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1 **AMENDED BYLAWS OF THE FARMERS EDUCATIONAL AND COOPERATIVE**
2 **UNION OF AMERICA, MONTANA DIVISION**

3
4 Preamble

5
6 Be it known that we, citizens and residents of the State of Montana
7 have voluntarily associated ourselves together as an educational and
8 cooperative association for our mutual benefit under the name and title of
9 the *Farmers Educational and Cooperative Union of America, Montana*
10 *Division* (hereinafter "Montana Farmers Union"), and do declare the following
11 to be our aims and purpose:

12
13 To strive for harmony, good will and understanding among all
14 people by promoting and advancing the great truth that there is a unity of all
15 mankind;

16
17 To establish economic and political justice and secure an equitable
18 distribution of the national income for agriculture related groups;

19
20 To educate members of this Union in the science of producing,
21 classifying, marketing, and distributing agricultural products cooperatively;

22
23 To teach the principles and philosophy of cooperation and
24 encourage and promote the practice in the lives of all people;

25
26 To pursue its purposes and attain its objectives by orderly processes
27 and efficient methods, and through a system of local and county units with
28 affiliated business institutions, culminating in a state organization
29 headquartered in Great Falls, Montana, and chartered by the Farmers
30 Educational and Cooperative Union of America;

31
32 To educate the members of this organization in better business
33 methods for agricultural producers, in the principles and practices of
34 cooperative business associations in handling purchases and sales for
35 members;

36
37 To give every member a chance to exercise his/her natural right to
38 control the production and marketing of the products of his/her own labor;

40 To encourage and support cooperative ventures of agricultural
41 products and service institutions consistent with Montana Farmers Union
42 policies;

43
44 To encourage Montana cooperative enterprises to pay five percent
45 (5%) of annual net income to the Montana Farmers Union; and

46
47 To meet its purposes, the Montana Farmers Union shall remain
48 politically nonpartisan, shall not endorse candidates for partisan political
49 office, and no director, officer or employee the Montana Farmers Union, a
50 County Union, County-Wide Union or Local Union use the name Montana
51 Farmers Union or his or her position in endorsing any candidates for
52 partisan political office.

53
54 **ARTICLE 1 – Organization**

55
56 1.1 The Montana Farmers Union is organized as follows:

- 57
58 a) The Montana Farmers Union, the state organization
59 serving all of Montana;
60 b) County Unions, a subdivision of the Montana Farmers
61 Union serving one or more counties in Montana;
62 c) County-Wide Local Unions, a subdivision of the
63 Montana Farmers Union serving one or more cities,
64 towns, or municipalities in any one county in Montana;
65 and
66 d) Local Unions, a subdivision of the Montana Farmers
67 Union serving one or more cities, towns, or
68 municipalities in Montana
69

70 1.2 To the extent feasible, there shall be a County Union in
71 each county in Montana.

72
73 1.3 To the extent feasible and desired, there may be Local
74 Union in any Montana city, town or municipality

75
76 1.4 Montana shall be divided into Districts as follows:

77
78 District 1: Broadwater, Cascade, Chouteau, Jefferson, Judith

Basin, Lewis & Clark, Meagher, and Powell counties.

District 2: Blaine, Glacier, Hill, Liberty, Pondera, Teton, and Toole counties.

District 3: Daniels, Phillips, Richland, Roosevelt, Sheridan, Fergus, Petroleum and Valley counties.

District 4: Carter, Custer, Dawson, Fallon, Garfield, McCone, Powder River, Prairie, Rosebud, Big Horn, Treasure, and Wibaux counties

District 5: Beaverhead, Carbon, Gallatin, Golden Valley, Madison, Musselshell, Park, Stillwater, Sweet Grass, Wheatland, and Yellowstone counties.

District 6: Deer Lodge, Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli, Sanders, and Silver Bow counties.

1.5 Redistricting shall be reviewed by the Montana Farmers Union Board of Directors (hereinafter “Board of Directors”) every five years, beginning in 2018.

1.6 The Montana Farmers Union shall purchase, lease, or otherwise acquire and maintain a place of business within Montana, to be known as “the State Office,” where the organization’s principal place of business will be located.

