



## I. NATURE OF THIS SUIT

1. This case concerns a Puerto Rican political party's attempt to gain control of a major Texas nonprofit. This action is filed by Plaintiffs to (1) restrain the Defendants, who are current officers and Board members of the nonprofit; (2) temporarily enjoin each Defendant from exercising any power relating to the LULAC's upcoming national elections (the "Elections"); (3) for declaratory relief relating to the Board of Directors' authority to conduct a *per se* fraudulent election; (4) for the costs and disbursements of this action and for any such other relief as the court deems proper.

2. In support of this action thereof, Plaintiffs file this petition along with the attached affidavits (attached hereto as Exhibits A & B) supporting the matters and facts asserted herein.

## II. DISCOVERY CONTROL PLAN

3. Plaintiffs request a Level 3 discovery control plan.

## III. PARTIES

### *Plaintiffs*

4. Plaintiffs are dedicated members and council leaders of the League of United Latin American Citizens, Inc. or "LULAC" which is a 501(c)(4) non-profit corporation organized and existing pursuant to the laws of the State of Texas.

5. Plaintiff Hilda Ramirez Duarte is an individual residing in the State of Texas and may be served at 1413 Range Drive #210 Mesquite, Texas 75149. Hilda Ramirez Duarte is currently the President of LULAC Council #4782.

6. Plaintiff Rene Martinez is an individual residing in the State of Texas and may be served at 7007 Arboreal Drive, Dallas, TX 75231. Rene Martinez is the President of LULAC Council #100, located in Dallas County, Texas.

7. Plaintiff Henry Rodriguez is an individual residing in the State of Texas and may be served at 501 Oak Wood Drive, San Antonio, Texas 78228. Henry Rodriguez is the Founder and Executive Director of LULAC Concilio Zapatista #4383.

8. Plaintiff Federico Garza is an individual residing in the State of Texas and may be served at 29267 Resaca Drive, San Benito, Texas 78586. Federico Garza is District 13 Director and President of LULAC Council #22347

9. Plaintiff Hector Carrillo is an individual residing in the State of Texas and may be served at 740 N Sylvania Avenue, Fort Worth, TX 76111. Hector Carrillo is currently President of LULAC Council #22315 located in Fort Worth, Texas.

***Defendants***

10. Defendants are executive officers and Board of Directors members (collectively, the “Board” or “Defendants”) of the League of United Latin American Citizens, Inc., or LULAC, which is a Texas non-profit incorporated as a 501(c)(4) organization and registered in the State of Texas under the provisions of the Texas Non-Profit Corporation Act. LULAC’s national office and principal place of business is located at 221 N Kansas St, El Paso, Texas 79901.<sup>1</sup>

11. Defendant Sindy Benavides is the current Chief Executive Officer and a member of the National Board of Directors of LULAC. Sindy Benavides can be at LULAC’s national office and principal place of business at 221 N Kansas St, El Paso, TX 79901 or by and through the Texas Secretary of State.

12. Defendant Eric Cedillo is currently an Executive Officer and serves as the National Legal Advisor of LULAC and currently serves as a member of the National Board of Directors of

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<sup>1</sup> In addition to LULAC, all individual Defendants, as Executive Officers of LULAC, may be served at LULAC’s principal place of business or by and through the Texas Secretary of State pursuant to TEX. CIV. PRAC. & REM. CODE § 17(c)17.043 .

LULAC. Defendant Eric Cedillo is an individual residing in the State of Texas and may be served at 1725 Greenville Ave, Dallas, TX 75206.

13. Defendant Domingo Garcia serves as an Executive Officer and member of the National Board of Directors of LULAC and is currently the 51st President of LULAC since 2018. Defendant Domingo Garcia is an individual residing in the State of Texas and may be served at 634 Kessler Springs Ave, Dallas, TX 75208.

14. Defendant Roger Rocha is an individual residing in the State of Texas and is currently a member of the National Board of Directors of LULAC and an Executive Officer of LULAC and can be served at LULAC's national office and principal place of business at 221 N Kansas St, El Paso, TX 79901 or by and through the Texas Secretary of State.

15. Defendant Richard Estrada is currently a member of the National Board of Directors of LULAC and an Executive Officer of LULAC and can be served at LULAC's national office and principal place of business at 221 N Kansas St, El Paso, TX 79901, or by and through the Texas Secretary of State.

16. Defendant Elsie Valdes Ramos ("Defendant Valdes") is currently a member of the National Board of Directors of LULAC and an Executive Officer of LULAC and can be served at LULAC's national office and principal place of business at 221 N Kansas St, El Paso, TX 79901, or by and through the Texas Secretary of State.

17. Defendant Mari Corugedo is currently a member of the National Board of Directors of LULAC and can be served at LULAC's national office and principal place of business at 221 N Kansas St, El Paso, TX 79901, or by and through the Texas Secretary of State.

18. Defendant Andres Rodriguez is currently a member of the National Board of Directors of LULAC and can be served at LULAC's national office and principal place of business at 221 N Kansas St, El Paso, TX 79901, or by and through the Texas Secretary of State.

19. Defendant Elia Mendoza is an individual residing in the State of Texas and is currently a member of the National Board of Directors of LULAC. Defendant Elia Mendoza can be served at LULAC's national office and principal place of business at 221 N Kansas St, El Paso, TX 79901, or by and through the Texas Secretary of State.

20. Defendant Linda Chavez is an individual residing in the State of Texas and is currently a member of the National Board of Directors of LULAC and can be served at LULAC's national office and principal place of business at 221 N Kansas St, El Paso, TX 79901, or by and through the Texas Secretary of State.

21. Defendant Jose Lopez is currently a member of the National Board of Directors of LULAC and can be served at LULAC's national office and principal place of business at 221 N Kansas St, El Paso, TX 79901, or by and through the Texas Secretary of State.

22. Defendant Ralina Cardona is currently a member of the National Board of Directors of LULAC and can be served at LULAC's national office and principal place of business at 221 N Kansas St, El Paso, TX 79901, or by and through the Texas Secretary of State.

23. Defendant Ivonne Quinones is currently a member of the National Board of Directors of LULAC and can be served at LULAC's national office and principal place of business at 221 N Kansas St, El Paso, TX 79901, or by and through the Texas Secretary of State.

24. Defendant Paul Martinez is currently a member of the National Board of Directors of LULAC and can be served at LULAC's national office and principal place of business at 221 N Kansas St, El Paso, TX 79901, or by and through the Texas Secretary of State.

#### IV. JURISDICTION & VENUE

25. Plaintiffs state in accordance with TEX. R. CIV. P. 47(c) that Plaintiffs seek monetary relief of \$100,000 or less and non-monetary relief of declaratory and injunctive relief. The damages sought are within the jurisdictional limits of the Court.

26. The Court has personal jurisdiction over the Defendants, who are members of the Board of Directors of the League of United Latin American Citizens, Inc., and Executive Officers of LULAC because LULAC is based in Texas and is a Texas non-profit incorporated as a 501(c)(4) organization. Moreover, LULAC is registered in the State of Texas under the provisions of the Texas Non-Profit Corporation Act.

27. The Court has personal jurisdiction over Defendants Eric Cedillo, Domingo Garcia, Roger Rocha, Elia Mendoza, Linda Chavez because they are individuals residing in the State of Texas.

28. The Court has statutory jurisdiction over individual non-resident Defendants Sindy Benavides, Richard Estrada, Elsie Valdes Ramos, Mari Corugedo, Andres Rodriguez, Richard Estrada, Jose Lopez, Ralina Cardona, Ivonne Quinones, and Paul Martinez pursuant to TEX. CIV. PRAC. & REM. CODE § 17(c), arising from the non-resident Defendants' business and dealings in the State of Texas, including the conduct described herein.

29. The Court's jurisdiction to enter declaratory relief in this lawsuit is established by TEX. CIV. PRAC. & REM. CODE § 37.001, *et seq.*

30. The Court's jurisdiction to enter injunctive relief in this lawsuit is established by TEX. CIV. PRAC. & REM. CODE § 65.001, *et seq.*

31. Venue is appropriate in Dallas County, Texas pursuant to TEX. CIV. PRAC. & REM. CODE § 15.002, because all or a substantial part of the events or omissions giving rise to the claims occurred and are occurring in Dallas County.

## V. FACTS

### A. The New Progressive Party's Unlawful Scheme to Take Over LULAC.

32. LULAC's National Convention (the "Convention") is currently taking place in Puerto Rico. On Saturday, July 30, 2022, LULAC's National Assembly, made up of hundreds of delegates from councils throughout the United States is scheduled to hold in-person Elections for twelve (12) national positions, including the National President position.

33. After the Elections, and per LULAC's governing documents, the elected officials will automatically become voting members of LULAC's National Board of Directors and be able to exercise the range of powers conferred on the Board by the LULAC Constitution.

34. But this upcoming election is entirely illegitimate. It has recently come to light that, in the time leading up to the Convention, a political party based in Puerto Rico with a history of corruption and crime has devised a scheme to take over LULAC's leadership.

35. Plaintiffs have learned that, as part of its scheme, the New Progressive Party and certain LULAC insiders, including Defendants to this action such as Defendant Elsie Valdes Ramos, (collectively, the "NPP") have used government and political party resources to pay for more than 1,480 illegitimate LULAC votes—constituting the majority of eligible votes. However, the way that these delegates brought into the organizations makes their votes invalid under LULAC's own rules.

36. Because of the influence and control the NPP has obtained over LULAC in the past years, there is no alternative remedy to stop these fraudulent Elections apart from a Temporary Restraining Order and Injunction from this Court.

37. To put it into context, only delegates physically present in Puerto Rico on July 30, 2022, will be allowed to vote in the Elections. There will be no way to participate remotely or while avoiding the covid-19 risks of attending a massive in-person gathering. As part of their scheme, the NPP ensured they would have this advantage. Instead, LULAC delegate members from Texas, or any state, have been forced to pay for inflated travel expenses and forced to face health risks to ensure their vote is counted in the LULAC Elections.

38. This hostile takeover has been months in the making, and resembles prior tactics used by the NPP. As in previous years, the political party has funded its scheme using hundreds of thousands of illegal political funds, which go directly against LULAC's established rules, including established rules against partisanship. The NPP has historically funded millions of dollars to get invalid delegates to LULAC conventions that have taken place throughout the U.S.

39. But this year, the NPP's efforts have magnified. As stated herein and in the attached Affidavit, it has come to light that in just the last few months, the NPP has spent **\$710,000** to ensure it has *complete* control over LULAC's Elections this year, and to ensure that its complicit candidates reach a majority on LULAC's Board.

40. The illicit political funds underlying these efforts have been funneled from the NPP to the Puerto Rico division of LULAC. From there, the funds have been used to form illegitimate councils (in violation of set LULAC's Chartering procedures) and to pay for Puerto Rico delegates to travel and participate in the Convention.



41. As it gains control over LULAC, the NPP's ultimate goal is to use LULAC's resources as a platform for the NPP's political campaigns, primarily for its campaign supporting Puerto Rico's statehood. However, using LULAC for this purpose would violate LULAC's policies and rules against partisanship.

42. The evidence shows that this election scheme is a large and coordinated effort led by orders from the top. In a matter of months, the NPP has used illicit political funds and formed hundreds of LULAC councils, bringing the total number of Puerto Rico councils to around 370. Almost 300 of these councils were thrown together in the last 3 months. These councils were formed in Puerto Rico to generate 1,480 delegates votes at the upcoming Elections.

43. Without an Order and Injunction from this Court, the NPP's scheme will be successful, as these illegitimate delegates vastly outnumber legitimate U.S. representatives and councils present.

**B. The NPP's Candidates Have a History of Corruption and Will Devastate LULAC**

44. If the year's Elections go forward, it will mean the complete and final takeover of LULAC's Board and officer positions by the NPP and the NPP's hidden political funders. Such a result would be improper and invalid under LULAC's Rules.

45. The historical and recent evidence shows that this illegal takeover of LULAC will lead to a catastrophic corruption and abuse of LULAC's funds, resources, and name—that LULAC's reputation and goodwill will face ruin. If LULAC's resources and platform is used for the NPP's own political agenda, in direct violation of LULAC's Constitution, it will also certainly mean the complete and inevitable disenfranchisement of tens of thousands of LULAC members in Texas and the U.S., who will no longer have their proper and pressing needs addressed.

46. Plaintiffs have no alternative legal remedies and no remedies through the organization itself. LULAC officials, including National Treasurer Paul Martinez, have breached their duties to members and have not properly vetted the source of these funds coming from Puerto Rico. Instead, they have complicitly accepted the illicit funds without questioning their source. Thus, any demand thereof would be entirely futile.

47. Moreover, the sitting LULAC officials and Board members historically involved with the NPP present grave conflicts of interests within the LULAC organization. As described in the affidavits (Exhibits A & B) attached to this petition, these individuals, and their family members, include the very candidates who will be elected by the illegitimate delegates.

