

GENERAL BYLAWS
OF
THE SOCIETY OF AMERICAN MAGICIANS
(ADOPTED JULY 29, 1977, AS AMENDED TO JUNE 30, 2010)

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ARTICLE I
PURPOSE AND FISCAL YEAR

SECTION 1

These Bylaws shall constitute the governing rules and regulations of the National Council, the Society and its members. Separate Bylaws may be adopted by Assemblies. In the event an Assembly has not adopted a set of Bylaws, it shall be deemed to have adopted the Model Assembly Bylaws annexed hereto. (amended 6/19/97)

SECTION 2

The Society's fiscal year shall begin on the 1st day of June and terminate on May 31 of the following year. (amended 6/19/97; 6/30/10)

ARTICLE II
SEAL, JEWEL AND HONORS

SECTION 1

The Official Seal of the National Council shall remain as established by the organizers in 1902. Said Seal shall be reproduced, when feasible, in the color red. The Monogram, Serpent and Title "The Society of American Magicians" must appear. An Assembly may adopt the Seal, or a modification thereof which, however, shall not bear the "flame." Members in good standing may use the Emblem of the Society only when procured in any approved form from the National Secretary or from someone designated by the National Secretary.

SECTION 2

A Presentation Jewel shall be a facsimile of the Seal of the Assembly, which issues it.

SECTION 3

The Jewel or Emblem (amulet), which may be worn by a member shall be the original Jewel adopted by the organizers in 1902.

SECTION 4

The National Council shall have the authority to design and issue scrolls, medals or tokens in the name of the Society to members, non-members, and other

organizations and entities, in recognition of significant contributions to magic or to the Society. Assemblies may likewise issue such honors.

SECTION 5

All Official Forms, Seals, Jewels, Electrotypes of the Emblems for the use of members, rituals and such other articles as may from time to time become necessary shall be issued by the National Council and may be obtained from the National Administrator. (amended 2/21/87, 11/14/88 and 11/14/92)

SECTION 6

In the event of surrender of the Charter of an Assembly, all articles and official documents bearing the name "The Society of American Magicians" must be returned to the Council. (amended 11/14/92)

ARTICLE III **RITUALS**

SECTION 1

The Rituals, Symbolic Agreements, Mysteries of the Society or Regular Proceedings in any Assembly or in the Council shall not be imparted or revealed to anyone not entitled thereto.

ARTICLE IV **MEMBERS' OBLIGATIONS**

SECTION 1

Every member shall be bound by the Constitution, Bylaws and the Code of Ethics as attested by signing on the application form submitted. (amended 11/14/92)

SECTION 2

Every Assembly member shall advise the Assembly Secretary and the National Administrator of any change of address; associate members shall notify the National Administrator of any change of address. Any notice required to be served on a member directed to the last known address as appears on the roster of the National Administrator shall constitute sufficient service thereof. (amended 2/21/87, 11/14/88, 11/14/92 and 7/10/96; 6/30/10)

SECTION 3

Members that opt to receive M-U-M in the mail and whose dues are in arrears shall be deprived of those issues of M-U-M published during the arrearage, and they will be unable to access the members' only section of the S.A.M. website. Upon reinstatement, the member may receive back-issues of *M-U-M*, if available,

provided postage and costs are paid by the member. (amended 6/19/97; 6/30/10)

SECTION 4

A member not in good standing may not vote, hold office, or be admitted to a business meeting until such time as the dues are paid to the National Administrator. (amended 2/21/87, 11/14/88 and 7/10/96)

SECTION 5

Membership cards, numbered serially, shall be issued by the National Administrator to each new member. The number shall designate the order of admission of such member and shall never be changed or reissued to another member. Reinstated members shall receive their original numbers. Such membership cards shall be renewed annually, upon payment of dues. Such cards shall be required for admission to a meeting of any Assembly. An "A" follows the membership number for Associate members, and a dash plus the Assembly number follows the membership number for Assembly members. (amended 3/10/79, 2/21/87, 11/14/88 and 11/14/92)

SECTION 6

All rules and regulations applying to Assembly Members shall apply to Associate Members.

SECTION 7

A member no longer on the roster because of resignation as provided in Article III, Section 11 of the Constitution, or suspension for nonpayment of dues as outlined in Article III, Section 9 of the Constitution, may be reinstated upon payment of a fee (as set from time to time by the National Council) to the National Administrator, plus current dues. (amended 2/21/87, 11/14/88, 11/14/92 and 6/19/97; 6/30/10)

ARTICLE V **NATIONAL COUNCIL VOTING**

SECTION 1

Ten voting members of the National Council shall constitute a quorum for the transaction of business at any regular or special meeting.

SECTION 2

Each Council member not present at a Council meeting may be represented by an alternate who shall possess pro tem all the powers pertaining to a member of the National Council; such alternate, however, shall be the bearer of proper credentials emanating from and signed by the proper officers of the Assembly or

proper National Council member designating the appointment as alternate.
(amended 11/14/92; 6/30/10)

SECTION 3

a. The National Administrator, at least sixty (60) days prior to the announced date of the meeting of the National Council, shall send instructions to each Assembly concerning the appointment of a delegate who shall either be an officer or member of the Assembly, or the appointment (proxy) of another person who is not a member of the Assembly, to vote for the Assembly in the event that an officer or a member of the Assembly cannot attend the National Council meeting. No later than ten (10) days prior to the National Council meeting, the Assembly, by either its President or Secretary or other appointed officer, shall return to the National Administrator a voting certificate designating its delegates or a proxy. The form of the voting certificate shall be as follows (amended 7/10/96, 6/30/2010) :

TO: National Administrator of the Society of American Magicians

This is to certify that Assembly No. _____, at a duly constituted meeting of the

Assembly, has designated: _____

Name of Voting Delegate

Street Address

State/Zip

as its representative to cast all votes and to express all approvals that the Assembly may be entitled to cast or express that may come before the meeting of the National Council to be held on _____ date, _____, and any adjournments thereof.