ARTICLE 2 – Distributions

2.1 Montana Cooperative Enterprises are encouraged to pay 5% of annual net savings to the Montana Farmers Union. The Montana Farmers Union shall distribute 40% of the funds earmarked for education received from each county area to the active County Union(s) serving the areas in which the funds originated.

2.2 Each County Union shall distribute one half (1 /2) of the funds received from the Montana Farmers Union equally to the active Local Unions in that county. In the event there is no active County Union serving a county but one or more Local Unions exist in the county, then the Montana Farmers Union will retain the funds that would otherwise be distributed to that county’s County Union and distribute them in accordance with the direction of the Montana Farmers Union Board of Directors.

2.3 A report shall be filed at fiscal years end indicating how the funds were utilized, as part of the minutes.

ARTICLE 3 – Elections / Nominations

3.1 The Directors and Officers of the State Union, except the Secretary–Treasurer, shall be elected and installed at the annual meeting of the State Union. The annual meeting maybe referred to as the “Convention”.

3.2 All nominations shall be made at least 45 days prior to the Convention Nomination Deadline pursuant to a nominating petition with at least five (5) signatures from voting members within the represented district. The candidates for State Union President and Vice–President must announce their candidacy no later than the Nomination Deadline and shall list their qualifications to serve. All applications and nominations to the state office and must be dated with date of receipt and published in the State newsletter.

A member may be presented as a candidate for office and is eligible to be voted into office if:

- i. The member has been nominated in accordance with this section;
- ii. The member is in attendance at the convention or by majority vote taken at convention by voting members to allows the non–attending nominee to continue as a candidate.

155 In addition to the nomination procedure set forth above, in the event there
156 is no nominated candidate for a position present at the Convention or
157 otherwise permitted to continue as a candidate in accordance with Section
158 3.2 (ii), a candidate may be nominated by supermajority vote taken at the
159 convention.

160 3.2 (iii), A member is eligible to run for a director position provided they
161 reside or operate land within the boundaries of the district.

162 3.2 (iv), If no candidate has completed the nominating process prior to the
163 passage of the 45-day deadline prior to the annual State Convention the
164 board of directors may recruit and approve a candidate who does not reside
165 in the district in question, up to 35 days prior to the State Convention. This
166 candidate would serve the full term unless a candidate from the district in
167 question presents a completed nominating petition in any year within the
168 term.

169
170 Each nominee shall be required to answer pertinent questions from the
171 floor.

172 3.3 All election shall be by secret ballot. Election to office shall
173 be by majority of all votes cast.

174
175 3.4 Eligible voting member may vote as follows:

- 176 i. In person during the time designated during the
177 Convention for voting; or
178 ii. By requesting a mail in ballot.

179
180 A member is eligible to receive a mail in ballot if the member is a voting
181 member as defined in Section 7.3 and meets either of the following

- 182 a) The member has voted in at least one (1) election in the
183 immediately preceding five (5) years; or
184 b) The member has attended at least one (1) Montana Farmers
185 Union sponsored event or County meeting in the year prior to
186 the election.

187
188 Mail in ballot deadlines

- 189 i. Ballots may be requested as soon as 90 days before but no
190 later than 30 days before the Convention.
191 ii. Requested ballots will be mailed to eligible voters thirty (30)
192 days prior to the Convention.

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- iii. Ballots must be postmarked at least seven (7) days prior to
the Convention or may be personally delivered no later than
the time for in-person voting at the Convention.

3.5 As soon as the official count of votes in
the election is made by the Election Committee,
the results shall be posted in the convention hall
and such results shall be officially announced at
the next convening session of the convention.

3.7 Ballots shall be retained and secured
until the adjournment of that Convention. Sign
in paperwork shall be secured and retained for at
least five (5) years following the convention.

3.6 The election Committee shall set aside
and not count in any election any ballot that
does not include the proper eligible voter
certification or mail in voter certification, as
required by these Bylaws. In the event the
Election Committee or Credentials Committee
becomes aware of any reason why a voter who
has certified their eligibility may not be eligible
to vote, the Credentials Committee shall attempt
to contact such voter to discuss eligibility
requirements and shall thereafter make a ruling
in the sole discretion of the Credentials
Committee as to members eligibility to vote. The
ruling of the Credentials Committee shall be
final.