48. For example, Defendant Elsie Valdez Ramos has deep ties to the NPP and a history of corruption and of abusing the LULAC organization. Despite her criminal indictment for misappropriating government funds (*see, e.g.*, Exhibit F; Patterson Affidavit at ¶ 65), she has continued serving on LULAC's Board, with the help of the NPP. Defendant Valdez has also brought members of her own family—with their own scandalous pasts—into the LULAC division of Puerto Rico.

49. In fact, the candidate that the NPP hopes to elect as LULAC's new president in the upcoming elections is none other than Defendant Valdez' son—Juan Carlos Lizardi (“Lizardi”). As described in the attached affidavits, Lizardi's checkered past and complete lack of qualification further evidence the harm that awaits LULAC if the Elections go forward.

50. There is no doubt that Defendant Board members, including Defendant Valdez, have breached their duties under LULAC's governing provisions by self-dealing and the misappropriations described herein and the attached affidavits. As the key decision makers within the organization, board members should act in the interest of the key stakeholders, and not in their

own. Under the LULAC Constitution, all Board members are expected to always act ethically, notify promptly of any material facts or potential conflicts of interest, and take appropriate corrective action.

51. But these individuals have a history of conflicts and have abused the influence of their LULAC positions relating to their salaries and perks, misappropriation of company assets, self-dealing, appropriating corporate opportunities, and neglecting board work. If the NPP gains complete and total control over LULAC, these past abuses will only magnify.

52. Indeed, if the NPP's scheme is allowed to go forward, LULAC will be entirely controlled by the unregulated political party, which will no doubt use LULAC resources for its own political interests—in contravention of Texas nonprofit law and of LULAC's established governance. This unfair and fraudulent takeover and pending misuse of LULAC property will be to the detriment of hundreds of thousands of members residing in Texas and throughout the United States.

53. The facts included below as well as in the attached affidavits—including the documented history of corruption, criminal indictments, and numerous scandals of the NPP—evidence the certain irreparable harm that will occur absent an Order and Injunction from this Court barring the Board from allowing the Elections to take place.

**C. The Fraudulent Takeover Violates LULAC's Principles and Corporate Governance.**

54. The League of United Latin American Citizens or "LULAC" is the oldest, largest, and most widely respected Hispanic civil rights organization in the United States. LULAC was founded in Corpus Christi, Texas on February 17, 1929. Today, LULAC has several thousand

members throughout Texas, and approximately 132,000 members and supporters and more than 1,000 councils throughout the United States, including the councils lead by Plaintiffs.<sup>2</sup>

55. The LULAC organization is formed by creating councils. *See* Article I, § 3 (“The League of United Latin American Citizens shall be made up of affiliated councils which shall be chartered by the National Board of Directors under authority of the National Assembly as set forth in this Constitution.”). Local LULAC councils organize and perform community service in their local communities. Under the Rules, a council is formed by 11 persons, paying dues, and a charter application. When chartered, councils are licensed to use the LULAC logo and represent themselves as a LULAC council.

56. The LULAC National Assembly (the “Assembly”) is only convened at the National Convention, which is convened every year, and includes the members of the Board, the District Directors,<sup>3</sup> and the council delegations.<sup>4</sup> The Elections occur when the Assembly is convened and votes on the available candidates.

57. Pursuant to the LULAC Constitution, each local council is granted *four* voting delegates to each National Convention.

58. As described above, the NPP has abused this delegation requirement to illicitly control the election outcome this year. Additionally, the NPP has used its government resources and funneled hundreds of thousands of dollars in illicit political funds to create hundreds of LULAC councils through numerous government agencies. This is how it has created hundreds of councils in a short period of time.

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<sup>2</sup> *See* About Us, League of United Latin American Citizens, available at: <https://lulac.org/about/> (last accessed July 29, 2022).

<sup>3</sup> Three councils or more form a District. A District is managed by the District Director and District Board of Directors. Each State may have one or more districts. Each State must have ten Councils to have a voting State Director.

<sup>4</sup> Article VI Organizational Structure, § 1 of the LULAC Constitution.

59. In short, as part of its scheme, the NPP aggressively recruits individuals who have ties to Puerto Rican government agencies—including government employees and contractors—to show up at the LULAC National Assembly. The NPP requires governmental units and agencies to form LULAC councils and pays for the councils' fees directly. Essentially, the NPP has used its political funding and state resources to purchase control over LULAC.

60. As mentioned above, the NPP's scheme is a large and coordinated effort, led by the NPP and high ranking NPP and LULAC officers. In an unprecedented move to take over the upcoming Elections, 300 councils have been fraudulently formed in the last 3 months. These councils were formed in island Puerto Rico solely to generate 1,480 delegates for the meeting of the LULAC National Assembly.

61. After being chartered, the Board's purportedly approved councils pursuant to Article VI §1(d), allowing these councils to send delegates to vote at the Elections. However, given the facts stated herein, and the Board had no authority to approve these invalid councils created in violation of the sections mentioned herein, including the 2022 Charter Agreement and LULAC Constitution provisions regarding the covenants of a chartered council.

62. The LULAC Constitution intends to guard against this kind of takeover by only allowing councils chartered 30 days prior to the National Convention to have voting privileges. *See* Article IV, §8(b)(3). However, as mentioned above, many LULAC officers have been complicit in this scheme, have ignored their duties, and have placed no safeguards preventing violations of provisions guarding against illegitimate councils and votes at the upcoming Assembly.

63. One can easily surmise the reason the NPP can influence certain LULAC officials, including the Defendants to this action: money. The chartering of councils generates revenue for

LULAC. Indeed, all Puerto Rico council fees are paid directly by the Puerto Rico division of LULAC, which can only pay using funding from NPP. When it comes to the Convention, the costs are even higher. Most of the illegitimate delegates do not only attend the Assembly, they attend a whole week of LULAC's educational seminars. Thus, they need traveling budgets, meals, room, board, and all registration fees.

64. To get an idea of the money funded by the NPP with respect to the 2022 Convention, consider that each of the 370 councils cost around \$330 to charter, or about \$122,100 total. Additionally, given that the Assembly is in Puerto Rico, the cost of round-trip travel could be projected at \$100 for each delegate, or about \$144,000 total. If each council (2 delegates) rents one room for the week at a price of \$800 and spends \$400 on meals on both delegates, then each council would need to spend about \$1,200.00 to cover room and board expenses. For 370 councils, the total costs of room and board would come out to around \$444,000.00. Just adding these costs, not including Convention registration or other miscellaneous fees, would come out to a total of **\$710,100**. This illicit amount of money is representative of the significant political influence that the NPP is trying to assert over the LULAC organization.

***The NPP Takeover Violates LULAC's Rules of Non-Partisanship.***

65. LULAC and its national elections are governed by its Constitution, Bylaws, and Protocol (attached hereto as Exhibit C) and LULAC's Convention Rules (together referred to as the "Rules"). Because the NPP's goal is to use LULAC as a platform to promote the party's controversial political push for statehood, the NPP's efforts to take over LULAC are also in *direct* contravention of LULAC's governance prohibiting LULAC be used for political purposes.

66. Under its own Constitution, LULAC and its members are prohibited from using LULAC in furtherance of any partisan efforts or any political campaigns. *See, e.g.*, Article III

“Aims and Purposes,” (including § 6 “To maintain the League free of all involvement in partisan politics as an organization...”).

67. In fact, the LULAC Constitution expressly prohibits members from using LULAC in furtherance of political aspirations. Article IV Members, § 1(7) (“Duties and Responsibilities ... [t]o refrain from using the name, facilities or influence of the League for political or personal aspirations or aggrandizement.”).

68. LULAC’s current Charter Application requires the applicants organizing a council to take an oath, agree, and attest that the applicants “wholeheartedly subscribe” and pledge “unfaltering loyalty” to LULAC’s policies, including the “Aims and Purposes” included in the LULAC Constitution (Exhibit C), which expressly prohibits the NPP’s partisan purposes. The oath is as follows:

**To the National Executive Board of the League of United American Citizens:**

We, the persons whose names are attached hereto, do hereby most respectfully make application for a charter council in the League of United Latin American Citizens and state that we have read, and had fully explained by one of your officers, the Aims and Purposes, the Code, the Constitution, and the policies and work of the League. We wholeheartedly subscribe to these and pledge our unfaltering loyalty to them. We have complied with all of the instructions contained in your Constitution, By-Laws and Protocol, with regard to being chartered as a council of the League, and hereby request that a charter be granted to our group.

\_\_\_\_\_  
Acting Council President (print and sign name)

\_\_\_\_\_  
Acting Council Secretary (if available)

See 2022 Charter Application (attached hereto as Exhibit D).

**D. The NPP’s Corrupt Financing and Illicit Scheme Can be Traced Back for Decades.**

69. The NPP has used this scheme before to obtain influence over LULAC and its elections. The evidence shows that since at least the 1990s, members of the NPP, including sitting public servants, have used their government positions to improperly and illegally finances efforts to influence LULAC policy and interfere in LULAC elections—all in hopes of using controlling LULAC and using the organizations as a platform to advocate for statehood. Indeed, the NPP had

a resurgence of power in 1993 when Pedro Rosselló (“Rosselló”) was elected Governor of Puerto Rico while leading the NPP in a campaign for Puerto Rican statehood. During that time, the NPP devised a scheme to force LULAC to support its political agenda for statehood—the same scheme it is now attempting to use in the 2022 Convention. This scheme in the 1990s is further described in the attached affidavits.

70. In the wake of corruption scandals and investigations involving the NPP’s misappropriations and fraud connected to LULAC councils in Puerto Rico, Rosselló stepped down as governor after eight years in power in 2001. In fact, in June 2000, acting US District Attorney Guillermo Gil (“Gil”) said (three months before the November 2000 election) “corruption has a name, and it is called the New Progressive Party” while announcing a related grand jury indictment. The grand jury had accused 18 people—including two mayors from Rosselló’s NPP—of running an extortion scheme that skimmed \$800,000 in kickbacks from a \$56 million government contract.

71. During a news conference, Gil further told journalists that the extorted money had found its way to the pockets of members of the NPP. Understandably, the NPP lost the 2000 election, losing the Governor's seat, the Resident Commissioner, and the state legislature. Additional significant turmoil consumed NPP during the first two years of the 2001–2005 term. The Secretary of Education, under the Rossello's administration, Víctor Fajardo (“Fajardo”), was charged and convicted by federal agencies of appropriating millions of federal funds directed to the Education Department.

72. Just like what the NPP is doing today, Fajardo had extorted donations from government contractors to pay for LULAC memberships for the costs of traveling to LULAC conventions for Puerto Rico-based members. A Puerto Rican newspaper, for example, reported



that about \$1,000,000 in public funds had been funneled to a Puerto Rico-LULAC affiliate. The former Puerto Rican House Speaker and Republican National Committee member, Edison Mislá Aldarondo, with close ties to the NPP, was also charged with extortion by the US Attorney's Office and was forced to resign.

73. As the politics in Puerto Rico underwent changes in the early 2000s and as the U.S. federal government continued investigating the NPP politicians in Puerto Rico, Puerto Ricans stopped coming to the national LULAC conventions. In 2002, the national LULAC leadership was elected without the leverage of the island Puerto Rican vote. National LULAC stayed that way from 2002 through 2009, voting two leaders into national office by a vote of mostly mainland LULAC delegate voters.

74. However, as the NPP's corruption faded from public view, the NPP returned to its efforts of taking over and controlling LULAC in 2010. During that election, the NPP helped funnel more than \$800,000 to pay for the formation of Puerto Rico councils and for the travel of the delegates to Albuquerque, New Mexico, where the 2010 Convention was held.

75. For the past decade, the NPP has spread its influence over LULAC, and the 2022 Convention is not just a repeat of past attempts by the NPP and complicit LULAC members to influence LULAC. This time, LULAC will fall into complete control of the corrupt NPP.

## **VI. CAUSES OF ACTION**

### **FIRST CAUSE OF ACTION: DECLARATORY JUDGMENT**

76. Plaintiffs incorporate by reference the allegations set forth in each of the preceding paragraphs as though they were set forth herein.

77. Pursuant to TEX. CIV. PRAC. & REM. CODE § 37 and TEX. BUS. ORGS. CODE § 22.512(b), Plaintiffs respectfully request that the Court enter the following declaration:

- a. LULAC councils formed as part of the NPP's scheme described herein violate Article IV § B of the LULAC Constitution.

78. Pursuant to TEX. BUS. ORGS. CODE § 22.512(b), Plaintiffs respectfully request that the Court enter the following declaration:

- b. The Board's purported approval of any council pursuant to Article VI §1(d) of the LULAC Constitution constitutes a defective corporate act under the Texas Non-Profit Corporation Act (TEX. BUS. ORGS. CODE § 22.501).