Dated the _____ day of _____, _____

Assembly No. _____

By: _____

(Either President or Secretary)

Where the Assembly cannot send a delegate, it may appoint a proxy. The proxy shall be in the following form:

TO: National Administrator of the Society of American Magicians

Assembly No. _____ hereby appoints (check one):

The National Secretary of the Society of American Magicians on behalf of the members of the National Council

_____ (The individual's name appointed as your proxy) as our proxy with full powers of substitution for all matters that come before the meeting of the National Council to be held on _____, 20_____, and any adjournment thereof and to cast all votes and to express all approvals that the Assembly may be entitled to cast or express.

Dated the _____ day of _____, 20_____

Assembly No. _____

By: _____

(Either President or Secretary)

(amended 7/15/94; 6/30/10)

b. No Council member or duly appointed Alternate shall have more than one vote, except as otherwise provided in Section 3c hereof. No alternate shall exercise any of the rights of the regular National Council member when said member is present. (amended 11/14/92; 7/10/96)

c. Voting for election of officers shall proceed in accordance with Article IV, Section 6, of the Constitution. Voting on all other matters shall proceed in accordance with these Bylaws. (amended 7/10/96)

d. Any Delegate or Alternate properly authorized by an Assembly shall be permitted to cast the entire vote of such Assembly. However, in the event such Delegate or Alternate is under specific instructions from the Assembly to vote in a specific manner, then such Delegate or Alternate shall vote thereon openly, and the National Secretary shall then register the vote. (amended 11/14/92; 7/10/96)

e. In the event that any Delegate or Alternate of an Assembly is not present when a vote is taken on a given question, and such Assembly has officially notified the National Secretary, through its duly authorized officers of its position on such question, then the National Secretary shall openly cast the ballot of such Assembly as instructed. (amended 7/10/96)

SECTION 4

At any meeting of the National Council, on a motion from any Delegate or National Council member and seconded by another Council Member or a Delegate from another Assembly, a secret ballot may be called for and shall be obligatory if so moved and seconded. (amended 6/30/10)

SECTION 5

In the interim between Council meetings, any matter requiring official action may be submitted in writing to the National Officers of the Council; and such matters shall be determined by a majority vote within thirty days, provided, however, such matter shall be reconsidered and revoted upon at the next regular meeting of the National Council. (amended 6/30/10)

SECTION 6

At any meeting of the Council, the National President may appoint one or more Sergeants-at-Arms to guard the portals, to maintain order, allow only those qualified to be admitted to the meeting, and otherwise serve the presiding officer as directed. (amended 11/14/92)

ARTICLE VI
POWERS OF NATIONAL COUNCIL

SECTION 1

The National Council shall have the right and power to grant Charters upon the founding of new Assemblies; revoke such Charters for cause; elect Officers of the Society; establish and adopt a Code of Ethics, a Ritual, an Oath and a Pledge, and any and all amendments thereto; subject all Assemblies and their members thereto; and suspend, discipline and terminate members for cause as provided in Article XI of these Bylaws. (amended 6/30/10)

SECTION 2

The National Council shall have the right to adopt any and all resolutions and do any and all things to promote the purpose of the Society and for its general good and welfare; it shall have the right to approve all commitments and obligations incurred for and on behalf of the Society; however, the National Council shall not incur any debt for and on behalf of any Assembly.

SECTION 3

The National Council shall have the power to establish, levy and collect the taxes, fees, assessments, and fines against all Assemblies and the members thereof; however, all such taxes and assessments shall be equally levied and assessed against all the members of the Society.

SECTION 4

In addition to the duties heretofore specified, the National Council shall adjudicate all special matters referred to it by an Assembly or by any member of the Society. It shall have the power to summon any member to give evidence personally, or by deposition for the purpose of obtaining testimony in any case under consideration. It shall have the power to summon members for any violation of duty or decorum. It shall also have the right to hold hearings or delegate a Hearing Officer to conduct such hearings, and pass judgment on all matters appealed to it, as provided herein, and to conduct and hold meetings.

ARTICLE VII
CHARTERS

SECTION 1 - Grant Of Charter

A Charter in form prescribed by the National Council, bearing the Seal thereof and the signature of at least ten of its members shall constitute the official authority of an Assembly to operate as an Assembly of The Society of American Magicians. Such charter may be issued only by the National Council at the annual meeting, upon the written application of at least ten persons qualified for

membership in the Society, accompanied by the necessary fees and per capita tax as set from time to time by the Council. All applications for charters shall be published in the official bulletin prior to being granted by the National Council. Each Assembly so created shall incorporate as part of its name, the following: "The Society of American Magicians", together with the term, "Assembly", and its official number thereafter. An Assembly may select a supplementary name in addition to its official number, but such name must be contained in its charter. No name or other designation may be used by an Assembly or its members, other than that contained in its charter or an amendment thereof as approved by a majority vote of the National Council. All applications for a charter must be received by April 1 of each year in order to be considered at the annual meeting. (amended 7/12/86; 11/14/92; 6/19/97; 6/30/10)

a. *Young Member Program Director.* Each active Assembly that elects to participate in the Young Member program shall appoint an adult active Society of American Magicians member who shall be the Young Member Program Director, and who shall have the responsibility to promote and guide the Society of Young Magicians Assembly. (amended 7/10/96; 6/19/97)

b. *S.Y.M. Assemblies.* Young members may form their own Assemblies to be known as S.Y.M. Assemblies, provided that each Young S.Y.M. Assembly shall have at least five active members, plus two adult active S.A.M. members (twenty-five years of age or older) who shall serve in an advisory capacity. Such Assemblies and their members shall utilize the name The Society of Young Magicians of The Society of American Magicians, elect officers, issue separate membership cards and publish their own newsletter, The Magic SYMbol and other publications. (amended 7/10/96; 6/19/97, 7/6/05; 6/30/10)

SECTION 2 - Dispensations

The National President is empowered to issue a temporary working dispensation to applicants for charter pending action thereon by the National Council, which dispensation shall be the authority for the applying Assembly to function as an affiliate of the Society until the National Council has indicated its action thereon.

SECTION 3 - Revocation of Charter

In the case of dissolution of an Assembly or revocation of its Charter for cause shown by the National Council, the Assembly shall, upon demand, surrender its Charter, Ritual and Seals. In case of voluntary surrender of its Charter, the individual members of such Assembly who are in good standing may become affiliated with an Assembly accepting their transfer, or they may elect Associate Membership status by notifying the National Administrator in writing. The National Council, having revoked the Charter of an Assembly for cause shown, may permit individual members of said Assembly to seek transfer to another active Assembly or to elect Associate Membership status as above (amended 2/21/87 and 11/14/88).