3.8 The number of director shall be eleven
(11), nominated as follows:

- a) Six directors shall be nominated by the members in
each of the six districts within Montana
b) One director shall be nominated by the members in
Districts 1 and 2;

- c) One director shall be nominated by the members in Districts 3 and 4;
- d) One director shall be nominated by the members in Districts 5 and 6; and
- e) Two directors will be the State President and Vice President, nominated by all voting eligible members.

3.9 A person must be a voting member to the Montana Farmers Union in order to be eligible to serve as a director.

3.10 The office of President and Vice President shall be for a term of two (2) years. All other directors shall serve terms of three (3) years. The staggered terms of the President and Vice-President in effect on adoption of these Amended Bylaws shall continue. There is no limit on the number of terms a person may serve.

3.11 A majority of the Montana Farmers Union Board of Directors shall constitute a quorum and all Board of Directors actions shall require a majority vote. Upon demand of three members of the Board of Directors, any matter that has been approved or rejected by the Board of Directors must be referred to the Eligible Voting Members for decision at the next regular or annual meeting.

3.12 Voting by Eligible Voting Members shall be cumulative, with each member to have one vote for each director position subject to election.

3.13 The Board of Directors shall select, by majority vote, one of its members (who has not been elected to serve as President or Vice President) to serve as Secretary-Treasurer.

3.14 A delegate of delegates to the National

Farmers Union Convention shall be elected on the basis of representation as provided in the National Constitution. Previous attendance at a National Convention shall be made known by the delegate nominee at the time of nomination.

3.15 One percent of the Eligible Voting Members present shall constitute a quorum for the transaction of business at any State meeting.

ARTICLE 4 – Directors

4.1 All powers, business and affairs of the Montana Farmers Union shall be exercised by or under the authority of the Board of Directors.

4.2 The Board of Directors of The Montana Union shall have those powers and duties provided by law.

4.3 Absent resignation, death, or removal, each director shall hold office until the next meeting of members. In the event of the vacancy, resignation, death, or removal of a director, the remaining members of the Board of Directors shall, by majority vote, appoint a successor to serve until the next annual meeting of members.

4.4 The annual meeting Convention of the members shall be held each year at a time and date set by the Board of Directors. Special meetings may be called by the board or as provided by Montana law. An annual Convention may be held all or in part utilizing a virtual platform pursuant to procedures determined by the Board of Directors.

4.5 The Board of Directors shall examine the books of the Secretary-Treasurer and shall provide for an audit of the same

by a certified accountant and report their condition at the annual meeting of the State Union or at such times as may be necessary.

4.6 Members of the Board of Directors shall receive a stipend and necessary expenses while in performance of their official duties.

4.7 Any director engaged in conduct detrimental to the best interest of Montana Farmers Union, shall upon two-thirds vote of the Board of Directors (excluding the Director subject to the vote), be expelled from the position of Director as per the vote. A Director who is removed from his or her position in accordance with this section shall remain a member and may run for election in the next election cycle unless removed in accordance with Section 7.12.

ARTICLE 5 – The State Union

5.1 The Montana Farmers Union shall have as officers a President, Vice-President, Secretary Treasurer, Conductor, and Doorkeeper. No person may be an officer of the Montana Farmers Union unless he or she shall have been an Eligible Voting Member for not less than three (3) years preceding the election. Excepting the President and Vice-President, officers shall be appointed by the Board of Directors. Officers and Committees shall have such duties as proscribed by law and the Board of Directors.

5.2 Duties of Officers

a) President:

- i. Shall preside over all meetings of the State Union and the Montana Farmers Union Board will be accountable and in his/her actions to the Board.
- ii. Shall decide all questions of order and have general supervision over all business of the State Union under the direction of the Montana

Farmers Union Board.