## **VII. ATTORNEYS' FEES**

79. As a result of the controversy arising between the parties, it has become necessary for the Plaintiffs to employ the firm of Tillotson Johnson & Patton to represent the Plaintiffs in this action, and Plaintiffs have agreed to pay Tillotson Johnson & Patton a reasonable fee. Plaintiffs seek their attorneys' fees under applicable law, including under TEX. CIV. PRAC. & REM. CODE Chapter 38.

## **VIII. APPLICATION FOR *EX PARTE* TEMPORARY RESTRAINING ORDER**

### **A. Court's Authority to Issue *Ex Parte* Temporary Restraining Order**

80. This court has authority to grant a temporary restraining order without notice to the adverse parties if "it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon." TEX. R. CIV. P. 680. This petition complies with TEX. R. CIV. P. 680. and includes attached affidavits and Exhibits C-F showing specific facts that immediate and irreparable injury, loss, or damage will result to the Plaintiffs, and Plaintiffs' constituents, before notice can be served and a hearing had thereon.

### **B. Immediate and Irreparable Harm to Plaintiffs**

81. Plaintiffs incorporate by reference the allegations set forth in each of the preceding paragraphs as though they were set forth herein. Unless immediately restrained by this Honorable Court, the Defendants will cause immediate, irreparable injury, loss and damage to Plaintiffs and to thousands of Texans who are members of LULAC before notice can be served on the Defendants and a hearing held on Plaintiffs' application for injunctive relief.

82. Indeed, by the time of a hearing, the fraudulent and illicit scheme described herein by the NPP and certain LULAC officials will have come to fruition and will have placed LULAC under irreversible control of a corrupt, controversial, and foreign political party that does not represent the interests of Plaintiffs or Plaintiffs' constituents.

83. To demonstrate probable injury or harm, an applicant "must show an injury for which there can be no real legal measure of damages or none that can be determined with a sufficient degree of certainty." *Marketshare Telecom, LL. C. v. Ericsson, Ina*, 198 S.W.3d 908, 926 (Tex. App—Dallas 2006, no pet.). That is the precise circumstance here. It is difficult if not impossible to assess the precise damages stemming from the conduct described herein.

84. Plaintiffs have no adequate remedy at law if defendants are not ordered to cease from conducting LULAC elections under the promulgated rules under the LULAC Constitution (Exhibit C), and the 2022 National Convention Election Rules (Exhibit E), and are not enjoined from taking any actions under said Rules.

85. Moreover, given the NPP's extensive criminal histories—as further described and evidenced by the supporting affidavits and attached exhibits—the described takeover would dramatically expose the organization to litigation, including litigation against the government and/or regulators. The involved individuals have been indicted for misappropriating federally granted funds and abusing their authority, and the scheme's intent to use LULAC for political

purposes and partisan activities will open LULAC to new tax liabilities under Federal and Texas state law.

86. This misuse of LULAC’s resources in the U.S. and in Puerto Rico by the NPP presents heightened risk to LULAC’s tax-exempt status given its hybrid 501(c)(3)/501(c)(4) affiliated structure, which requires LULAC to carefully plan and regulate its political activities. Under Section 501(c)(4) of the Internal Revenue Code, LULAC is restricted to engage in lobbying that is “germane to the organization’s programs” as a “permissible means of attaining [a] social welfare purpose,” but must generally refrain, as a principal activity, from “direct or indirect participation or intervention in political campaigns[.]”

87. Because the Elections has been delegitimized to ensure the election of individuals complicit with the NPP, who likely will engage in controversial political activity prohibited to LULAC, e.g. activity like primarily campaigning for the statehood of Puerto Rico, the Election threatens LULAC’s tax-exempt status and very existence.

### **C. Terms of Requested Temporary Restraining Order and Injunctive Relief**

88. To prevent the immediate and irreparable harm to Plaintiffs described above, Plaintiffs request that the court issue an *ex parte* temporary restraining order enjoining and restraining the Defendants, individually in their capacities as Officers and Board members of LULAC, and also restraining any of Defendants’ agents, attorneys, representatives, and those persons in active concert with them, as follows, pending a hearing on the Plaintiffs’ application for a temporary injunction:

- a. Restraining each Defendant from participating in, convening, or exercising any power or taking ***any action*** relating to the 2022 LULAC elections.

- b. Restraining each Defendant from delegating, transferring, or conferring any power relating to the 2022 LULAC elections.
- c. Restraining Defendant Sindy Benavides, the Chief Executive Officer, from transferring, sharing, or deleting any materials<sup>5</sup> obtained by Benavides in her capacity as an officer and/or Board member of LULAC.
- d. Restraining each Defendant, from taking any action directly or indirectly ***resulting in or leading to*** the election of any national officers.
- e. Restraining Defendant Domingo Garcia in his capacity as National President and member of the National Board of Directors from exercising power in connection to Rule 3 of the Convention Rules (attached hereto as Exhibit D), pursuant to which Defendant Garcia is to appoint an “Election Judge ... to conduct the elections.”
- f. Restraining Defendant Eric Cedillo in his capacity as National Legal Advisor from exercising any power in connection to Convention Rule 12, stating that “Challenges to any election must be issued to the National Legal Advisor immediately after the outcome is announced and before another election has begun.”

**D. Plaintiffs’ Application for Temporary Injunction.**

89. Plaintiffs ask the Court to set their application for temporary injunction for hearing, and, after the hearing, to issue a temporary injunction against Defendants, enjoining Defendants from the same conduct described in the terms of Plaintiffs’ requested Temporary Restraining Order.

90. As set forth above, Plaintiffs have further evidence of the conduct described herein that will be gathered and presented to the Court at the temporary injunction hearing.

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<sup>5</sup> Including, but not limited to, documents, communications, memoranda, digital files, and written records.

91. Plaintiffs are willing to post a reasonable bond as a condition for all injunctive relief requested in this application and request that the Court to set the amount of such bond.

92. Plaintiffs will provide Defendants with the required notice contemplated by Local Rule 2.02.

93. Plaintiffs will provide Defendants with notice of this lawsuit and the fact that it is seeking injunctive relief against Defendants and will provide notice of the time and place of such hearing.

94. To show a probable right of recovery, the applicant must plead a cause of action and present some evidence that tends to sustain it. *Camp v. Shannon*, S.W.2d 517, 519 (Tex. 1961); *Dallas Anesthesiology Associates, P.A., v. Tex. Anesthesia Group, P.A.*, 190 S.W.3d 891, 897 (Tex. App—Dallas 2006, no pet). 68. Here, Plaintiffs easily meets this standard and have pled causes of action for Declaratory Relief and have allege facts sufficient to establish each element of their claims.

95. Under TEX. CIV. PRAC. & REM. CODE § 65.011 and general principles of equity, Plaintiffs asks the court to grant a temporary injunction enjoining LULAC's national elections until the

## **IX. PRAYER**

PRAYER WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Court (1) enter judgment on Plaintiffs' claims against Defendants; (2) grant Plaintiffs' Application for Temporary Restraining Order, and, upon hearing, grant Plaintiffs' Application for Temporary Injunction; (3) and grant Plaintiffs all such other and further relief at law or in equity that the Court may deem just and proper.

Dated: June 29, 2022

Respectfully submitted,

/s/ Jeffrey M. Tillotson

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HILDA RAMIREZ DUARTE;  
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RODRIGUEZ; FEDERICO  
GARZA; and HECTOR  
CARRILLO**

**CERTIFICATE OF COUNSEL**

Counsel for Plaintiffs has personally attempted to contact Defendants regarding the issues raised in Plaintiffs' Original Petition and Application for *Ex Parte* Temporary Restraining Order and Temporary Injunction. Per Local Rule 2.01, Counsel for Plaintiffs states and certifies that irreparable harm is imminent and there is insufficient time to notify the Defendants or Defendants' Counsel and that to notify Defendant or Defendants' Counsel would impair the Court's power to grant relief because the subject matter of the application could be accomplished, if notice were required or property removed, secreted, or destroyed, if notice were required.

Counsel for Plaintiffs further states and certifies to the best of Counsel's knowledge that the case in which this application is presented is not subject to transfer under Local Rule 1.06.

*/s/ Jeffrey M. Tillotson*

Jeffrey M. Tillotson



CAUSE NO. \_\_\_\_\_

**HILDA RAMIREZ DUARTE; RENE MARTINEZ; HENRY RODRIGUEZ; FEDERICO GARZA; and HECTOR CARRILLO**

*Plaintiffs,*

**SINDY BENAVIDES; ERIC CEDILLO; DOMINGO GARCIA; ROGER ROCHA; RICHARD ESTRADA; ELSIE VALDES RAMOS; MARI CORUGEDO; ANDRES RODRIGUEZ; ELIA MENDOZA; RICHARD ESTRADA; LINDA CHAVEZ; JOSE LOPEZ; RALINA CARDONA; IVONNE QUINONES; and PAUL MARTINEZ**

*Defendants.*

**AFFIDAVIT OF BETHZAIDA OLIVERA VAZQUEZ**

**STATE OF FLORIDA** §  
 COUNTY OF PASCO §

**IN THE DISTRICT COURT**

\_\_\_\_ **JUDICIAL DISTRICT**

**DALLAS COUNTY, TEXAS**

BEFORE ME, the undersigned Notary Public, on this day personally appeared BETHZAIDA OLIVERA VAZQUEZ, a/k/a BETHZAIDA PATTERSON known to me to be the person whose name appears below, who being by me sworn, deposes and states the following:

1. My name is BETHZAIDA OLIVERA VAZQUEZ, also known as BETHZAIDA PATTERSON. I am over eighteen years of age. I have never been convicted of a felony or a crime of moral turpitude. I am of sound mind, and I am fully competent to make this affidavit. I declare that the statements within this affidavit are within my personal knowledge and are true and correct.
2. I am a Legislative Analyst and Public Policy Advocate in the United States and Puerto Rico and been so for more than a 18 years and make this affidavit in support of the instant Petition and Application for Temporary Restraining Order and Temporary Injunction.
3. Plaintiffs are members of LULAC, which is a non-profit corporation organized under the law of Texas. LULAC is the nation's largest and oldest civil rights volunteer-based organization that empowers Hispanic Americans and builds strong Latino communities. Headquartered in Washington, D.C., with 1,000 councils around the United States and

Puerto Rico, LULAC's programs, services and advocacy address the most important issues for Latinos, meeting critical needs of today and the future.

4. Defendants are executive officers and Board of Directors members (collectively, the "Board" or "Defendants") of the League of United Latin American Citizens, Inc., or LULAC, which is a Texas non-profit incorporated as a 501(c)(4) organization and registered in the State of Texas under the provisions of the Texas Non-Profit Corporation Act. LULAC's national office and principal place of business is located at 221 N Kansas St, El Paso, Texas 79901.
5. I make this affidavit in support of this Action. This is an action to (1) restrain the Defendants, who are current officers and Board members of the nonprofit; (2) temporarily enjoin each Defendant from exercising any power relating to the LULAC's upcoming national elections (the "Elections"); (3) for declaratory relief relating to the Board of Directors' authority to conduct a per se fraudulent election; (4) for the costs and disbursements of this action and for any such other relief as the court deems proper.
6. LULAC's National Convention (the "Convention") is currently taking place in Puerto Rico. On July 30, 2022, the last day of Convention, the National Assembly (the "Assembly") is scheduled to hold an in-person election for twelve (12) national positions, including the National President position. After the Assembly, the elected officials will automatically become members of LULAC's National Board of Directors (the "Board"), and be able to exercise the range of powers conferred on the Board by the LULAC Constitution.
7. But this upcoming election is entirely illegitimate. It has recently come to light that, in the time leading up to the Convention, a political party based in Puerto Rico with a history of corruption and crime has devised a scheme using hundreds of thousands of political funds to take over LULAC's national Board and leadership through this election.
8. Plaintiffs have learned that, as part of its scheme, the New Progressive Party and certain LULAC insiders working with the NPP (collectively, the "NPP") have used the NPP's government resources and influence to pay for more than 1,400 illegitimate LULAC voters at the upcoming assembly. Because of the NPP's growing hold over LULAC, there is no alternative remedy to stop this fraudulent election apart from a Temporary Restraining Order from this Court.
9. I am a Member of LULAC Florida Chapter and have been a LULAC member in Puerto Rico since 1994. I began my time in LULAC as a Youth Member, and in 1997 I was elected as National Youth VP for the Southeast. I have also served in the Puerto Rico LULAC Chapter's board as VP for Youth in 2001. During that time, I worked next to Elsie Valdés and Juan Carlos Lizardi, specifically Elsie. I was present in a lot of the meetings regarding councils and recruitment of members for the Puerto Rico chapter.
10. Defendant Elsie Valdes Ramos is a Board Member of LULAC and has been an active member of LULAC for many years. Since 1996, Elsie Valdes gained control of LULAC's Puerto Rico Chapter and has not relinquished its control since then. Elsie Valdes

determines who should be part of the Puerto Rico Chapter board, and the LULAC National Board among other positions of influence in LULAC.