An assembly that has been dissolved or has had its charter revoked may apply for reinstatement by submitting to the National Council an application containing the signatures of at least ten members. Such charter may be issued by the National Council at any meeting, except that the application shall be published in the official bulletin prior to being granted by the National Council. (adopted 6/30/10)

SECTION 4 - Penalties

All obligations of Assemblies to the National Council must be paid within sixty days after date of notification. In default of such settlement, said Assembly shall stand suspended. During such suspension, the Assembly shall not be officially recognized except on matters pertaining to its reinstatement. Such reinstatement may be effected by the payment to the National Administrator of the amount due at the time of the suspension, together with all other obligations and any fines imposed by the National Council. (amended 2/21/87 and 11/14/88)

SECTION 5 - Change of Name

An Assembly may change its name at any time, provided a written request is made to the National Secretary and voted on by the National Council at its next meeting. All Assemblies shall retain the words "The Society of American Magicians" and "Assembly" in its name but may change its supplementary name. Such request for a name change must be published in the official bulletin. If an Assembly requests a name change to a living member, then that member must give approval in writing to the National Secretary. (Adopted 7/12/86)

SECTION 6 - Assembly Members and Officers

Each Assembly may consist of Members Emeriti, Assembly Members, Junior Members and Young Members of the Society enrolled therein. It shall elect annually, from its membership, a President, Vice President, Secretary, Treasurer, Delegate, and such other officers it may deem necessary to function properly. However, if an Assembly has fewer than fifty Active Members, it may, at its discretion, have one officer serve as Secretary-Treasurer in lieu of a Secretary and Treasurer. (amended 3/12/88; 11/14/92; 6/19/97; 6/30/10).

ARTICLE VIII

BULLETIN

SECTION 1

An official monthly bulletin shall be maintained by the Council in the name of the Society. It shall be the prerogative of the Council to assign annually, at its mid-year meeting, the publishing of this bulletin to a periodical of its choice, or cause otherwise to be published, and to enter into such contract as will assure a copy of a monthly bulletin being mailed or otherwise delivered to each member

in good standing. The cost of such contract shall be paid by the National Council from the per capita tax paid to it by each member. (amended 7/10/96; 6/30/10)

SECTION 2

The official monthly bulletin of the Society shall be known as *M-U-M*. The Editor, subject to the approval of the National President, shall determine what matter shall appear in such bulletin. Each Assembly shall designate a representative to the Editor, authorized to furnish the news of said Assembly. (amended 7/10/96)

SECTION 3

The Editor shall be responsible for the monthly publication of *M-U-M*, the official magazine of The Society of American Magicians.

a. The *Editor* shall be appointed by the National President on an interim basis until the next regular meeting of the National Council, which, at that time, shall vote on the confirmation of the President's appointment. (amended 6/19/97)

b. *Editor's Contract*. After the National Council's confirmation of the President's appointment, the National Council, acting for the Society, shall have the authority to enter into a contract with the Editor for a term of up to three years. The Editor's contract may include terms deemed proper in the judgment of the National Council. In the event of a conflict between the Editor's contract and these Bylaws, the Bylaws shall be controlling. (amended 6/19/97; 6/30/10)

c. The Editor's contract shall provide for remuneration which the National Council, in its discretion, deems appropriate for the performance of the functions of the office of the Editor. Any and all assistance or employees the Editor elects to use shall be funded by the Society only through the contract described herein, and from no other funds of the Society. (amended 7/10/96)

d. The Editor shall receive notice of all regular and special meetings of the National Council to the extent provided for in these Bylaws, and may attend said meetings, but may not vote on the National Council. The Editor shall abide by all decisions made by the National Council as to the privileges, duties, and obligations of the Editor. (amended 7/10/96)

e. At the expiration of the term of office, a complete and accurate list of all property of the Society in the Editor's possession or control shall be prepared for the National Council. Such property shall be delivered to the successor Editor. (Section Adopted 11/14/92; amended 7/10/96)

ARTICLE IX - A

DUTIES OF NATIONAL COUNCIL OFFICERS

SECTION 1

a. The *National President* shall be the Executive Head of the Society and shall be known as "Most Illustrious." The National President shall (1) preside at all meetings of the National Council, (2) appoint all committees and be ex-officio,

a member of each such Committee, (3) appoint on an interim basis, when required, the National Administrator and Editor, (4) appoint National Deputies and such other positions as may be deemed necessary on an interim basis until the next regular meeting of the National Council, which, at that time, shall vote on the confirmation of the President's appointment(s), and (5) perform all the duties usually appertaining to a presiding officer. (amended 11/14/92; 7/10/96; 6/19/97; 6/30/10)

b. Upon the advice of each Regional Vice President, the National President may appoint from among the members of this Society such Regional Deputies as deemed necessary. Each Regional Deputy shall receive a Warrant of Appointment, signed by the National President and attested by the National Secretary. (amended 7/10/96; 4/10/99)

c. The National President shall appoint a National Administrator on an interim basis as described in Article IX-A, Section 1 a. above On or before March 15 of each year in which appointment of a new National Administrator is necessary, the National President shall appoint a search committee consisting of at least three members, which, within forty-five days after their appointments, shall prepare a list of names of applicants for the position of National Administrator and shall present said list to the National President for consideration. (Adopted 2/21/87; amended 11/14/88; 11/14/88; 7/10/96; 6/30/10)

SECTION 2

The *National President-elect* shall assist the President in the discharge of duties, shall preside in the absence of the President from any duly called meeting and shall be an ex-officio member of the budget and investment committees. (Adopted 4/26/80; amended 7/7/83, 7/26/85, 2/21/87, 2/1/92, 11/14/92; 7/10/96; 6/30/10)

SECTION 3

The *National First Vice President*, in the absence of the President and President-elect, shall preside at duly called meetings of the National Council. In addition to other duties which may be assigned, the National First Vice President shall serve as an ex-officio member of the publicity committee and as liaison between the National Council and the Young Member Program of The Society of American Magicians. (Adopted 4/26/80; amended 7/7/83, 2/1/92, 11/14/92; 7/10/96; 6/30/10)