- iii. Shall represent, or designate an individual to represent, the State Union in all business pertaining to the State Union or its interest where representation is necessary.
 - iv. Shall perform such other duties which in the judgement of the Montana Farmers Union Board promote the best interests of the State Union.
 - v. Shall have the authority to discharge any employee
 - vi. Shall vote on the Board of Directors only in case of a tie vote.
- b) Vice President:
- i. Shall assist the President in the performance of his/her duties, and in his/her absence preside.
 - ii. Shall succeed to the office of President and fill out the unexpired term in case of vacancy.
 - iii. Shall function as a voting member of the Board of Directors.
- c) Secretary-Treasurer:
- i. Shall perform all duties assigned by the President and the Montana Farmers Union Board.
 - ii. Shall make or cause to be made a record of proceeding of all meetings of the Montana Farmers Union Board and the State Union.
 - iii. Shall receive and acknowledge all monies paid to the State Union and shall pay out the same as determined by the Montana Farmers Union Board.
 - iv. Shall make, or cause to be made, all statistical and financial reports.
 - v. Shall consult and meet with the Montana Farmers Union Board and act as Secretary for meetings of the Board.
 - vi. Shall at least 45 days prior to the annual meetings, notify all Local and County

- 383 Secretaries of the time and place of such
384 meeting.
- 385 vii. Shall function as a voting member of the Board
386 of Directors.
- 387 d) Doorkeeper:
- 388 i. Shall act as a welcoming committee and shall
389 welcome visitors and members.
- 390 e) Conductor:
- 391 i. Shall assist in the installation ceremony of
392 officers.
- 393 ii. Shall endeavor in every way to facilitate the
394 conducting of State Union meeting.

395
396 5.3 The Board of Directors shall create a
397 Credentials Committee, an Election Committee, a
398 Resolutions and Legislative Committee, a Bylaws and
399 Rules Committee and an Education Committee. Other
400 committees may be created by resolution of the Board of
401 Directors.

- 402
403 5.4 The Board of Directors may hire an
404 Executive Director.
- 405 i. Shall perform all duties assigned by the President and
406 the Board Directors.
- 407 ii. Shall consult and meet with the Board of Directors and
408 furnish such reports of activities as may be required.
- 409 iii. Shall oversee day-to-day operations and supervise staff
410 at the direction of the President.

411 **ARTICLE 6 – County, County-Wide and Local Unions**

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413

414 6.1 A County, County-Wide or a Local Union
415 is a chartered subdivision of the Montana Farmers Union
416 comprised of its members in good standing.

417
418 6.2 A Charter shall be issued by the Montana
419 Farmers Union for a County Union or County-Wide Union when there are
420 less than three (3) chartered Local Unions in the county and the Eligible

421 Voting Members of each by majority vote elect to become a chartered
422 County Union or County-Wide Union. The fiscal year of a County Union,
423 County-Wide or Local Union shall end March 31.

424
425 6.3 In order for a County, County-Wide or a
426 Local Union to receive funds from the Montana Farmers
427 Union, it must be active, holding not less than four (4)
428 business meetings during the preceding fiscal year
429 ~~ending March 31 of each year~~. Minutes of each meeting
430 shall be submitted to the Montana Farmers Union within
431 30 days following each meeting.

432
433 6.4 The officers of a County Union, County
434 Wide or Local Union shall be a President, Vice-President,
435 and Secretary-Treasurer. Officers shall be elected
436 annually by the members of the union by majority vote
437 by secret ballot. Voting will be cumulative.

438
439 6.5 A County Union, County-Wide or a Local
440 Union may adopt bylaws provided they are not
441 inconsistent with the provisions of these Amended
442 Bylaws.

443
444 6.6 Division or consolidation of County,
445 County-Wide or a Local Unions may be permitted by the
446 Montana Farmers Union upon terms and condition
447 adopted by its Board of Directors.

448
449 6.7 Each County, County-Wide or Local
450 Union is encouraged to participate in a minimum of one
451 educational activity annually on either the adult or youth
452 level.

453 **ARTICLE 7 – Members**

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455

456 7.1 The Montana Farmers Union shall be
457 composed of members, who shall organize themselves
458 into County Union, County-Wide Local Unions, and Local

459 Unions, or who may participate in the activities of the
460 Montana Farmers Union as further provided in these
461 Bylaws.

462
463 7.2 Members are classified as Eligible Voting
464 Member, Associate Non-Voting Member, and Affiliate
465 Member.