11. Defendant Elsie Valdes is also a member of the NPP and ran for Mayor of the town of Vega Baja. From 1993 to 1999, Elsie Valdes was the Director of School Zones Free of Drugs and Weapons (“ZELDA” in Spanish) within the Puerto Rico Department of Education (“PRDE”) where she worked closely with Secretary Victor Fajardo and created dozens of LULAC councils in the agency. Elsie Valdes worked to create and maintain LULAC councils all within Puerto Rico government agencies, and all members were part of the NPP. Also, Elsie Valdes recruited government contractors to LULAC and conditioned their contracts with her program in exchange for financing trips for LULAC members to National Conventions. I was present in 1999, before she was fired from the PRDE in a meeting in her office, after hours with members of the Puerto Rico LULAC Chapter where she met with several government contractors and airline representatives to pay for the flights for LULAC delegates to the Corpus Christi Convention.
12. Shortly after, Elsie was fired and on or about 2001, she was investigated and indicted (*see* Exhibit E) for corruption for using government contractors and conditioning their contracts in exchange for money to maintain LULAC councils in government agencies.
13. Elsie Valdes had devised and perfected a scheme where she only went to NPP members in power such as legislators to make LULAC councils, and when the NPP held the Governorship, she reached out to put her son Juan Carlos Lizardi in key positions and start all over again recruiting members for LULAC. All the LULAC members during the NPP’s government administration, are high-ranking officials and employees identified with the NPP.
14. In addition, under Elsie Valdes’ orders members of the LULAC board would be affiliated directly with key agencies where they recruited government contractors to finance councils and their trips to National Conventions. In 2011, there was a scandal called LULAC Gate in which funds from the Government of Puerto Rico were used to travel to the National Convention in New Mexico. The orders came directly from the Governor’s Office, in which Elsie Valdes’ son, Juan Carlos Lizardi worked at the time.
15. In 2013, Elsie Valdes reached out to the NPP and its President, current Governor Pedro Pierluisi, to defend those LULAC members and the league from a so-called “Witch Hunt” for the misuse of government funds to travel for the Convention. Since 2016, Puerto Rico has had three NPP Governors, and Elsie Valdes has used high-ranking members of Government such as former Speaker of the House Johnny Mendez, Senate President Thomas Rivera Schatz, and the Governors, to create massive amounts of new councils using the same scheme as before of having government contractors and/or government funds to pay for memberships and travel of delegates.
16. Currently, Governor Pierluisi, who is an NPP member gave the order to create LULAC councils to help LULAC Puerto Rico in their alleged efforts to push for statehood in Congress. Elsie Valdes uses former Senate Sargent at Arms, Carlos Fajardo Verdejo, as her main point of contact with the governorship as well as agencies, since Mr. Fajardo is

the Legislative Liaison for the Puerto Rico Department of Natural Resources, and is extremely well known by NPP members. Mr. Fajardo, under Elsie Valdes' orders assisted CEO Sindy Benavides and LNESEC Board Members in visits to different government agencies to prepare for the Puerto Rico National Convention. Elsie Valdes has used this scheme for over 27 years to maintain control the of LULAC Puerto Rico Chapter and also to hold hostage and extort the LULAC National Board and LNESEC Board to maintain power for her own benefit. During her hold of the Puerto Rico Chapter, Elsie Valdes has not allowed individuals that are not of the NPP to be part of LULAC or hold significant positions of power in the Chapter.

17. The National President Candidate Juan Carlos Lizardi also has deep ties to the NPP. Juan Carlos Lizardi has been an active part of Elsie Valdes' scheme of maintaining power in LULAC through recruiting NPP government employees and financing their memberships and travel through government contractors. He also has had several positions in the LULAC National Board, and LNESEC Board in which he has always tried to assert control of the LNESEC center in Puerto Rico's budget. Since 1993, he has been an active member, and in 1995, he worked at the Puerto Rico Senate, where he recruited LULAC members from the legislature.
18. Thereafter, Juan Carlos Lizardi was fired from the Puerto Rico Senate due to a sexual harassment complaint, and he came to work to the LNESEC Center in Bayamon. During his tenure at the LNESEC Center, Juan Carlos Lizardi was at the time the LULAC Puerto Rico VP for Youth and recruited the children of government agency members to be part of LULAC Youth. Juan Carlos Lizardi also assisted in Elsie Valdes' efforts of maintaining LULAC members by also recruiting government contractors. Juan Carlos Lizardi resigned to the LNESEC Center position after his involvement in breaking into the LNESEC Director's office to steal confidential documents regarding the budget and others, to extort the LNESEC Director of doing his bidding under former President Belen Robles' orders allegedly. Juan Carlos Lizardi stayed active in the LULAC Puerto Rico board until or about 2002 or 2003 while Elsie Valdes was on trial after being indicted for corruption.
19. Juan Carlos Lizardi resurfaced in 2010, when he worked at the Governor's mansion, where he recruited LULAC members in agencies using the same scheme of using NPP members and having government contractors finance the membership and travel. In 2011, a scandal erupted in the Governor's mansion due to high ranking officials, who here LULAC members using government funds to pay for first class travel and lodging to the LULAC National Convention in New Mexico. Juan Carlos Lizardi was part of the process of recruitment, as well as planning regarding travel to the Convention. After the scandal broke, Juan Carlos Lizardi left Puerto Rico.
20. To put it into context, only delegates physically present in Puerto Rico on July 30, 2022 will be allowed to vote at the Assembly. There will be no way to participate remotely or while avoiding the covid-19 risks of attending a massive in-person gathering. As part of their scheme, the NPP ensured they would have this advantage. Instead, LULAC delegate members from Texas, or any state, have been forced to pay for inflated travel expenses and forced to face health risks to ensure their vote is counted.

21. Meanwhile, the NPP has historically funded millions of dollars to fly Puerto Rican delegates to LULAC conventions that have taken place throughout the U.S. This Convention is no different. In just the last few months, around \$140,000 in illicit political funds have been used to form illegitimate councils and to pay for Puerto Rico delegates to travel and participate in the Convention. Most importantly, these funds have been provided by the NPP to ensure that these delegates vote for the candidates predetermined by the NPP.
22. This scheme is a large and coordinated effort led by orders from the top. In a matter of months, the NPP has formed hundreds of LULAC councils, bringing the total number of Puerto Rico councils to around 370. Almost 300 of these councils were thrown together in the last 3 months.
23. Plaintiffs have had enough insight to know that the effort and funds to charter these councils come from a coordinated effort that is a continuation of NPP's involvement with LULAC of Puerto Rico. These councils were all formed in Puerto Rico to generate about 1,480 delegates and votes at the Assembly scheduled to take place Saturday, July 30, 2022.
24. If the year's Assembly goes forward, it will mean the complete and final takeover of LULAC's Board and officer positions by the NPP. This cannot happen. The historical and recent evidence shows that this illegal takeover of LULAC will lead to a catastrophic corruption and abuse of LULAC's funds, resources, and name—that LULAC's reputation and goodwill will face ruin.
25. If LULAC's resources and platform is used for the NPP's own political agenda, in direct violation of LULAC's Constitution, it will also certainly mean the complete and inevitable disenfranchisement of tens of thousands of LULAC members in Texas and the U.S., who will no longer have their proper and pressing needs addressed.
26. Plaintiffs have no remedies through the organization itself. LULAC officials, including National Treasurer Paul Martinez, have breached their duties to members and have not properly vetted the source of these funds coming from Puerto Rico. Instead, they have complicitly accepted the illicit funds without questioning their source.
27. Moreover, the sitting LULAC officials and Board members historically involved with the NPP present grave conflicts of interests within the LULAC organization. These individuals include the very candidates who will be elected by the illegitimate delegates.
28. No doubt that these Board members have breached their duties under LULAC's governing provisions. As the key decision makers within the organization, board members should act in the interest of the key stakeholders, and not in their own. Under the LULAC Constitution, all Board members are expected to always act ethically, notify promptly of any material facts or potential conflicts of interest and take appropriate corrective action.
29. As stated above, these individuals have a history of conflicts and have abused the influence of their LULAC positions relating to their salaries and perks, misappropriation of company assets, self-dealing, appropriating corporate opportunities, and neglecting board work. Under complete NPP control of LULAC, these abuses will only magnify.

30. Indeed, if the NPP’s scheme is allowed to go forward, LULAC will be entirely controlled by the territorial political party, which will no doubt use LULAC resources for its own political interests—in direct contravention of Texas law and of LULAC’s established governance. This unfair and fraudulent takeover will be to the detriment of hundreds of thousands of members residing in Texas and throughout the United States.
31. The facts included below—including the documented history of corruption, criminal indictments, and numerous scandals of the NPP—evidence the certain irreparable harm that will occur absent an Order from this Court barring the Defendants from allowing the election to take place.
32. The League of United Latin American Citizens (“LULAC”) is the oldest, largest, and most widely respected Hispanic civil rights organization in the United States. LULAC was founded in Corpus Christi, Texas on February 17, 1929, and is incorporated as a 501(c)(4) organization and registered in the State of Texas under the provisions of the Texas Non-Profit Corporation Act. Today, LULAC has several thousand members throughout Texas, and approximately 132,000 members and supporters and more than 1,000 councils throughout the United States, including the councils lead by Plaintiffs.<sup>1</sup>
33. The LULAC organization is formed by creating councils. *See* Article I, § 3 (“The League of United Latin American Citizens shall be made up of affiliated councils which shall be chartered by the National Board of Directors under authority of the National Assembly as set forth in this Constitution.”) Local councils do community service in their local communities. A council is formed by 11 persons, paying dues, and a charter application. When chartered, councils are licensed to use the LULAC logo and represent themselves as a LULAC council.
34. The LULAC National Assembly (the “Assembly”) is only convened at the National Convention, which is convened every year, and includes the members of the Board, the District Directors,<sup>2</sup> and the council delegations.<sup>3</sup> When the Assembly is not convened, the LULAC National Board of Directors (the “Board of Directors”) manages the affairs of the LULAC, and when the full Board is not convened, the National Committee manages the affairs.
35. Pursuant to the LULAC Constitution, each local council is granted *four* voting delegates to each National Convention.
36. The NPP has abused this delegation requirement to illicitly control the election outcome this year. Additionally, the NPP has used its government resources and funneled hundreds of thousands of dollars in illicit political funds to create hundreds of LULAC councils

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<sup>1</sup> *See* About Us, League of United Latin American Citizens, available at: <https://lulac.org/about/> (last accessed July 29, 2022).

<sup>2</sup> Three councils or more form a District. A District is managed by the District Director and District Board of Directors. Each State may have one or more districts. Each State must have ten Councils to have a voting State Director.

<sup>3</sup> Article VI Organizational Structure, § 1 of the LULAC Constitution.

through numerous government agencies. This is how it has created hundreds of councils in a short period of time.

37. In short, as part of its scheme, the NPP aggressively recruits individuals who have ties to Puerto Rican government agencies—including government employees and contractors—to show up at the LULAC National Assembly. Essentially, the NPP has used its political funding and state resources to purchase control over LULAC.
38. As mentioned above, the NPP's scheme is a large and coordinated effort, led by the NPP and high ranking LULAC Puerto Rico officers. 300 councils have been fraudulently formed in the last 3 months. These councils were formed in island Puerto Rico solely to generate 1,480 delegates for the meeting of the LULAC National Assembly.
39. The LULAC Constitution intends to guard against this kind of takeover by only allowing councils chartered 30 days prior to the National Convention to have voting privileges. *See* Article IV, §8(b)(3). However, as mentioned above, many LULAC officers have been complicit in this scheme, have ignored their duties, and have placed no safeguards preventing violations of provisions guarding against illegitimate councils and votes at the upcoming Assembly.
40. One can easily surmise the reason the NPP can influence certain LULAC officials: money. The chartering of councils generates revenue for LULAC. Indeed, all Puerto Rico council fees are paid directly by the Puerto Rico division of LULAC, which can only pay using funding from NPP. When it comes to the Convention, the costs are even higher. Most of the illegitimate delegates do not only attend the Assembly, they attend a whole week of LULAC's educational seminars. Thus, they need traveling budgets, meals, room, board, and all registration fees.
41. To get an idea of the money funded by the NPP with respect to the 2022 Convention, consider that each of the 370 councils cost around \$330 to charter, or about \$122,100 total. Additionally, given that the Assembly is in Puerto Rico, the cost of round-trip travel could be projected at \$100 for each delegate, or about \$144,000 total. If each council (2 delegates) rents one room for the week at a price of \$800 and spends \$400 on meals on both delegates, then each council would need to spend about \$1,200.00 to cover room and board expenses.
42. For 370 councils, the approximate total costs of room and board would come out to around \$444,000.00. Just adding these costs, not including Convention registration or other miscellaneous fees, would come out to a total of **\$710,100**. This illicit amount of money is representative of the significant political influence that the NPP is trying to assert over the LULAC organization.
43. The NPP Takeover Violates LULAC's Rules of Non-Partisanship. LULAC is governed by its Constitution, Bylaws, and Protocol (attached hereto as Exhibit A). Because the NPP's goal is to use LULAC as a platform to promote the party's controversial political push for statehood, the NPP's efforts to take over LULAC are also in *direct* contravention of LULAC's governance prohibiting LULAC be used for political purposes.