SECTION 4

The *National Second Vice President*, in the absence of the President, President-elect, and First Vice President, shall preside at duly called meetings of the National Council. In addition to other duties which may be assigned, the National Second Vice President shall assist the President-elect and First Vice President in their

duties, and shall serve as an ex-officio member of the National Membership Committee and as liaison between the National Council and the Regional Vice Presidents. (Adopted 7/7/83; amended 2/21/87, 3/12/88, 2/1/92, 11/14/92 and 7/10/96; 6/30/10)

SECTION 5

The *National Treasurer* shall keep an accurate account of all receipts and disbursements, file vouchers, submit financial books and records for inspection by an auditor appointed from time to time by the National Council and make a report at each meeting of the National Council. (amended 6/19/97; 6/30/10)

a. The National Treasurer pays all bills duly approved by the National Council. All orders on the Treasurer for the payment of bills must be accompanied by an invoice from creditors and a sample or description of merchandise purchased. At the expiration of the term of office, a complete and accurate list of all moneys, books, papers, records and other property of the Society in the Treasurer's possession or control shall be prepared. Such property shall be delivered to the successor Treasurer. (amended 11/14/92; 7/10/96; 6/19/97)

b. All payments and remittances from any and all Assemblies shall be made to the National Administrator. They shall be accompanied by forms to be prescribed and furnished by the National Administrator and shall indicate the items included in all such remittances. (amended 2/21/87, 11/14/88, 7/10/96, 6/30/10)

c. The Treasurer, upon receipt of all moneys and remittances, shall notify both the National Administrator of the National Council and the Assembly making the payment or remittance, of the receipt of the said moneys and remittances in each case and the items included therein. (amended 2/21/87, 11/14/88 and 7/10/96)

d. The Treasurer shall be bonded at the expense of the Society by a recognized surety company to be approved by the President. The amount of such bond shall be set by the National Council. (amended 7/10/96; 6/19/97)

e. The Treasurer shall prepare and submit a projected budget for submission at the annual meeting. (amended 7/10/96)

f. (1) The Treasurer shall fund and maintain a checking account with a balance of \$300.00 for the use of the National Administrator. Said account is intended to be used for small and ordinary business expenses incurred by the National Administrator, who shall make a monthly accounting as per Article IX-B, Section 9e(1) of these By-Laws. (Adopted 2/21/87; amended 11/14/88; 7/10/96; 6/30/10)

(2) The Treasurer may choose the bank and shall open a bank account in the name of the Society, which shall act as a depository for all funds and payments received by the National Administrator. Any payments to be made by the National Administrator in the course of the Society's business shall be made

from this account and shall require the co-signature of the Treasurer. Any payments made from this account by the Treasurer shall require only the treasurer's signature.

(Adopted 2/21/87; amended 11/14/88, 11/14/92, 6/19/97, 6/30/10)

SECTION 6

The *National Secretary* shall keep a true record of all the proceedings of the Society. Within 30 days of each National Council meeting, the secretary shall submit electronic copies of the minutes to council members, committee chairs, and M-U-M. (amended 2/21/87; 6/30/10)

a. The National Secretary shall attest the President's signature, be custodian of the Seal and turn over such records in the possession of the Secretary for inspection by an auditor appointed from time to time by the National Council. (amended 11/14/92; 6/19/97; 6/30/12)

b. The Secretary shall make a full report at the Annual Meeting and keep all data in connection with this office. At the expiration of the term, a complete and accurate list of all the property of the Society in the Secretary's possession or control shall be prepared. Such property shall be delivered to the successor Secretary. (amended 6/19/97).

SECTION 7

a. The *Regional Vice Presidents* shall function as the personal representatives of the President in their respective regions, shall maintain constructive contact with all Assemblies in their respective regions, shall function, ex-officio, as members of the Membership Committee, and shall make an annual report at the Annual Meeting, or at other times at the request of the President. They shall actively promote membership and publicity for the Society within their respective regions. (amended 11/14/92; 7/10/96)

b. In the absence of the President, President-elect, National First Vice President, and National Second Vice President, any one of the Regional Vice Presidents, chosen by a majority vote of the officers present and voting, may preside. (amended 7/7/83; amended 7/10/96)

ARTICLE IX - B

DUTIES OF APPOINTED OFFICERS

SECTION 8

The *Regional Deputy* shall assist the Regional Vice President in the Regional Vice President's region and shall actively promote membership and publicity for the Society within that region. Regional Deputies shall submit activity reports to the Regional Vice President prior to the annual meeting and as matters of interest to the Society come up. (amended 11/14/92; 7/10/96; 6/19/97; 4/10/99; 6/30/10)

SECTION 9

The *National Administrator* shall be responsible for the daily administrative duties of the Society. (Adopted 2/21/87; amended 11/14/88; 7/10/96)

a. The National Administrator shall be appointed by the National President on an interim basis until the next regular meeting of the National Council which, at that time, shall vote on the confirmation of the President's selection. (amended 11/14/88)

b. The National Administrator's first term of office shall be one year from the time of appointment; thereafter, the National Council, acting for the Society, shall have the authority to enter into a contract with the National Administrator for a term of up to three years. The National Administrator's contract may include terms deemed proper in the discretion of the National Council. In the event of a conflict, between the herein described contract and these By-Laws, the By-Laws shall be controlling. (amended 11/14/88, 11/14/92 and 7/10/96)

c. The National Administrator's contract shall provide for remuneration, which the National Council, in its discretion, deems appropriate for the performance of the functions of the office of National Administrator. Any and all assistance or employees the National Administrator elects to use shall be funded by the Society only through the contract described herein and from no other funds of the Society. (amended 11/14/88; 7/10/96)

d. The National Administrator shall receive notice of all regular and special meetings of the National Council to the extent provided for in these Bylaws, and may attend said meetings, but may not vote on the National Council. The National Administrator shall abide by all decisions made by the National Council as to the privileges, duties, and obligations of the National Administrator. (amended 11/14/88, 11/14/92 and 7/10/96)

e. (1) The National Administrator shall account monthly to the Treasurer for all expenses charged to the petty cash account as maintained by the Treasurer and described in Article IX - A, Section 5f (1) of these Bylaws. (amended 11/14/88, 7/10/96, 6/30/10)