466
467 7.3 An Eligible Voting Member is a member
468 who has paid all required dues and meets one or more of
469 the following requirements:

- 470 a) Is a Montana resident sixteen (16) years of age or
471 older and who produces an agricultural commodity
472 used for food, feed, fuel, or fiber.
473 b) Is a Montana Torchbearer;
474 c) Is a Montana resident retired from producing
475 agricultural commodity used for food, feed, fuel, or
476 fiber.
477 d) Is the spouse of an eligible voting member;
478 e) Is a Montana resident between the ages of 16 and
479 25 whose parents are, or either parent is, an
480 eligible voting member;
481 f) Is a Montana resident employed full-time by the
482 Farmers Educational and Cooperative Union of
483 America, commonly known as the “National Farmers
484 Union”, or any of its affiliated businesses;
485 g) Any person not eligible for voting membership
486 under the above rules may become a voting
487 member by paying dues and by being accepted as a
488 member through an active local or county
489 organization under criteria approved by the State
490 Board of Directors.

491
492 Only Eligible Voting Members are eligible to hold office in the
493 Montana Farmers Union, a County Union, a County-Wide Union, or a Local
494 Union. Any voting member whose membership has been valid for at least 45
495 days prior to the start of the state annual meeting shall represent one vote
496 at the annual meeting.

497
498 7.4 An Associate Non-Voting Member is a
499 Montana resident primarily engaged in an agricultural
500 business or activity who supports the goals and
501 principles of the Montana Farmers Union and who has
502 paid all required dues but does not qualify as an Eligible
503 Voting Member. Associate Non-Voting Members may
504 participate in all social activities but have no voting
505 privileges and may not hold elective office in the
506 organization.

507
508 7.5 An Affiliate Member is a Montana
509 resident who is not qualified to be an Eligible Voting
510 Member or an Associate Non-Voting Member but is a
511 policyholder of the National Farmers Union Insurance
512 Companies. Affiliate members are not assessed dues but
513 may not hold elective office in the organization, have
514 voting privileges, or participate in the organization’s
515 social activities.

516
517 7.6 The Board of Directors may establish
518 other categories of membership for persons who are not
519 otherwise qualified for membership but have an interest
520 in the organization through an affiliated entity. The
521 Board of Directors may establish separate benefits and
522 dues levels for each category of membership.

523
524 7.7 When possible, members shall also
525 become members of the most convenient County Union,
526 County-Wide or Local Union and have such membership therein for which
527 they are eligible.

528
529 7.8 Each member shall be issued a
530 membership card, which will designate his or her
531 membership status.

532
533 7.9 Dues for the Montana Farmers Union
534 shall be established annually by the Board of Directors of

the Montana Farmers Union for Eligible Voting and Non Voting Associate Members and paid to the Montana Farmers Union. Dues shall include National Farmers Union dues, which shall be remitted to the National Farmers Union by the State Secretary-Treasurer for each due paying member. Any member failing to timely pay dues shall lose any voting and other rights of membership. Any Eligible Voting Member or Non-Voting Associate Member who is 65 years of age or older and who has paid dues consecutively for 25 or more years shall be assessed dues at one-half (1 / 2) the established rate.

7.10 Each active County Union, County-Wide and Local Union shall annually receive \$5.00 per eligible voting member from the Montana Farmers Union's general funds.

7.11 Assessment of County Union, County Wide Union and Local Union dues shall be left to the discretion of each such organization.

7.12 Any member engaged in conduct detrimental to the best interest of Montana Farmers Union, shall, upon decision of the Executive Board, be expelled as per the vote. An expelled member shall have the right to appeal in writing within 10 days to the Board of Directors of the Montana Farmers Union, whose vote on a two-thirds applicable union secretary shall report the names of members expelled to the County, County Wide and Local secretaries, as well as the grounds, therefore. A member who has been expelled may not apply for reinstatement for a period of one year from the date his or her expulsion was final.

7.13 Any member in good standing who wishes to transfer membership from a Local Union to another Local Union shall notify the Montana Farmers

Union in writing of the request, which must be granted by the proposed Local Union to be joined. The Local Union secretary shall notify the Montana Farmers Union.

ARTICLE 8 – Property

8.1 The Montana Farmers Union may purchase, lease, or otherwise acquire any and all property which it is legally authorized to own or lease, and sell, lease, or otherwise dispose of any or all of such property, in the manner provided by law and these Amended Bylaws.

8.2 All property, real or personal, acquired for the use of the Montana Farmers Union, whether obtained with dues, educational funds, unrestricted donations, services rendered or from a Farmers Union organizational fundraising activity, shall be held in the name of the Montana Farmers Union. In the event that MFU ceases to have an organizational subdivision in a county, the dues, educational funds, unrestricted donations, services rendered of from a Farmers Union organizational fundraising activity shall pass in trust to the MFU.