44. Under its own Constitution, LULAC and its members are prohibited from using LULAC in furtherance of any partisan efforts or any political campaigns. *See, e.g.*, Article III “Aims and Purposes,” (including § 6 “To maintain the League free of all involvement in partisan politics as an organization...”).
45. In fact, the LULAC Constitution expressly prohibits members from using LULAC in furtherance of political aspirations. Article IV Members, § 1(7) (“Duties and Responsibilities ... [t]o refrain from using the name, facilities or influence of the League for political or personal aspirations or aggrandizement.”).
46. The NPP has used this scheme before to obtain influence over LULAC and its elections. The evidence shows that since at least the 1990s, members of the NPP, including sitting public servants, have used their government positions to improperly and illegally finance efforts to influence LULAC policy and interfere in LULAC elections—all in hopes of using controlling LULAC and using the organizations as a platform to advocate for statehood. Indeed, the NPP had a resurgence of power in 1993 when Pedro Rosselló (“Rosselló”) was elected Governor of Puerto Rico while leading the NPP in a campaign for Puerto Rican statehood. During that time, the NPP devised a scheme to force LULAC to support its political agenda for statehood—the same scheme it is now attempting to use in the 2022 Convention.
47. In the wake of corruption scandals and investigations involving the NPP’s misappropriations and fraud connected to LULAC councils in Puerto Rico, Rosselló stepped down as governor after eight years in power in 2001. In fact, in June 2000, acting US District Attorney Guillermo Gil (“Gil”) said (three months before the November 2000 election) “corruption has a name and it is called the New Progressive Party” while announcing a related grand jury indictment. The grand jury had accused 18 people—including two mayors from Rosselló’s NPP—of running an extortion scheme that skimmed \$800,000 in kickbacks from a \$56 million government contract.
48. During a news conference, Gil further told journalists that the extorted money had found its way to the pockets of members of the NPP. Understandably, the NPP lost the 2000 election, losing the Governor's seat, the Resident Commissioner, and the state legislature. Additional significant turmoil consumed NPP during the first two years of the 2001–2005 term. The Secretary of Education, under the Rossello's administration, Víctor Fajardo (“Fajardo”), was charged and convicted by federal agencies of appropriating millions of federal funds directed to the Education Department.
49. Just like what the NPP is doing today, Fajardo had extorted donations from government contractors to pay for LULAC memberships for the costs of traveling to LULAC conventions for Puerto Rico-based members. A Puerto Rican newspaper, for example, reported that about \$1,000,000 in public funds had been funneled to a Puerto Rico-LULAC affiliate. The former Puerto Rican House Speaker and Republican National Committee member, Edison Mislá Aldarondo, with close ties to the NPP, was also charged with extortion by the US Attorney's Office, and was forced to resign.



50. As the politics in Puerto Rico underwent changes in the early 2000s and as the U.S. federal government continued investigating the NPP politicians in Puerto Rico, Puerto Ricans stopped coming to the national LULAC conventions. In 2002, the national LULAC leadership was elected without the leverage of the island Puerto Rican vote. National LULAC stayed that way from 2002 through 2009, voting two leaders into national office by a vote of mostly mainland LULAC delegate voters.
51. However, as the NPP's corruption faded from public view, the NPP returned to its efforts of taking over and controlling LULAC in 2010. During that election, the NPP helped funnel more than \$800,000 to pay for the formation of Puerto Rico councils and for the travel of the delegates to Albuquerque, New Mexico, where the 2010 Convention was held.
52. For the past decade, the NPP has spread its influence over LULAC, and the 2022 Convention is not just a repeat of past attempts by the NPP and complicit LULAC members to influence LULAC. This time, LULAC will fall into complete control of the corrupt NPP.
53. The conduct of Defendants described above has caused and will continue to cause immediate and irreparable harm to Plaintiffs, Plaintiffs' constituents, and tens of thousands of LULAC members across the U.S. before notice can be served on the Defendants and a hearing held on Plaintiffs' application for injunctive relief. Indeed, by the time of a hearing, the scheme described herein by the NPP and certain LULAC officials will have come to fruition, and will have placed LULAC under irreversible control of a corrupt, controversial, and foreign political party that does not represent the interests of Plaintiffs or Plaintiffs' constituents.
54. Plaintiffs incorporate by reference the allegations set forth in each of the preceding paragraphs as though they were set forth herein. Unless immediately restrained by this Honorable Court, the Defendants will cause immediate, irreparable injury, loss and damage to Plaintiffs and to thousands of Texans who are members of LULAC and across the U.S. before notice can be served on the Defendants and a hearing held on Plaintiffs' application for injunctive relief.
55. Indeed, by the time of a hearing, the fraudulent and illicit scheme described herein by the NPP and certain LULAC officials will have come to fruition and will have placed LULAC under irreversible control of a corrupt, controversial, and foreign political party that does not represent the interests of Plaintiffs or Plaintiffs' constituents.
56. To demonstrate probable injury or harm, an applicant "must show an injury for which there can be no real legal measure of damages or none that can be determined with a sufficient degree of certainty." *Marketshare Telecom, LL. C. v. Ericsson, Ina*, 198 S.W.3d 908, 926 (Tex. App—Dallas 2006, no pet.). That is the precise circumstance here. It is difficult if not impossible to assess the precise damages stemming from the conduct described herein.
57. Plaintiffs have no adequate remedy at law if defendants are not ordered to cease from conducting LULAC elections under the promulgated rules under the LULAC Constitution,

and the 2022 National Convention Election Rules, and are not enjoined from taking any actions under said Rules.

58. Moreover, given the NPP's extensive criminal histories—as further described herein—the described takeover would dramatically expose the organization to litigation, including litigation against the government and/or regulators. The involved individuals have been indicted for misappropriating federally granted funds and abusing their authority, and the scheme's intent to use LULAC for political purposes and partisan activities will open LULAC to new tax liabilities under Federal and Texas state law.
59. This misuse of LULAC's resources in the U.S. and in Puerto Rico by the NPP presents heightened risk to LULAC's tax-exempt status given its hybrid 501(c)(3)/501(c)(4) affiliated structure, which requires LULAC to carefully plan and regulate its political activities. Under Section 501(c)(4) of the Internal Revenue Code, LULAC is restricted to engage in lobbying that is “germane to the organization's programs” as a “permissible means of attaining [a] social welfare purpose,” but must generally refrain, as a principal activity, from “direct or indirect participation or intervention in political campaigns[.]”
60. Because the Elections has been delegitimized to ensure the election of individuals complicit with the NPP, who likely will engage in controversial political activity prohibited to LULAC, e.g. activity like primarily campaigning for the statehood of Puerto Rico, the Election threatens LULAC's tax-exempt status and very existence.
61. To prevent the immediate and irreparable harm to Plaintiffs described above, Plaintiffs request that the court issue an *ex parte* temporary restraining order enjoining and restraining the Defendants, individually in their capacities as Officers and Board members of LULAC, and also restraining any of Defendants' agents, attorneys, representatives, and those persons in active concert with them, as follows, pending a hearing on the Plaintiffs' application for a temporary injunction:
  - a. Restraining each Defendant from participating in, convening, or exercising any power or taking **any action** relating to the 2022 LULAC elections.
  - b. Restraining each Defendant from delegating, transferring, or conferring any power relating to the 2022 LULAC elections.
  - c. Restraining Defendant Sindy Benavides, the Chief Executive Officer, from transferring, sharing, or deleting any materials<sup>4</sup> obtained by Benavides in her capacity as an officer and/or Board member of LULAC.
  - d. Restraining each Defendant, from taking any action directly or indirectly **resulting in or leading to** the election of any national officers.

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<sup>4</sup> Including, but not limited to, documents, communications, memoranda, digital files, and written records.

- e. Restraining Defendant Domingo Garcia in his capacity as National President and member of the National Board of Directors from exercising power in connection to Rule 3 of the Convention Rules (attached hereto as Exhibit B), pursuant to which Defendant Garcia is to appoint an "Election Judge ... to conduct the elections."
  - f. Restraining Defendant Eric Cedillo in his capacity as National Legal Advisor from exercising any power in connection to Convention Rule 12, stating that "Challenges to any election must be issued to the National Legal Advisor immediately after the outcome is announced and before another election has begun."
62. Attached as Exhibit C of the Petition and Application for Temporary Restraining Order and Temporary Injunction is a true and correct copy of LULAC's Constitution, Bylaws, and Protocol.
63. Attached as Exhibit D of the Petition and Application for Temporary Restraining Order and Temporary Injunction is a true and correct copy of LULAC's Approved 2022 Council Charter Application.
64. Attached as Exhibit E of the Petition and Application for Temporary Restraining Order and Temporary Injunction is a true and correct copy of the 2022 LULAC Convention Rules.
65. Attached as Exhibit F of the Petition and Application for Temporary Restraining Order and Temporary Injunction is a true and correct copy of the Panel Decision in *Pueblo v. Valdez Ramos*, evidencing Defendant Elsie Valdes' indictment described herein.

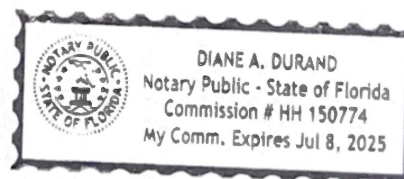
Further Affiant sayeth not.

Executed in Pasco County, State of Florida on the 29th day of July 2022.

  
\_\_\_\_\_  
Bethzaida Patterson

AFFIRMED AND SUBSCRIBED before me by the said Bethzaida Patterson on this 29th day of July 2022.

  
\_\_\_\_\_  
Notary Public, State of Florida



CAUSE NO. \_\_\_\_\_

**HILDA RAMIREZ DUARTE; RENE  
MARTINEZ; HENRY RODRIGUEZ;  
FEDERICO GARZA; and HECTOR  
CARRILLO**

*Plaintiffs,*

**SINDY BENAVIDES; ERIC CEDILLO;  
DOMINGO GARCIA; ROGER ROCHA;  
RICHARD ESTRADA; ELSIE VALDES  
RAMOS; MARI CORUGEDO; ANDRES  
RODRIGUEZ; ELIA MENDOZA;  
RICHARD ESTRADA; LINDA  
CHAVEZ; JOSE LOPEZ; RALINA  
CARDONA; IVONNE QUINONES; and  
PAUL MARTINEZ**

*Defendants.*

**AFFIDAVIT OF ZAIDA L. VAZQUEZ ROSA**

**STATE OF FLORIDA           §  
  §  
COUNTY OF PASCO         §**

**IN THE DISTRICT COURT**

\_\_\_\_\_ **JUDICIAL DISTRICT**

**DALLAS COUNTY, TEXAS**

BEFORE ME, the undersigned Notary Public, on this day personally appeared known to me to be the person whose name appears below, who being by me sworn, deposes and states the following:

1. My name is ZAIDA L. VAZQUEZ ROSA I am over eighteen (18) years of age. I have never been convicted of a felony or a crime of moral turpitude. I am of sound mind, and I am fully competent to make this affidavit. I declare that the statements within this affidavit are within my personal knowledge and are true and correct.
  
2. I have been a LULAC member in Puerto Rico since 1985 and most recently joined a Florida Chapter. I am the Center Director to the LULAC National Educational Service Center, Inc, (LNESC) Puerto Rico and have held that position since 1995 when the Center was established. LNESC is a national 501(c)(3) non-profit community-based organization whose mission is to provide educational and leadership opportunities to create lifelong learners and leaders within the Hispanic community. We seek to develop America’s future workforce by effectively preparing young people for jobs of the new economy. As the Center Director I have worked with the LULAC Puerto Rico Chapter through Advisory Committees, activities and so forth.