(2) Any moneys received by the National Administrator on behalf of the Society or its Assemblies shall be deposited directly into a depository which the Treasurer shall designate pursuant to Article IX - A, Section 5f (2) of these Bylaws, and the National Administrator shall promptly forward to the Treasurer a statement showing: date of receipt, from whom received, and the item or items covered thereby. (amended 11/14/88; 7/10/96; 6/30/10)

(3) Any and all payments made by the National Administrator, in the ordinary course of the Society's business, other than those described in paragraph (e)(1) of this section, shall be made from the Society account as described in Article IX-A, Section 5f(2) of these Bylaws and shall require the co-signature of the National Treasurer. (amended 11/14/88; 7/10/96)

f. The National Administrator's duties shall include, but not be limited to: initiating, processing and responding to routine correspondence, membership inquiries and gifts and insignia inquiries; initiating, processing and receiving payments and assessments from Assemblies in a manner described in Article IX-A, Section 5b of these bylaws; forwarding all correspondence directly related to or concerning an elected official or committee chair to that person; maintaining a carefully revised roll of all members and Assemblies; preparing a membership list and membership status reports for each Assembly at least annually; keeping records pertaining to Assembly Officers; preparing and distributing a list of Assembly Secretaries at least annually; receiving nominations for National Offices by March 15 of each year and forwarding them to the Election Committee Chair; receiving and submitting to the National Council all proposed amendments to the Bylaws and Constitution of the Society; preparing and distributing an up-to-date list of the addresses and phone numbers of all National Officers and committee chairs; mailing, upon request, correct copies of the minutes of National Council meetings to Assembly Secretaries and Officers of the National Council; sending out all dues notices; maintaining the Society's archival records; and coordinating the printing and mailing of M-U-M. (amended 11/14/88; 11/14/92; 7/10/96; 6/19/97; 6/30/10).

g. The National Administrator shall keep all data in connection with official activities, shall make a full report at the annual meeting of the Society, and shall submit the books and records to the auditing committee when required to do so. (amended 11/14/88; 11/14/92; 7/10/96)

h. At the expiration of the term, a complete and accurate list of all property of the Society in the National Administrator's possession or control shall be prepared. Such property shall be delivered to the successor National Administrator. (Adopted 2/21/87; amended 11/14/88; 11/14/92 and 7/10/96)

ARTICLE X COMMITTEES

SECTION 1

The following shall constitute Standing Committees of the Council:
(amended 2/1/92; 7/10/96; 6/19/97)

- i. Budget Committee
- ii. Committee on Ethics
- iii. Convention Committee (amended 7/3/81; 11/14/92; 6/19/97)
- iv. Hall of Fame (amended 7/3/81)
- v. Legal Counsel
- vi. Membership Committee (amended 7/25/85)
- vii. Publicity Committee (amended 7/25/85; 6/30/10)
- viii. S.A.M. Media Library Committee (amended 6/30/10)
- ix. National Magic Week Committee (amended 7/26/85)

x. Young Member Program Committee (amended 3/12/88, 3/6/93, 6/19/97, and 6/30/10)

SECTION 2

The National President shall appoint the Chair of each Committee which shall consist of at least three members, except the Legal Counsel may consist of one person. The National President's appointment of the Convention Committee Executive Director and the Young Member Program Committee's Executive Director shall be on an interim basis, until the next regular meeting of the National Council, at which time the National Council shall vote on the President's appointment. (amended 2/21/87; 7/10/96; 11/21/98; 6/30/10)

SECTION 3

Such other committees may be appointed by the National President as needed. (amended 2/1/92)

SECTION 4 - Convention Committee

a. **Structure:** This Committee shall have full and complete responsibility, subject to the National Council, for the planning, promotion and running of an annual Convention or Conference. The Committee shall consist of the following positions: (1) Convention Executive Director; (2) Assistant Director and Secretary; (3) Registrar; (4) Convention Treasurer; (5) Executive Show Producer; (6) Dealer Room Manager; (7) Contest Producer; (8) Alternative Activities Manager; (9) Publicity Director; and (10) Souvenir Program Producer. More than one of these positions may be combined under the management of one individual. The Executive Director may recommend the appointment or removal of any committee head or committee member, and such appointment or removal shall be ratified by the National Council at a regularly scheduled or specially convened meeting. Committee heads shall appoint their own committee members in consultation with the Executive Director. (Adopted 7/3/81; amended 2/1/92; 11/14/92; 6/19/97)

b. **Appointments:** Each committee head shall serve for a period of three years and may be reappointed for an additional three years. In the event of a vacancy due to the resignation or dismissal of any member of the Committee, a new individual shall be appointed to such unexpired term. It is the intent and purpose of this section to provide for Committee continuity and to set forth the principle that no more than one-third of the nine Committee heads be appointed or reappointed each year. Further, no two of the three positions of Assistant Director, Registrar, or Executive Show Producer may be reappointed in the same year. The Executive Director is to be appointed every year by the incoming President subject to approval by the National Council as set forth in Section 2 herein. (amended 11/14/92; 6/19/97)

c. **Responsibilities of Committee Heads:**

(1) **Convention Executive Director** - To have full and complete responsibility for the total convention; to coordinate and direct the efforts of each Committee; to approve the appointment of individual committee members; to establish the budget for the overall Convention and for the conduct of each Committee; to recommend convention host cities for National Council approval; to negotiate contracts with hotels and theaters; to approve all bills or requests for reimbursement; to solicit participation of members of local Assemblies in or near the Convention host city; to establish communication with other magical organizations so as to reduce and/or eliminate conflict of convention dates. (amended 11/14/92; amended 7/10/96)

(2) **Assistant Director and Secretary** - To understudy the position of the Executive Director and to be prepared to act in that person's stead in the event of incapacitation, resignation, or dismissal; to accept from the Executive Director those responsibilities which from time to time will be delegated; to offer advice and counsel on the conduct and operation of each Committee and, as Secretary, to be responsible for maintaining current records of the Committee's actions. (amended 11/14/92; amended 7/10/96)