8.3 Members of a Montana Farmers Union County, Local, or County-Wide Local Union may independently purchase property if they do not use funds directly derived from Farmers Union dues, cooperative educational funds, services of such unit, or funds raised at or through fundraising activity sponsored by the State, County, Local, or County-wide Local unit of the Montana Farmers Union, and take it in a name other than Montana Farmers Union. In that event such property shall belong to the persons or organizations which purchased the same and, upon the County, Local or County-wide Local Union which used such property becoming defunct, such property shall not as a matter of

course be transferred to the Montana Farmers Union, but shall be disposed of by the record owners, as such owners see fit. The Montana Farmers Union or any unit thereof shall not be responsible for such property. Montana Farmers Union Locals may lease such property from the owner for Farmers Union activities.

ARTICLE 9 – Indemnification of Directors, Officers and Employees

9.1 The Montana Farmers Union shall not indemnify a director unless:

- i. A determination has been made in accordance with the procedures set forth in the Montana Corporation Act that the director met the standard of conduct set forth below, and
- ii. Payment has been authorized in accordance with the procedures set forth in the Act based on a conclusion that the expenses are reasonable, the Montana Farmers Union has the financial ability to make the payment, and the financial resources of the Montana Farmers Union should be devoted to this use rather than some other use by the State Union.
- iii. He or she conducted himself or herself in good faith; and
- iv. He or she reasonably believed:
 - a) In the case of conduct in his or her official capacity with the State Union that his or her conduct was in its best interests;
 - b) In all other cases, that his or her conduct was at least not opposed to its best interests; and

The State Union shall not indemnify a director:

- i. In connection with a proceeding by or in the right of the State Union in which the director was adjudged liable to it; or
- ii. In connection with any other proceeding charging improper personal benefit to him or her, whether or not involving action in his or her official capacity, in which

he or she was adjudged liable on the basis that personal benefit was improperly received by him or her.

9.2 If a determination is made, following the procedures of the Montana Corporation Act, that the director has met the following requirements; and if an authorization of payment is made, following the procedures and standards set forth in the Montana Corporation Act, then the State Union shall pay for or reimburse the reasonable expenses incurred by a director who is a party to a proceeding in advance of final disposition of the proceeding if:

- i. The director furnished the State Union a written affirmation of his or her good faith belief that he or she has met the standard of conduct described in this Article;
- ii. The director furnishes the State Union a written undertaking, executed personally or on his or her behalf, to repay the advance if it is ultimately determined that he or she did not meet the standard of conduct (which undertaking must be an unlimited general obligation of the director but need not be secured and may be accepted without reference to financial ability to make repayment) and;
- iii. A determination is made that the facts then known to those making the determination would not preclude indemnification under this Article or the provisions of the Montana Corporation Act.

9.3 The Board of Directors may indemnify and advance expenses to any officer, employee or agent of the State Union who is not a director of the State Union, to any extent consistent with public policy, as determined by the general or specific action of the Board of Directors.

9.4 Notwithstanding any other provisions of these Amended Bylaws, the State Union shall indemnify a director who was wholly successful, on the merits or otherwise, in the defense of any proceeding to which the director was a party because he or she is or was director of the State Union against reasonable expenses incurred by the directors in connection with the proceeding.

687
688 **ARTICLE 10 – Amendment**
689

690 10.1 These bylaws may be amended at any State Union annual
691 meeting by a majority vote of those Eligible Voting Members in attendance
692 and voting. A written copy of any proposed amendment shall be presented
693 at the State Union annual meeting and a copy thereof made available to each
694 qualified member not less than 24 hours before the vote thereon is taken. In
695 the event that written copies of proposed bylaw changes are not presented
696 to the annual meeting qualified members, a two-thirds majority vote will be
697 required for passage.
698

699 10.2 The major legal document of the Montana Farmers Union is
700 its Bylaws. The Local, County, and State Organizations shall function under
701 these Bylaws using the Revised Robert's Rules of Order.
702

703 2020 Montana Farmers Union Bylaws Committee

704 Walter Schweitzer

705 Erik Somerfeld

706 Eric Bergman

707 Jennifer Bishop

708 Ben Peterson