3. I make this affidavit in support of this Action. This is an action to (1) restrain the Defendants, who are current officers and Board members of the nonprofit; (2) temporarily enjoin each Defendant from exercising any power relating to the LULAC's upcoming national elections (the "Elections"); (3) for declaratory relief relating to the Board of Directors' authority to conduct a per se fraudulent election; (4) for the costs and disbursements of this action and for any such other relief as the court deems proper.
4. As described in the Petition, the upcoming election is entirely illegitimate. It has recently come to light that, in the time leading up to the Convention, a political party based in Puerto Rico with a history of corruption and crime has devised a scheme using hundreds of thousands of political funds to take over LULAC's national Board and leadership through this election.
5. Plaintiffs have learned that, as part of its scheme, the New Progressive Party and certain LULAC insiders working with the NPP (collectively, the "NPP") have used the NPP's government resources and influence to pay for more than 1,400 illegitimate LULAC voters at the upcoming assembly. Because of the NPP's growing hold over LULAC, there is no alternative remedy to stop this fraudulent election apart from a Temporary Restraining Order from this Court.
6. Defendant Elsie Valdes Ramos is a Board Member of LULAC. When the LNEESC Center was established in 1995 Elsie Valdes was a LULAC Regional Director, I believe she went on to become a VP for Southeast and was on National Board. Although National Board Officers are involved with Centers on a national level, she was always involved in Puerto Rico's Center directly. She mostly sent Haydee Rivera to work NPP politics at the Center during office hours. Making calls to NPP constituents, printing materials and preparing mailings. I kept refusing to allow use of equipment and supplies but all that was ignored, and I was confronted by them because they were National Board Members. In 1999-2000 when Elsie Valdes was indicted, she used the Center facilities to prepare her case. During my term as director, they have proven to use the LNEESC Center for politics when needed. Elsie Valdes also chooses the Center's Advisory Committee, all members are activists for the NPP. One very important area of controversy this person insists that all New hires at the LNEESC Center, must be NPP members or named by her. Elsie Valdes has tried for years to remove me from the directors position to have access and control the federal funds awarded to Center.
7. The National President Candidate Juan Carlos Lizardi also has deep ties to the NPP. Juan Carlos always has been involved in NPP politics. Around 1996-97 Juan Carlos Lizardi was terminated from his position at the State Senate and I was forced to place him as an advisor for the Talent Search Program. I did hire him for that position and later found out he had lied on his credentials. During the short period of employment Mr. Lizardi had access to the Center facilities because he held a national officers position as well and the Center could be used for meetings after center's hours. During that period Mr. Lizardi kept trying to go into my office private files, find budgets and proposals. One day he said that they had a LULAC Meeting that evening. The next morning my office's door was broken into, security tapes destroyed and budgets missing. I reported to the police for investigation, they refused to press charges because he was Elsie Valdes's son. When I questioned him

about the incident Juan Carlos Lizardi stated he only follows orders from the LULAC National President, Belen Robles. Then he proceeded to resign. From that moment on Elsie Valdes and Juan Carlos Lizardi began to pressure for my removal at the National level for over 26 years. Juan Carlos went on to obtain National officers' positions and has been a Board Member for the LNESCC Centers. To this date still trying to get control of the Puerto Rico Center, have access to funds and to use the Center for NPP politics.

8. To put it into context, only delegates physically present in Puerto Rico on July 30, 2022, will be allowed to vote at the Assembly. There will be no way to participate remotely or while avoiding the covid-19 risks of attending a massive in-person gathering. As part of their scheme, the NPP ensured they would have this advantage. Instead, LULAC delegate members from Texas, or any state, have been forced to pay for inflated travel expenses and forced to face health risks to ensure their vote is counted.
9. Meanwhile, the NPP has historically funded millions of dollars to fly Puerto Rican delegates to LULAC conventions that have taken place throughout the U.S. This Convention is no different. In just the last few months, around \$140,000 in illicit political funds have been used to form illegitimate councils and to pay for Puerto Rico delegates to travel and participate in the Convention. Most importantly, these funds have been provided by the NPP to ensure that these delegates vote for the candidates predetermined by the NPP.
10. This scheme is a large and coordinated effort led by orders from the top. In a matter of months, the NPP has formed hundreds of LULAC councils, bringing the total number of Puerto Rico councils to around 370. Almost 300 of these councils were thrown together in the last 3 months. Plaintiffs have had enough insight to know that the effort and funds to charter these councils come from a coordinated effort that is a continuation of NPP's involvement with LULAC of Puerto Rico. These councils were all formed in Puerto Rico to generate about 1,480 delegates and votes at the Assembly scheduled to take place Saturday, July 30, 2022.
11. If the year's Assembly goes forward, it will mean the complete and final takeover of LULAC's Board and officer positions by the NPP. This cannot happen. The historical and recent evidence shows that this illegal takeover of LULAC will lead to a catastrophic corruption and abuse of LULAC's funds, resources, and name—that LULAC's reputation and goodwill will face ruin.
12. If LULAC's resources and platform is used for the NPP's own political agenda, in direct violation of LULAC's Constitution, it will also certainly means the complete and inevitable disenfranchisement of tens of thousands of LULAC members in Texas and the U.S., who will no longer have their proper and pressing needs addressed.
13. Plaintiffs have no remedies through the organization itself. LULAC officials, including National Treasurer Paul Martinez, have breached their duties to members and have not properly vetted the source of these funds coming from Puerto Rico. Instead, they have complicitly accepted the illicit funds without questioning their source.

14. Moreover, the sitting LULAC officials and Board members historically involved with the NPP present grave conflicts of interests within the LULAC organization. These individuals include the very candidates who will be elected by the illegitimate delegates. No doubt that these Board members have breached their duties under LULAC's governing provisions. As the key decision makers within the organization, board members should act in the interest of the key stakeholders, and not in their own.
15. As stated above, these individuals have a history of conflicts and have abused the influence of their LULAC positions relating to their salaries and perks, misappropriation of company assets, self-dealing, appropriating corporate opportunities, and neglecting board work. Under complete NPP control of LULAC, these abuses will only magnify.
16. Indeed, if the NPP's scheme is allowed to go forward, LULAC will be entirely controlled by the territorial political party, which will no doubt use LULAC resources for its own political interests—in direct contravention of Texas law and of LULAC's established governance. This unfair and fraudulent takeover will be to the detriment of hundreds of thousands of members residing in Texas and throughout the United States. The facts included below—including the documented history of corruption, criminal indictments, and numerous scandals of the NPP—evidence the certain irreparable harm that will occur absent an Order from this Court barring the Defendants from allowing the election to take place.
17. The League of United Latin American Citizens (“LULAC”) is the oldest, largest, and most widely respected Hispanic civil rights organization in the United States. LULAC was founded in Corpus Christi, Texas on February 17, 1929, and is incorporated as a 501(c)(4) organization and registered in the State of Texas under the provisions of the Texas Non-Profit Corporation Act. Today, LULAC has several thousand members throughout Texas, and approximately 132,000 members and supporters and more than 1,000 councils throughout the United States, including the councils lead by Plaintiffs.<sup>1</sup>
18. The LULAC organization is formed by creating councils. *See* Article I, § 3 (“The League of United Latin American Citizens shall be made up of affiliated councils which shall be chartered by the National Board of Directors under authority of the National Assembly as set forth in this Constitution.”) Local councils do community service in their local communities. A council is formed by 11 persons, paying dues, and a charter application. When chartered, councils are licensed to use the LULAC logo and represent themselves as a LULAC council.
19. The LULAC National Assembly (the “Assembly”) is only convened at the National Convention, which is convened every year, and includes the members of the Board, the District Directors,<sup>2</sup> and the council delegations.<sup>3</sup> When the Assembly is not convened, the

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<sup>1</sup> *See* About Us, League of United Latin American Citizens, available at: <https://lulac.org/about/> (last accessed July 29, 2022).

<sup>2</sup> Three councils or more form a District. A District is managed by the District Director and District Board of Directors. Each State may have one or more districts. Each State must have ten Councils to have a voting State Director.

<sup>3</sup> Article VI Organizational Structure, § 1 of the LULAC Constitution.

LULAC National Board of Directors (the “Board of Directors”) manages the affairs of the LULAC, and when the full Board is not convened, the National Committee manages the affairs. Pursuant to the LULAC Constitution, each local council is granted *four* voting delegates to each National Convention.

20. The NPP has abused this delegation requirement to illicitly control the election outcome this year. Additionally, the NPP has used its government resources and funneled hundreds of thousands of dollars in illicit political funds to create hundreds of LULAC councils through numerous government agencies. This is how it has created hundreds of councils in a short period of time.
21. In short, as part of its scheme, the NPP aggressively recruits individuals who have ties to Puerto Rican government agencies—including government employees and contractors—to show up at the LULAC National Assembly. Essentially, the NPP has used its political funding and state resources to purchase control over LULAC.
22. As mentioned above, the NPP’s scheme is a large and coordinated effort, led by the NPP and high ranking LULAC Puerto Rico officers. 300 councils have been fraudulently formed in the last 3 months. These councils were formed in island Puerto Rico solely to generate 1,480 delegates for the meeting of the LULAC National Assembly.
23. The LULAC Constitution intends to guard against this kind of takeover by only allowing councils chartered 30 days prior to the National Convention to have voting privileges. *See* Article IV, §8(b)(3). However, as mentioned above, many LULAC officers have been complicit in this scheme, have ignored their duties, and have placed no safeguards preventing violations of provisions guarding against illegitimate councils and votes at the upcoming Assembly.
24. One can easily surmise the reason the NPP can influence certain LULAC officials: money. The chartering of councils generates revenue for LULAC. Indeed, all Puerto Rico council fees are paid directly by the Puerto Rico division of LULAC, which can only pay using funding from NPP. When it comes to the Convention, the costs are even higher. Most of the illegitimate delegates do not only attend the Assembly, they attend a whole week of LULAC’s educational seminars. Thus, they need traveling budgets, meals, room, board, and all registration fees.
25. To get an idea of the money funded by the NPP with respect to the 2022 Convention, consider that each of the 370 councils cost around \$330 to charter, or about \$122,100 total. Additionally, given that the Assembly is in Puerto Rico, the cost of round-trip travel could be projected at \$100 for each delegate, or about \$144,000 total. If each council (2 delegates) rents one room for the week at a price of \$800 and spends \$400 on meals on both delegates, then each council would need to spend about \$1,200.00 to cover room and board expenses. For 370 councils, the total costs of room and board would come out to around \$444,000.00. Just adding these costs, not including Convention registration or other miscellaneous fees, would come out to a total of **\$710,100**. This illicit amount of money is representative of the significant political influence that the NPP is trying to assert over the LULAC organization.



26. The NPP Takeover Violates LULAC's Rules of Non-Partisanship. LULAC is governed by its Constitution, Bylaws, and Protocol (attached hereto as Exhibit A). Because the NPP's goal is to use LULAC as a platform to promote the party's controversial political push for statehood, the NPP's efforts to take over LULAC are also in *direct* contravention of LULAC's governance prohibiting LULAC be used for political purposes.
27. Under its own Constitution, LULAC and its members are prohibited from using LULAC in furtherance of any partisan efforts or any political campaigns. *See, e.g.*, Article III "Aims and Purposes," (including § 6 "To maintain the League free of all involvement in partisan politics as an organization..."). In fact, the LULAC Constitution expressly prohibits members from using LULAC in furtherance of political aspirations. Article IV Members, § 1(7) ("Duties and Responsibilities ... [t]o refrain from using the name, facilities or influence of the League for political or personal aspirations or aggrandizement.").
28. The NPP has used this scheme before to obtain influence over LULAC and its elections. The evidence shows that since at least the 1990s, members of the NPP, including sitting public servants, have used their government positions to improperly and illegally finance efforts to influence LULAC policy and interfere in LULAC elections—all in hopes of using controlling LULAC and using the organizations as a platform to advocate for statehood. Indeed, the NPP had a resurgence of power in 1993 when Pedro Rosselló ("Rosselló") was elected Governor of Puerto Rico while leading the NPP in a campaign for Puerto Rican statehood. During that time, the NPP devised a scheme to force LULAC to support its political agenda for statehood—the same scheme it is now attempting to use in the 2022 Convention.
29. In the wake of corruption scandals and investigations involving the NPP's misappropriations and fraud connected to LULAC councils in Puerto Rico, Rosselló stepped down as governor after eight years in power in 2001. In fact, in June 2000, acting US District Attorney Guillermo Gil ("Gil") said (three months before the November 2000 election) "corruption has a name and it is called the New Progressive Party" while announcing a related grand jury indictment. The grand jury had accused 18 people—including two mayors from Rosselló's NPP—of running an extortion scheme that skimmed \$800,000 in kickbacks from a \$56 million government contract.
30. During a news conference, Gil further told journalists that the extorted money had found its way to the pockets of members of the NPP. Understandably, the NPP lost the 2000 election, losing the Governor's seat, the Resident Commissioner, and the state legislature. Additional significant turmoil consumed NPP during the first two years of the 2001–2005 term. The Secretary of Education, under the Rossello's administration, Víctor Fajardo ("Fajardo"), was charged and convicted by federal agencies of appropriating millions of federal funds directed to the Education Department.
31. Just like what the NPP is doing today, Fajardo had extorted donations from government contractors to pay for LULAC memberships for the costs of traveling to LULAC conventions for Puerto Rico-based members. A Puerto Rican newspaper, for example, reported that about \$1,000,000 in public funds had been funneled to a Puerto Rico-LULAC affiliate. The former Puerto Rican House Speaker and Republican National Committee

member, Edison Misla Aldarondo, with close ties to the NPP, was also charged with extortion by the US Attorney's Office and was forced to resign.