(3) **Registrar** - To handle the processing of all registrations; to make seating arrangements for all events; to collect moneys and to keep an accurate accounting of same; to forward moneys collected to the Convention Treasurer no less than monthly; to submit reports on the status of registrations to the Executive Director no less than monthly or as requested. The National Council, in its sole discretion, may reassign the duties of the Registrar to the National Administrator. (amended 2/21/87, 11/14/88, 11/14/92 and 7/10/96)

(4) **Convention Treasurer** - To establish a bank account in the name of "S.A.M. Convention Committee;" to receive income from the Registrar, Dealer Room Manager, Souvenir Program Producer or other sources; to pay Convention obligations to performers, hotels, theaters or other vendors, and to reimburse committee expenses approved by the Executive Director; to submit to the Council, no less than twice a year, a statement of the financial condition of the Convention Committee, and file a final report within 90 days after the conclusion of any convention. The National Council, in its sole discretion, may reassign the duties of the Convention Treasurer to the National Treasurer. (amended 11/14/92; 7/10/96; 6/19/97)

(5) **Executive Show Producer** - To book all professional performers and to maintain accurate records of contracts with them; to stage all shows and lectures; to provide a stage manager for the convention as well as accurate technical crew to stage each performance, working when necessary with trade unions at the convention site; to provide a timely flow of information to the Executive Director and other Committee heads so that the convention may be properly promoted; to provide a financial accounting vs. budget to the Executive Director no less than monthly. (amended 11/14/92; 7/10/96)

(6) **Dealer Room Manager** - To solicit and select dealers; to arrange and assign dealers' booth space; to provide necessary exhibit equipment; to develop time schedules for when the Dealers Room will be open; to organize the Dealers Show; to manage the Dealers Room in its entirety and to arbitrate any disputes among dealers which may arise. (amended 11/14/92; 7/10/96)

(7) **Contest Producer** - To establish judging criteria and assure the maintenance of unimpeachable standards; to organize and schedule contests; to solicit close-up and stage contestants; to select and train judges; to procure and award trophies and certificates; to promote the Society's standards of competition. (amended 11/14/92; 7/10/96)

(8) **Alternative Activities Manager** - To direct and produce official functions such as receptions, banquets, and other special events; to provide alternative activities, primarily for spouses, youths, and guests, whose interests may be specialized or who seek other diversion from a steady diet of magic; to tap into local resources and to involve the members of the Assembly in or near the convention city; to provide support for other chaired activities as planned or requested. (amended 11/14/92; 7/10/96)

(9) **Publicity Director** - To arrange for publicity and promotion via ads, news releases, and direct mail; to prepare articles promoting the convention for publication monthly in *M-UM*; to develop opportunities to piggyback promotions with cooperating magic dealers; to solicit and coordinate local media coverage; to exploit news media placement opportunities by coordinating efforts with the Society's Publicity Director. (amended 11/14/92; 7/10/96; 6/30/10)

(10) **Souvenir Program Producer** - To oversee the design, writing and production of a Convention Souvenir Program; to solicit advertising for the program; to establish and manage an approved budget and report monthly on its status. (amended 11/14/92; 7/10/96)

d. Convention Committee Goals:

(1) To build and maintain the prestige of the Society through the production and presentation of first-class conventions on a consistent basis;

(2) To maintain continued communication with other magic organizations to foster a spirit of cooperation, avoid conflict of dates and geography with other organizations' conventions, and maximize opportunities for all magicians to attend our conventions; (amended 6/30/10)

(3) To insure geographic distribution of convention sites consistent with our membership;

(4) To insure adequate attendance by virtue of a well-planned publicity and promotion program;

(5) To obtain the assistance and cooperation of local Assemblies to aid the Convention Committee in staging a successful convention, including arrangements for their participation;

(6) To permit the holding of conventions in cities and resort areas where no Assemblies exist;

(7) To insure top quality facilities for the accommodation of registrants at the convention and for the staging of magical shows and other events of the highest quality and nature.

SECTION 5 - National Magic Week Committee

The purpose of this Committee is to promote the Art of Magic and The Society of American Magicians through the participation in activities during the last week in October. (Adopted 7/26/85)

SECTION 6 - Young Member Program Committee (amended 6/30/10)

The Young Member Program of the Society of American Magicians may be referred to as the Society of Young Magicians (S.Y.M.) of the Society of American Magicians.

a. This Committee shall have the responsibility, subject to the National Council, for the overall supervision of the Society of Young Magicians and the Young Member Program, including the establishment of S.Y.M. Assemblies, advice to adult Assemblies on the establishment of an S.Y.M. Assembly, publicity, preparation and publication of manuals for the promotion and organization of S.Y.M. Assemblies, publication of *The Magic SYMbol* and other publications to inform and advance membership, preparation and submission to the Budget Committee of a proposed budget for the Society of Young Magicians and for the Young Member Program, and the development and promotion of membership in the Society of Young Magicians of the Society of American Magicians. The Committee shall also be responsible for the selection, screening, and training of leaders for the Young Member Assemblies and, in cooperation with the Convention Committee, may present training workshops and other presentations at the National Conference.

b. The Committee shall consist of an Executive Director and at least 9 Committee members, but not more than 15 Committee members, one of whom shall include the editor of the monthly publication *The Magic SYMbol*. (amended 6/30/10)

c. The Executive Director shall serve for a period of one year and may be reappointed. Nothing herein shall limit the incumbent Director from being nominated and serving a three-year term. The Executive Director may recommend the appointment or removal of Committee members, and such appointment or removal shall be ratified by the National Council at a regularly scheduled or specially convened meeting. (amended 11/21/98)

d. Each member of the Committee, excluding the Executive Director, shall serve for a period of three years and may be reappointed for additional three-year terms. In the event of a vacancy due to the resignation or dismissal of any member of the Committee, a new individual shall be appointed by the Executive Director for such unexpired term. It is the intent and purpose of this Section to provide for Committee continuity and to set forth the principle that no more than

one-third of the Committee be appointed or reappointed each year. The Executive Director and any member of the Committee may be removed by the National Council for good cause. (amended 11/21/98; 6/30/10)

e. (deleted 11/21/98)

f. The goals of the Young Member Program are to attract our youth so as to enjoy magic as a wholesome outlet which will build their self-esteem, develop confidence in their abilities, and reinforce inter-personal relationships by increasing their circle of friends, thus serving in part to combat the ills of our youth today who are wrongfully directed in the area of drugs and other substance abuses. The ultimate goal shall be the training of our youth to create a sense of well-being, self-confidence, poise and self-esteem, and eventually to be a worthwhile member of the adult community. In addition, each Young Member should increase the Young Members' ability to follow instructions, develop relationships with others, develop physical coordination in the practice of magic, and to encourage communication among other Young Members and the integration of adult and young participants. (amended 3/12/88; 3/6/93 and 7/10/96)

