membership and/or expulsion from membership. However such disciplinary action shall be taken only on a majority vote, of the votes cast by secret ballot of voting members of the State Board.
5. Any officer or member against whom disciplinary action is anticipated must be:
 - a. Served with written notice (by registered mail) of specific charges.
 - b. Given fifteen (15) days time after such service to prepare his/her defense.
 - c. Given a full and fair hearing on such charges before the State Board within seven (7) days after his/her defense time has lapsed. Date, time and place for such hearing will be presented in writing to the officer or member at the time he/she receives the written notice of specific charges
6. Any member who has been terminated, expelled, or suspended may be liable to the corporation for dues, assessments, or fees as a result of obligations incurred or commitments made prior to the termination, expulsion, or suspension. Written request by the member for termination delivered to an officer of their county by fax, U S mail, email or in person.
7. The Board of Officers shall have the final judgment on what acts shall warrant action.
8. The Board of Officers will determine a duration of time that any termination, expulsion, or suspension shall last. Any member under suspension shall not be entitled to vote on any county issues at any county meeting, hold office or participate in any committees.
9. Probation may be enacted upon the Member, upon majority vote of the State Board.
10. Probation shall not exceed one year nor be less than three months from date of enactment.
11. A member on probation must maintain dues current through the probationary period.
12. Probation is considered broken if, during the probationary period, Probationer repeats the original offense and/or threatens the stability or reputation of the organization. Upon hearing testimony and/or reviewing evidence to that effect, the Board of Officers, by majority vote, may find probationer in contempt of probation and further impose the following:
 - a. Expel probationer from ABATE of Delaware, Inc (termination of individual membership).

Section 7: Appeal to the Board of Officers

1. The member will be allowed the opportunity to be heard orally or in writing, before the Board of Officers, at least five (5) days before the effective date of the termination, expulsion, or suspension.
 - a. It will be fair and reasonable to take into consideration all relevant facts and circumstances.
 - b. Any proceedings challenging a termination, expulsion or suspension, including a proceeding in which defective notice is alleged, shall begin within sixty (60) days after the effective date of the termination, expulsion, or suspension of ABATE of Delaware, Inc.
2. Grievance parties have the right to appeal to the state board of Officers' of ABATE of Delaware.

Section 8: Miscellaneous Guidelines

1. Any voting member of the Grievance Board may ask questions of the persons involved.
2. Grievance Board meetings are open to all members. Persons not involved in the dispute are an audience only and will conduct themselves accordingly.
3. Grievance Board meetings may be open to non-members at the discretion of the Chairperson.
4. Minutes of meetings, listing all persons involved, particulars of the dispute and any decision reached will be signed by all members of the state board present, persons involved and be forwarded to the state board for inclusion in the records of the organization.
5. If persons involved are not in attendance, the Board should still hold a meeting and attempt to reach a decision if possible. The Board, by simple majority, may decide to reschedule the meeting to ensure all parties are heard from. There will only be one rescheduling of a meeting before a decision is made.
6. The Grievance Board must base their decision on the bylaws of ABATE of Delaware, Inc and the fact at hand when the decision is made.

Article 16

Policy of Conduct and Discipline

Section 1: General Policy

Each of us, in becoming members of ABATE, has also accepted responsibilities for adhering to social conduct contributing to a friendly, cooperative and effective organization. This involves not only the respect for the rights and feelings of others, but the assurance that our personal conduct while at or involved in ABATE of Delaware, Inc functions, avoids any action which might be harmful to ourselves and or others.

Section 2: Discipline Policy

1. Because ABATE is an organization that believes in team effort and wants to promote an open atmosphere, we have developed a progressive discipline system which assures fair treatment to all members. The following steps are typical of the procedure.
 - a. Verbal Warning - The first instance of misconduct will result in a verbal

- warning conducted in private with at least two officers present.
- b. Written Warning – Should the member be unable or unwilling to remedy their behavior, a warning letter stating the nature of the offense will be issued to the member and a copy retained by the officers of the chapter.
 - c. Written Warning / Suspension - If the verbal and first written warnings fail to stop offensive conduct the offending member will be suspended from all ABATE of Delaware, Inc functions pending a vote of the chapter membership present at the next regularly scheduled meeting.
2. Blatant misconduct may necessitate progressive discipline starting at any point in the process.

Article 17 **Dissolution**

Section 1: Closing a Chapter

1. A county may be closed by a vote of its members or lack of members with a final decision by the State Board.
2. The State Coordinator is responsible for collecting the treasury and all ABATE property from a closed county.
3. The treasury and property of a closed county will become part of the State Treasury.

Section 2: Closing the State

1. A two-thirds (2/3) majority vote of the entire membership shall be needed to dissolve ABATE of Delaware, Inc.
2. All assets, properties, etc. shall be liquidated per chapter and divided equally among each chapters membership. All state funds shall be divided equally among each chapter before dissolving.

Article 18 **Misc Provisions**

Section 1. - Corporate Seal

The Board of Officers may adopt and use a Corporate Seal and the Corporate Seal shall be maintained by the Secretary of the Corporation, to be affixed on all Corporation instruments at the direction of the Board of Officers.

Section 2 Fiscal Year

The fiscal year of the Corporation shall be from January 1 through December 31.