32. As the politics in Puerto Rico underwent changes in the early 2000s and as the U.S. federal government continued investigating the NPP politicians in Puerto Rico, Puerto Ricans stopped coming to the national LULAC conventions. In 2002, the national LULAC leadership was elected without the leverage of the island Puerto Rican vote. National LULAC stayed that way from 2002 through 2009, voting two leaders into national office by a vote of mostly mainland LULAC delegate voters. However, as the NPP's corruption faded from public view, the NPP returned to its efforts of taking over and controlling LULAC in 2010. During that election, the NPP helped funnel more than \$800,000 to pay for the formation of Puerto Rico councils and for the travel of the delegates to Albuquerque, New Mexico, where the 2010 Convention was held.
33. For the past decade, the NPP has spread its influence over LULAC, and the 2022 Convention is not just a repeat of past attempts by the NPP and complicit LULAC members to influence LULAC. This time, LULAC will fall into complete control of the corrupt NPP.
34. The conduct of Defendants described above has caused and will continue to cause immediate and irreparable harm to Plaintiffs, Plaintiffs' constituents, and tens of thousands of LULAC members across the U.S. before notice can be served on the Defendants and a hearing held on Plaintiffs' application for injunctive relief. Indeed, by the time of a hearing, the scheme described herein by the NPP and certain LULAC officials will have come to fruition, and will have placed LULAC under irreversible control of a corrupt, controversial, and foreign political party that does not represent the interests of Plaintiffs or Plaintiffs' constituents.
35. I understand that to demonstrate probable injury or harm, an applicant "must show an injury for which there can be no real legal measure of damages or none that can be determined with a sufficient degree of certainty." *Marketshare Telecom, LL. C. v. Ericsson, Ina*, 198 S.W.3d 908, 926 (Tex. App—Dallas 2006, no pet.).
36. Plaintiffs have no adequate remedy at law if defendants are not ordered to cease from conducting LULAC elections under the promulgated rules under the LULAC Constitution, and the 2022 National Convention Election Rules, and are not enjoined from taking any actions under said Rules.
37. Moreover, given the NPP's extensive criminal histories—as further described herein—the described takeover would dramatically expose the organization to litigation, including litigation against the government and/or regulators. The involved individuals have been indicted for misappropriating federally granted funds and abusing their authority, and the scheme's intent to use LULAC for political purposes and partisan activities will open LULAC to new tax liabilities under Federal and Texas state law.
38. This misuse of LULAC's resources in the U.S. and in Puerto Rico by the NPP presents heightened risk to LULAC's tax-exempt status given its hybrid 501(c)(3)/501(c)(4)

affiliated structure, which requires LULAC to carefully plan and regulate its political activities. Under Section 501(c)(4) of the Internal Revenue Code, LULAC is restricted to engage in lobbying that is “germane to the organization’s programs” as a “permissible means of attaining [a] social welfare purpose,” but must generally refrain, as a principal activity, from “direct or indirect participation or intervention in political campaigns[.]”

39. Because the Elections has been delegitimized to ensure the election of individuals complicit with the NPP, who likely will engage in controversial political activity prohibited to LULAC, e.g. activity like primarily campaigning for the statehood of Puerto Rico, the Election threatens LULAC’s tax-exempt status and very existence.
40. To prevent the immediate and irreparable harm to Plaintiffs described above, Plaintiffs request that the court issue an *ex parte* temporary restraining order enjoining and restraining the Defendants, individually in their capacities as Officers and Board members of LULAC, and also restraining any of Defendants’ agents, attorneys, representatives, and those persons in active concert with them, as follows, pending a hearing on the Plaintiffs’ application for a temporary injunction:
  - a. Restraining each Defendant from participating in, convening, or exercising any power or taking **any action** relating to the 2022 LULAC elections.
  - b. Restraining each Defendant from delegating, transferring, or conferring any power relating to the 2022 LULAC elections.
  - c. Restraining Defendant Sindy Benavides, the Chief Executive Officer, from transferring, sharing, or deleting any materials<sup>4</sup> obtained by Benavides in her capacity as an officer and/or Board member of LULAC.
  - d. Restraining each Defendant, from taking any action directly or indirectly **resulting in or leading to** the election of any national officers.
  - e. Restraining Defendant Domingo Garcia in his capacity as National President and member of the National Board of Directors from exercising power in connection to Rule 3 of the Convention Rules (attached hereto as Exhibit B), pursuant to which Defendant Garcia is to appoint an “Election Judge ... to conduct the elections.”
  - f. Restraining Defendant Eric Cedillo in his capacity as National Legal Advisor from exercising any power in connection to Convention Rule 12, stating that “Challenges to any election must be issued to the National Legal Advisor immediately after the outcome is announced and before another election has begun.”

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<sup>4</sup> Including, but not limited to, documents, communications, memoranda, digital files, and written records.

Further Affiant sayeth not.

Executed in Pasco County, State of Florida on the 29th day of July 2022.

  
Zaida L. Vazquez Rosa

AFFIRMED AND SUBSCRIBED before me by the said Zaida L. Vazquez Rosa on this  
29th day of July 2022.

  
Notary Public, State of Florida





**The  
Constitution,  
Bylaws,  
and  
Protocol  
of the  
League of United  
Latin American Citizens**

*All for One—One for All*

*Revised 2012*

# *The Coca-Cola Company*

Proud of our longstanding support  
of LULAC and we applaud all  
their efforts and achievements.

*Providing the Hispanic community with beverage choices for all lifestyles and occasions.*



## FOREWORD

As the nation's oldest and largest civil rights organization we can reflect on the many victories and accomplishments since the founding of The League of United Latin American Citizens in 1929. LULAC was created in response to the rampant discrimination and denial of basic civil rights, prevalent in the Latino community of our forefathers.



As an organization, LULAC has established an enviable record of delivering programs that are unsurpassed in the areas of education, voting rights, workforce development, health awareness, civil rights, financial literacy and community involvement.

These programs are often emulated, but never duplicated; their uniqueness lies in the creativity of our grassroots membership in response to the needs of local communities. Our founding fathers provided this document which continues to be visionary in the processes we follow in LULAC, empowering our membership to act on many fronts while residing in a national organization.

Although our evolving society and emerging communities continue to present challenges to our diverse membership, the spirit of our founding fathers continues to unite us and LULAC continues in its mission to maximize our progress and prosperity.

A handwritten signature in cursive script that reads "Margaret Moran".

Margaret Moran  
LULAC National President

## **LULAC National Office Addresses:**

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### **Membership Services:**

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El Paso, TX 79901

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National LULAC and National President Margaret Moran would like to acknowledge the members of the Constitution Review Committee for their tireless efforts in the updating of the 2012 Constitution, Bylaws and Protocol.

Mil Gracias to Luis Nuño Briones/LUNUBRI Publishing for the layout and design of the 2012 Constitution, Bylaws and Protocol.



## LULAC PRAYER

Almighty God, who has given us this good land for our heritage, we humbly beseech Thee that we may prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning and pure manners. Save us from violence, discord and confusion; from pride and arrogance, and from every evil way. Defend our liberties and fashion into one united people the multitudes brought hither out of many kindred and tongues. Imbue with the spirit of wisdom those to whom in Thy name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to Thy law, we may show forth Thy praise among the nations of the earth. In the time of prosperity fill our hearts with thankfulness; in the day of trouble suffer not our trust in Thee to fail; all of which we ask through Jesus Christ our Lord. Amen.

# LULAC CODE

Respect your Citizenship and preserve it; honor your country, maintain its tradition in the spirit of its citizens and embody yourself into its culture and civilization.

Be proud of your origin and maintain it immaculate, respect your glorious past and help to defend the rights of all the people.

Learn how to discharge your duties before you learn how to assert your rights; educate and make yourself worthy, and stand high in the light of your own deed; you must always be loyal and courageous.

Filled with optimism, make yourself sociable, upright, judicious, and above all things be sober and collected in your habits, cautious in your actions and sparing in your speech.

Believe in God, love Humanity and rely upon the framework of human progress, slow and sound, unequivocal and firm.

Always be honorable and high minded; learn how to be self reliant upon your qualifications and resources.

In war serve your country, in peace your convictions; discern, investigate, meditate, think, study, and at all times be honest and generous. Let your firmest purpose be that of helping to see that each new generation shall be of a youth more efficient and capable and in this let your own children be included.

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# CONSTITUTION OF THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS

## Preamble

We, the members of this organization, with unfaltering faith in the Divine Power of Almighty God and invoking His Gracious Blessings, do hereby ordain and establish this constitution to guide the destinies of our League in accordance with the Philosophy and Aims and Purposes herein set.

## ARTICLE I

### Legal Provisions

**Section 1—Name:** League of United Latin American Citizens (LULAC) shall be the official name of this organization and the one under which all business and activities of the constituted body shall be carried out. The word LULAC, which is formed by official abbreviated title of the League, may be used in lieu of the full name of the organization in any and all instances where it is apropos. At no time may the name LULAC be written in other than capital letters.

**Section 2—Legal Status:** The League of United Latin American Citizens shall be incorporated and chartered under the laws of each of the states in which it operates as a civic and non-profit organization and under the Federal laws of the United States of America.

**Section 3—Composition:** The League of United Latin American Citizens shall be made up of affiliated councils which shall be chartered by the National Board of Directors under authority of the National Assembly as set forth in this Constitution.

## ARTICLE II

### Philosophy

We believe in the democratic principle of individual political and religious freedom, the right of equality of social and economic opportunity, and in the cooperative endeavor toward the development of an American Society wherein the cultural resources, integrity and dignity of every individual and group constitute basic assets of the American way of Life.

We believe that as American Citizens we must assume our duties and responsibilities and assert our rights and privileges in pursuit of a fuller and richer civilization for our country.

We believe that education is the foundation for the cultural growth and development of this nation and that we are obligated to promote, protect and assure the right of our people to an education that is in accordance with the best American educational principles and standards; that we must deplore any infringement of this right wherever it may occur and regardless of whom it may affect.

We accept that it is not only the privilege but the obligation of every member of this organization to uphold and defend the rights and duties vested in every American Citizen by the letter and spirit of the Law of the Land.

### **ARTICLE III**

#### **Aims and Purposes**

Based on the spirit of the philosophy of our League and having unequivocal faith in its righteousness, we propose:

1. To use all constitutional means at our disposal to implement with social action the principles set forth in our philosophy;
2. To foster the learning and fluent use of the English language that we may thereby equip ourselves and our families for the fullest enjoyment of our rights and privileges and the efficient discharge of our duties and responsibilities to our country, but at the same time, exerting equal effort to foster the fluent mastery of the Spanish language which is part of our heritage and a means of extending the cultural horizons of our nation;
3. To constitute the League into a service organization to actively promote and foster suitable measures for the attainment of the highest of our American society, and to establish cooperative relations with civic and governmental institutions and agencies in the field of public service;
4. To exert our united efforts to uphold the rights guaranteed to every individual by our state and national laws and to assure justice and equal treatment under these laws;

5. To combat with every means at our command all un-American tendencies and actions that deprive American citizens of their rights in educational institutions, in economic pursuits and in social, civic and political activities;
6. To maintain the League free of all involvement in partisan politics as an organization; however, we shall oppose any infringement upon the constitutional political rights of an individual to vote and/or be a candidate at local, state and national levels;
7. To oppose any violent demonstrations or other acts that defy constituted law and authority, desecrate the symbols of our nation, and threaten the physical and spiritual welfare of individuals or institutions;
8. To promote and encourage the education of youth and adults through scholarships, the constant vigilance of administrative and instructional practices in schools which deprive persons of educational opportunities, the sponsorship of classes in citizenship and other areas, and through the dissemination of information about available training opportunities;
9. To make use of every medium of communication at our disposal and to exert our combined efforts to promulgate and propagate the principles of the League, and augment its influence and numerical growth;
10. To undergird the efforts postulated in our Aims and Purposes with the overall objective of creating among our fellow citizens, through example and a mutual exchange of concepts, an understanding and recognition of and an appreciation for the dignity, worth and potential of the individual.

#### **ARTICLE IV**

##### **Members**

All persons of either sex who are residents of the United States of America, or citizens of the United States residing abroad, and are eighteen years of age or older, and whose loyalty to our country is unquestionable, are eligible for membership in the League.

No council at present, or in the future, shall deviate from this requirement or ask for more requirements to become a member of LULAC. All other amendments pertaining to membership whether general or special shall be declared null and void. Any councils or persons found denying a valid candidate for membership shall be impeached by the district executive board by a majority vote. The guilty party of council may appeal only to the National Board of Directors.

Membership in the League may be affected through an individual initiated application to a local Council, the recommendation of a member in good standing, or in the case of certain types of membership stipulated in Section 3 & 4 below, through the recommendation of a Council in good standing to the National Assembly or the National Board or Directors.