ARTICLE XI

TERMINATION AND DISCIPLINE OF MEMBERS

SECTION 1 Grounds for Suspension, Expulsion & Disciplinary Action

a. A member who is three months in arrears in the payment of dues shall automatically be suspended therefore, subject to reinstatement pursuant to Section 7 of Article IV hereof. (amended 7/10/96)

b. A member may be suspended, expelled or subjected to other disciplinary action for the following offenses:

- (1) Unbecoming conduct;
- (2) Violation of Constitution or amendments thereto;
- (3) Violation of Bylaws or amendments thereto;
- (4) Willful violation of resolutions in force and effect;
- (5) Violation of the Code of Ethics or amendments thereto;
- (6) Violation of the Ritual;
- (7) Violation of the Oath or Pledge. (amended 6/30/10)

SECTION 2 - Commencement of Proceedings

a. Actions against a member for offenses set forth in Section 1b shall commence with the filing of written charges stating the offence and the facts on which the charges are based. (amended 6/30/10)

b. Complaints may be made by any person or entity. (adopted 6/30/10)

c. Complaints made by entities such as an Assembly or the National Council must be voted on and approved at a meeting by a majority of those present and eligible to vote. (amended 6/30/10)

d. Complaints must be made in writing. (amended 6/30/10)

e. All complaints shall be filed with the National Administrator, who shall turn over such complaint or grievance to the National President and the Ethics Committee for investigation, resolution or other action. (amended 6/30/10)

f. Charges against assembly members shall also be filed with the Presiding Officer of the Assembly with which the accused is affiliated. (amended 6/30/10)

SECTION 3 - Notice of Charges

a. Within 15 days of filing charges, the person or entity making the charges shall provide the accused with such notice, together with a true copy of the charges, via personal service or certified mail. (amended 2/21/87; 11/14/88; 7/10/96; 6/30/10).

b. The accused shall file an answer to the charges with the National Administrator within 21 days of receipt. The National Administrator shall promptly forward such answer to the Ethics Committee. (amended 6/19/97; 6/30/10)

c. Within 15 days of receiving the answer, the Ethics Committee, with the concurrence of the National President, shall submit a Notice of Finding and Recommended Action by personal service or certified mail to the complainant and accused. In the case of complaints originating in an Assembly or other entity, the Notice shall be submitted within 15 days to the Secretary of that entity. (amended 6/30/10)

d. The accused and complainant have 45 days to respond to the Notice of Finding and Recommended Action. If a resolution is not reached, the complaint shall go to a hearing as set forth in Article XI, Section 4 below. (amended 6/30/10)

SECTION 4 - Hearing

a. Presiding officer - The National President shall appoint an impartial Hearing Officer who shall preside over the hearing. (amended 6/30/10)

b. Place - The Hearing Officer shall determine the location and manner in which the hearing shall take place, subject to approval of the accused and complainant. If a convenient physical location cannot be found, the hearing may take place via electronic video conferencing. In the case of charges filed against an Assembly Member, the location may include, but is not limited to, a regular or special meeting of the Assembly to which the accused belongs. (adopted 6/30/10)

c. Notification - (amended 6/30/10)

(1) At least 10 days in advance of the hearing, the Hearing Officer shall give written notice of the time, place and gist of the charges to the complainant or Secretary of the entity making the charges, and the accused. (amended 6/30/10)

(2) The body making the charges and the accused may be represented at the hearing by any member in good standing or by a licensed attorney. (amended 6/30/10)

(3) The Hearing Officer shall determine the procedure of proof and the admissibility of evidence and may act with the advice and counsel of the Assembly's Legal Committee or the National S.A.M. Legal Counsel. The accused may present any evidence and call witnesses. (amended 6/30/10)

(4) Stenographic minutes or an audio or video recording of the hearing shall be made if requested by either the accused or the body making the charges, at the requester's expense. The opposing party shall receive a true and accurate copy of the minutes or recording. (amended 6/19/97; 6/30/10)

(5) The accused is privileged to be present at the hearing but attendance is not necessary for a valid determination. (amended 11/14/92)

(6) The complainant or the accused may request one adjournment of not more than 30 days, subject to the approval of the Hearing Officer or a majority vote of the Assembly holding the hearing. Exceptions shall be subject to approval of the accused and complainant. (amended 6/19/97; 6/30/10)

SECTION 5 - Determination and Publication

a. No Assembly Member shall be found guilty and punished unless a majority of the members of the Assembly holding the hearing, present at the meeting called therefore, shall have duly voted by secret ballot in favor thereof, except that a two-thirds majority vote of said membership then present shall be required in order to expel a member.

b. As to Associate Members, the Hearing Officer shall prepare a summary of the evidence or have a stenographic transcript prepared. Within thirty days after the completion of the transcript or summary, the Hearing Officer shall prepare findings of fact and conclusions. The summary or transcript, together with the findings of fact and conclusions, shall be submitted to each member of the National Council, with a copy to the accused. The National Council shall vote either at a regular or special meeting or by postal or electronic mail to determine whether to adopt the findings of fact and conclusions of the Hearing Officer. A majority vote shall be sufficient to sustain the Hearing Officer's conclusions, except that if the conclusion is to expel the member, a two-thirds vote of the National Council shall be required.

c. The accused shall not participate in the voting.

d. In all cases, if a member is found guilty of the charges proffered, written notification thereof, together with the punishment imposed, shall be given by the Hearing Officer to the Secretary of the National Council, the National Administrator, and to the members involved, together with the procedure for filing an appeal, by certified mail, within one week of such determination. (amended 6/30/10)