Section 3: Federal Taxes

All chapters shall provide the necessary information for completion of the corporation's taxes to the State Treasurer no later than February 15th of each year. The State Treasurer will check for accuracy. If corrections need to be made, the Treasurer will notify the County's Treasurer within 7 days after receiving. The corrected papers must be resubmitted to the State Treasurer no later than March 15th of each year. If the chapter fails to comply, their voting rights at a State Board meeting will be relinquished until such time they do comply.

Section 4: Contracts

1. The Board of Officers may authorize any officer or agent of the Corporation to enter into any contract or execute and deliver any instrument in the name of or on the behalf of the Corporation, and such authority may be general or conformed to specific instances.
2. Unless so authorized, no officer, agent, member or employee shall have any power or authority to bind the Corporation by any contract or engagement, or to pledge its credit or render it fiscally liable for any purpose or amount.
3. NOTE: When any officer of a Chapter is signing any contract for the Chapter, the contract shall be signed as in the example below:

Example:

Name of Officer Joe Smith
Position Held Coordinator
Chapter Name What County
ABATE of Delaware Inc.

If the officer just signs his/her name, then the contract is treated as a personal one, not for the County. This could come back on the person signing contract.

Section 5: Notices

1. Whenever any notice is required to be given to any Board member or any other person by statute, or by these By-Laws, whether of a meeting or for some other purpose, it may be given personally or sent to such person by mail, telegram, telephone, or other form of communication.
2. Whenever by law, the Articles of Incorporation, or these Bylaws, notice is required to be given to any county member or officer and no provision is made as to how such notice shall be given, it shall not be construed to mean personal notice, but any such notice may be given: (a) in writing, by mail, postage prepaid, addressed to each such county member or officer at his address as it appears on the books of the Corporation, or (b) by any other method permitted by law.
3. Any notice required or permitted to be given by mail shall be deemed to be delivered and given at the time when the same is deposited in the United States mail.
4. The ABATE monthly newsletter (hereinafter referred to as the "Newsletter") is deemed to be an official medium for communication of information within the Corporation.

Section 6: Donation requests

The Board of Officers may, from time to time, request a donation from any or all three county chapter's to assist in the operation of the State Office, assistance in legislative action and other correspondence that may be forthcoming.

Article 19

Club Support

1. We encourage club membership in ABATE, but ABATE will remain as an independent organization fighting for biker's rights.
2. The Board of Officers, by simple majority vote, may choose to support any motorcycle organization or club whose efforts to further the goals of the Corporation are considered worthy by the Board.

3. For the general good, it is requested that personal relationships and personality conflicts with other members, etc., be left at the door when attending ABATE of Delaware, Inc functions. Participants should recognize ABATE of Delaware, Inc functions as neutral grounds.

Article 20

ABATE PATCH

1. ABATE is not a club.
2. ABATE patches can be worn on the back of a jacket, cut, etc., as long as it is not located in the dead center of the particular article of clothing. That it is not used with a “rocker” or has a “rocker” and further, that it is not the only patch on the back of said article of clothing. It can, however, be worn on the front of a jacket, cut, etc.
3. The ABATE of Delaware, Inc patch shall never be worn on any garment with any patch which would bring discredit to ABATE of Delaware.

Article 21

Policies and Procedures

1. No alcohol will be allowed during meetings.
2. Personal problems/business will be left outside of ABATE meetings and functions.
3. The membership of ABATE of Delaware, Inc shall be unlimited.
4. It shall be encouraged and promoted that new members join through their local chapter. However, members shall not be restricted from joining one or more chapters in the State.
5. No chapter shall endorse or promote any political candidate other than those endorsed by the State Board.
6. No chapter will be permitted to promote practices or products that would be detrimental to the reputation of ABATE of Delaware, Inc.
7. Financial statements will not be published in the newsletter.
8. All officers, both state and county are required, upon leaving office to return all property belonging to ABATE of Delaware, Inc. or any county thereof.
9. A free newsletter will be sent to anyone purchasing an ad in the newsletter for the month(s) that ad runs.
10. Lifetime members shall supply a current address validation to Membership Services in January of each year to continue receiving mailings.
11. ABATE membership records will remain confidential and will be used ONLY for ABATE purposes.
12. ABATE and its chapters are not a motorcycle club and will not be referred to as such by its members.
13. Each chapter shall establish and maintain a checking account.
14. All money sent, or received, by the State Treasurer shall be in the form of a check, or money order, made payable to ABATE of Delaware, Inc.
15. The Coordinator, Co-coordinator, Treasurer, Secretary and the 5th officer shall be authorized to sign checks.
16. No two (2) persons in the same household can sign the same check.
17. The bearer of the check may not be one of the counter signers.
18. Tape recorders can be used as long as all in attendance are in agreement.
 - a. Tape recorders can be turned off during off the record sessions.

Article 22**Indemnification Actions by Third parties**

The Corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action or proceeding, whether civil, criminal, administrative or investigative, other than an action by or in the right of the Corporation, by reason of the fact that he or she is or was a director, committee member, officer or employee of the Corporation or is or was serving at the request of the Corporation as a director, committee member, officer or employee of another corporation, partnership, joint venture, trust or other enterprise, against expenses, including attorney fees, and against judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding if he or she acted, or failed to act in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the Corporation and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of not guilty, shall not of itself create a presumption that the person acted or failed to act other than in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the Corporation and, with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.