The accused, members of the National Council and the assembly that made the charge have up to 30 days to file an appeal. (amended 6/30/10)

e. Notice of the results of the hearing, together with the punishment imposed, shall be printed in the official bulletin of the National Council 30 days following the period allowed for filing an appeal. If an appeal is filed, all findings of fact and conclusions and the publication thereof shall be stayed, as provided in Section 6 below. (e and f amended 2/21/87; 11/14/88; 11/14/92; 7/10/96; deleted and replaced 6/30/10)

SECTION 6 - Appeal

a. An appeal may be taken to the National Council by:

(1) The accused, or

(2) Members of the National Council, or

(3) If the charges originated in an Assembly other than that with which the accused is affiliated, by that Assembly.

b. An appeal shall be made by: (amended 6/30/10)

(1) Filing a written petition of review with the Secretary of the National Council, stating the ground of appeal, together with a transcript or agreed summary of the evidence, within thirty days of the determination appealed from, and

(2) Serving a copy of said petition and transcript or summary upon the Hearing Officer and upon the Secretary of the body which originally made the charges. (amended 6/30/10)

c. The hearing of an appeal shall be at a regular or special meeting of the National Council.

(1) Written notice of the time, place and nature of the appeal shall be given at least ten days in advance to the members of the National Council, the accused, and the Secretary of the body which originally made the charges.

(2) The body which originally made the charges and the accused may be represented by any member in good standing or by a licensed attorney.

(3) The appeal shall be argued entirely upon the record of evidence presented to the Assembly or Hearing Officer who presided over the hearing. (amended 6/30/10)

(4) Affirmation or reversal shall be by a majority vote. (amended 6/30/10)

(5) If the result of an appeal is a finding of guilt and punishment, the same shall be published as provided in Section 5e above. (amended 6/30/10)

ARTICLE XII
DISCIPLINE OF ASSEMBLIES

SECTION 1 – Complaint and Procedure (amended 6/30/10)

An Assembly may be suspended, have its Charter revoked, or be subjected to other disciplinary action for offenses set forth in Section 1b of Article XI. (amended 6/30/10)

a. Action for offenses against an Assembly shall be initiated by the National Council during a regular or special meeting by a majority vote of those present and eligible to vote. (amended 2/21/87; 11/14/88; 7/10/96; 6/30/10)

b. The National Secretary shall present a written copy of the charges within 15 days to the Ethics Committee for investigation. (adopted 6/30/10)

c. Following said investigation and with concurrence of the National President, the Ethics Committee shall file a Notice of Complaint with the National Administrator.

d. The National Administrator shall send a written copy of the Notice of Complaint via certified mail to the President and Secretary of the Assembly against which the complaint has been made.

SECTION 2: Response (amended 6/30/10)

The Assembly shall respond to the National President within thirty (30) days after receiving the Notice of Complaint. Upon hearing the response, the President shall, with concurrence of the National Officers, decide whether the issue is resolved. The decision of the National Officers shall be final. (amended 11/14/92; 6/30/10)

SECTION 3: Hearing (amended 6/30/10)

a. The National Administrator shall notify the President and Secretary of the accused Assembly by certified mail of the date and place of the hearing at least thirty days prior to the hearing. (amended 2/21/87 and 11/14/88; 6/30/10)

b. The hearing shall be conducted before a regular or special meeting of the National Council. (amended 6/30/10)

c. The National President may act as Hearing officer or appoint one. The Hearing Officer shall preside at such hearing, shall determine the procedure of proof and the admissibility of evidence and may act in concurrence with advice of the National S.A.M. Legal Counsel. (amended 6/30/10)

d. The Assembly may present any evidence on its own behalf, call witnesses and may be represented by any member in good standing or by a licensed attorney. (amended 6/30/10)

e. Stenographic minutes or an audio or video recording of the hearing shall be made at the expense of the National Council. (amended 6/30/10)

f. In the event the Assembly fails to answer or appear at the hearing, the National Council may nevertheless proceed to hear evidence and make a

determination. The Assembly shall receive a true and accurate copy of the minutes or recording. (amended 6/19/97)

SECTION 4: Result

A majority vote of the National Council shall be required to sustain the charges; however, no Assembly shall be suspended or its charter revoked unless two-thirds of the National Council has voted in favor of sustaining the charges. Disciplinary action, however, may be imposed by a majority vote of the National Council. (amended 11/14/92; 6/30/10)

ARTICLE XIII **AMENDMENTS TO BYLAWS**

SECTION 1

These Bylaws shall not be amended unless the proposed amendment shall have been submitted in writing by an Assembly at a regular meeting of the National Council, or submitted in writing by a member of the National Council thereto, and recommended for adoption by a two-thirds vote of the members present and voting at any meeting of the National Council, or by a two-thirds vote of all the members of the National Council during any interim meeting thereof.

SECTION 2

Upon the recommendation for adoption of the proposed amendment by the necessary vote of the National Council, such proposed amendment shall be published in the official publication or mailed personally to members in good standing of the Society by the National Administrator, and shall become effective and operative if no objection thereto shall have been filed by at least three Assemblies with the National Administrator within sixty days after such publication or date of mailing, if mailed, as provided herein. Proposed changes in the Constitution and Bylaws that are cosmetic in nature (for example, corrections of spelling, grammar or punctuation, or elimination of sexist language), and that are not substantive (that is, making no changes in rules or procedures), may be passed by the National Council without publication in *M-U-M* or without a personal mailing to members in good standing. (amended 2/21/87, 11/14/88 and 11/14/92)

SECTION 3

Whenever objection to such proposed amendment is filed as stated, the proposed amendment shall be reconsidered by the National Council at its next meeting. At such reconsideration, a two-thirds vote of the members of the National Council present and voting, or recognized directed vote of an Assembly, shall be required to adopt any such amendment.

[These Bylaws were recommended for adoption on July 29, 1977, and have been amended by the National Council on March 10, 1979, April 26, 1980, July 3, 1981, July 7, 1983, July 25, 1985, July 12, 1986, February 21, 1987, March 12, 1988, November 14, 1988, February 1, 1992, November 14, 1992, March 6, 1993, July 15, 1994, July 10, 1996, June 19, 1997, April, 1999, July, 2005; and June 30, 2010]