**Section 1—General Members:** Persons who fulfill all qualifications for membership, are actively affiliated with a local Council and have paid the full assessment of local, district, state and national dues will be enrolled as Members of the League.

a. Duties and Responsibilities:

- (1) To participate in all meetings and activities of their respective Councils;
- (2) To abide by the Constitution and Bylaws established by the National, State and District Assemblies, and their local Councils;
- (3) To deport themselves in keeping with the Philosophy, Aims and Purposes and Code of the League;
- (4) To exert their efforts individually and cooperatively on behalf of those who need the help and protection of the League.
- (5) To work for the extension of the membership and services of the League within their respective communities;
- (6) To subordinate their personal feelings and desires to the general welfare of the League;
- (7) To refrain from using the name, facilities or influence

of the League for political or personal aspirations or aggrandizement;

(8) To be alert to and report to the proper authority any improper use that may be made of the name, influence or facilities of the League by members or others outside the organization;

(9) To maintain their membership in force by paying their dues according to the schedule set by the Council.

b. Rights and Privileges: All General Members in good standing shall be entitled:

(1) To the protection, counsel and guidance provided by the League;

(2) To participate in all meetings and other activities of their respective councils and to have access to the facilities provided by said councils for their membership, subject to such regulations as may be established;

(3) To propose, discuss and vote on matters of interest to and for the welfare of the Council or League;

(4) To vote and be candidates for an office in their Council, District, State or National Conventions, provided that in the case of offices at levels higher than their Council, they are certified as delegates to the conventions, have the support of their respective Council, and otherwise fulfill all requirements for the office sought;

(5) To receive upon being initiated as members, copies of the National and Council Constitutions and Bylaws, Membership Certificates, Identification Cards and LULAC Pins whose cost shall have been covered by the initiation fee as set by this Constitution;

(6) To receive issues of LULAC NEWS, the official literary organ of the League;

(7) To have their membership transferred to another Council upon written notification to their home Council and the approval of the receiving one. Such transfer may be temporary or permanent and all

details of dues, honors, membership classification, etc. shall be handled by the secretaries of the respective Councils. However, at no one time can a member belong to two councils. The member's council of record with the National Office at the time of the conflict will prevail.

- (8) To appeal to their respective Councils and/or District, State and National Officers and Assemblies cases involving their suspension or expulsion as members of the League or any situation which in their opinion constitutes an infringement on their rights and privileges as members of the League. Such appeals must be in writing and present all details.

**Section 2—Life Members:** Life Members: A person may become a life member of the National Organization upon payment of \$1,000 to the National Office. All proceeds from life membership dues shall be invested in an endowment fund. Such members shall be:

- a. Presented a Membership Certificate and Identification Card as a Life Member;
- b. Exempt from paying National Dues;
- c. Expected to continue paying Council, District and State Dues.

**Section 3—Honorary Members:** Those persons elected to membership because they have distinguished themselves in some worthy field of endeavor such as arts, sciences or letters, or have rendered an outstanding service to the League as a whole or to some Council in particular. Membership in this classification is subject to the following guidelines:

- a. All nominations for Honorary Membership must be presented in writing by a local Council to the National Board of Directors for study and recommendations to the National Assembly and must be accompanied by detailed facts as to the distinguished accomplishment or the nature of the service rendered;
- b. The privilege of Honorary Membership in LULAC shall

not be rendered to any person prior to the final action of the National Assembly, the only constituted authority with power to pass on such nominations and designate Honorary Members;

- c. Nominees for Honorary Membership who are approved by the National Assembly shall be notified in writing by the National President;
- d. A certificate for the Honorary Member, stating therein the cause and containing the Name, Motto and Seal of the League and signatures of the National President and the National Secretary shall be presented to the honoree at the next session of the National Board of Directors meeting or other proper function of the nominating Board, its District or State as the National President may designate;
- e. Local Councils have the right to name as many honorary members to their respective councils as deemed necessary and appropriate, a majority vote of the Council is necessary to confer this membership.

**Section 4—Distinguished Members:** This is the highest and most honored type of membership that the National Assembly may bestow on a deserving person:

- a. The Title of “Distinguished Member” shall be conferred by the National Assembly on the following persons:
  - (1) The Founders of the League, as certified by a committee of five Past National Presidents named by the National President;
  - (2) All Past National Presidents;
  - (3) All current and past members of Congress on the active rolls of the League;
  - (4) All recipients of the Medal of Honor who are of Spanish or Mexican descent.
- b. No other person of whatever category shall be so designated by the National Assembly;
- c. Distinguished Members shall be:



- (1) Exempt from all National, State, District and Council dues.
  - (2) Placed on the rolls of their home Council and their membership taken into consideration in determining delegate strength to conventions;
  - (3) Entitled to all the rights and privileges of active members and to a voice and vote at District, State and National Conventions;
  - (4) Entitled to a Certificate of Distinguished Member which shows cause thereof and on which are affixed the Name, Motto and Seal of the League and the signatures of the National President and National Secretary, to an Identification Card, and to a special LULAC Pin.
- d. All living Past National Presidents who have attained the title of Distinguished Member by virtue of their position shall be Members of the National Board of Directors with a right to a voice and vote in all matters. They shall be notified by the National President of the date and place of the National Board of Directors meetings and a minimum of three, including the Immediate Past National President, shall be taken into consideration in determining a quorum of the National Board of Directors at any meeting.

**Section 5—Senior Members:** In recognition for devoted service to LULAC, a member who has continuously paid dues for 50 or more years, shall be considered a Senior member. Membership to this classification shall be certified in writing by that members' council and approved by the National Board of Directors or the National Executive Committee.

- a. Senior members shall be:
- (1) Exempt from all National, State, District, and Council dues.
  - (2) Entitled to all rights and privileges of active members.
  - (3) Placed on the rolls of their home council and their membership taken into consideration in determining delegate strength to conventions.

## **ARTICLE V**

### **Associates**

Individuals or organizations who do not belong to a local Council, but who wish to support the work of the Organization may become a LULAC Associate under one or more of the following categories.

**Section 1—National Associate:** Individuals who wish to support the organization may become National Associates of LULAC by contributing a minimum of \$50 annually to the National Office and approval by the National Board of Directors or the National Executive Committee.

- a. Privileges, Duties and Responsibilities:
  - (1) To attend and participate in National Conventions subject to the limitations of subsection b.;
  - (2) To receive LULAC News and all other Communications sent to the General Membership of the League;
  - (3) To abide by the National Constitution and Bylaws;
  - (4) To deport themselves in keeping with the Philosophy, Aims and Purposes and Code of the League;
  - (5) To exert their efforts individually and cooperatively on behalf of those who need the help and protection of the League;
  - (6) To work for the extension of membership and services of the League;
  - (7) To subordinate their personal feelings and desires to the general welfare of the League;
  - (8) To refrain from using the name, facilities or influence of the League for political or personal aspirations or aggrandizement;
  - (9) To be alert and to report to the proper authority any improper use that may be made of the name, influence or facilities of the League by members or by others outside the organization;
  - (10) To maintain their affiliation in force by payment of

their annual contribution.

- b. Limitations: Individual Associates may not be delegates to any Convention, nor are they entitled to be nominated for elective office or appointive positions. Convicted felons are not eligible as associates.

**Section 2—National Corporate Associate:** Business entities, Non-profit Corporations and other organizations who wish to associate with LULAC and support its work may become a Corporate Associate by contributing \$1,000.00 or more annually to the National Office.

**Section 3—Council or Corporate Associate:** LULAC Councils may make provisions in their Bylaws for Individual and Corporate Associates to be affiliated with the Local Council, and may establish whatever annual contribution the Council may deem appropriate except that in no event shall such contribution be less than the dues required of the general members of that Council. Privileges and benefits of the Council Associates shall be limited to the Local Council.

## **ARTICLE VI Organization Structure**

### **Section 1—The National Assembly:**

- a. Definition and composition: The National Assembly is the supreme authority of the League and shall be composed of the following:
  - (1) The members of the National Board of Directors;
  - (2) The District Directors;
  - (3) The Certified Delegations of the Councils.
- b. Powers: As supreme authority of the League the National Assembly is hereby vested with all legislative, judicial and executive powers set forth in this Constitution and Bylaws and all adopted resolutions.
- c. Sessions: The National Assembly shall convene annually in the month of June at a convention site which it shall select by majority vote in accordance with the method of

selection established in the Bylaws.

The National Assembly may be called into a special session by the National Board of Directors in cases of extreme need but such call must be approved by three fourths of the Active Councils who shall indicate their wishes by a certified mail vote.

- d. Quorum: The certified delegates from one third (1/3) of the active Councils at the time of an annual convention or special-called session of the National Assembly shall constitute a quorum without reference to the number of District, State or National Officers who have a vote in said sessions. No Council that has been in existence less than thirty days or whose application for charter has not been officially approved by the National Board of Directors thirty days or more before a session of the National Assembly shall be considered in determining a quorum. However, such Councils may send delegations as observers without vote.

## **Section 2—The National Board of Directors:**

- a. Definition and Composition: The National Board of Directors is the delegated executive arm of the National Assembly and shall be composed of the following:
  - (1) The National President;
  - (2) The Immediate Past National President;
  - (3) The National Vice Presidents;
  - (4) Past National Presidents (may vote subject to Subsection e. below);
  - (5) National Treasurer;
  - (6) The National Youth President;
  - (7) State Directors;
  - (8) Appointed Officers-National Secretary, National Legal Advisor, National Parliamentarian, National Chaplain, and National Director of Publicity (all without vote).

- b. Powers: Under authority of the National Assembly, the National Board of Directors shall execute the mandates of the National Assembly and administer the League in the interim between National Conventions, being empowered:
- (1) To approve or reject all appointments made by the National President;
  - (2) To act for and in behalf of the League and National Assembly in matters arising extemporaneously and affecting or relating to LULAC;
  - (3) To authorize LULAC representation at functions and in activities of interest to the organization or affecting its work, provided such activities or functions do not, by their very nature, involve issues or procedures in direct or indirect incompatibility with the general policy of LULAC;
  - (4) To listen to appeals from members and/or Councils including charges of suspension or expulsion from the League and to rule according to the facts of the case;
  - (5) To impeach, remove, or suspend any person from office any member of whatever rank for dereliction of duty, conduct unbecoming an officer, violation of constitutional provisions, Bylaws, policies or other activities contrary to LULAC principles and welfare, and not in line with the best interests of the organization;
  - (6) To suspend any Council or recall its charter for acts contrary to or not in keeping with LULAC principles and constitutional provisions;
  - (7) To establish a uniform system of financial accounting for all levels of LULAC and a uniform pattern for all documents used at all levels for the transaction of the League's business;
  - (8) Along with the National President, to select a National Executive Director who shall be paid and who shall manage the paid national staff.
- c. Limitations: The National Board of Directors is not empowered:

- (1) To amend or waive the Constitution and Bylaws or any resolution, policy or custom adopted or established by the National Assembly;
- (2) To assess any Council or individual member of the League unless such assessment is approved by the National Assembly;
- (3) To permit any of its members to speak for or involve the League on any matter of LULAC policy unless duly authorized to do so by the National Board of Directors, the National Executive Committee, or the National Assembly;
- (4) To authorize any officer at any level of the hierarchy to bind the League or any of its divisions in any business transaction unless it is approved by a majority vote of the members of the division involved.

d. Meetings:

- (1) The National Board of Directors shall hold three regularly scheduled meetings during the year. The first one, which is an organizational meeting, shall be held at the site of the National Convention immediately following the close of the convention; the second one will be held in Washington, D.C., in October or November, and the third shall be held in February or March at such site as the National President may select, keeping in mind travel distances;
- (2) In situations of emergency involving the welfare of the Organization, the National President may call a special meeting of the National Board of Directors;
- (3) For all regularly scheduled meetings with the exception of the first one, the National Secretary shall be instructed by the National President to send out notices and an agenda of the meeting, thirty days prior to all members of the Board. In the case of emergency meetings, the nature of the business shall determine the quickest form of advance notice;
- (4) National Board of Directors meetings shall be open to all LULAC members who have the right to present

matters involving them as individuals, their Councils or a higher echelon of the League;

- (5) National Board of Director meetings are not miniature National Conventions replete with social functions, and consequently, the order of business should be carried out in the briefest time possible without delays due to social affairs. This will insure a better attendance by those with limited time and funds. These meetings shall be limited to a day and a half, preferably over a weekend.
- e. Quorum: One third (1/3) of the voting members of the National Board of Directors shall constitute a quorum to transact business. To assure a quorum, the National President shall request that members indicate within two weeks or less of receiving the notice of meeting whether or not they will be in attendance. Failure to receive favorable notice from the necessary majority shall indicate postponement of the meeting to a later date. All procedures set for calling these meetings shall be followed in the case of a postponed meeting. Any action of the National Board of Directors taken without a quorum shall be invalid. Refer to article IV, section 4, c.

### **Section 3—The National Executive Committee:**

- a. Definition: The National Executive Committee is the delegated arm of the National Board of Directors and shall be governed by the same authority and limitations as conferred by this constitution to the National Board of Directors, except as provided below.
- b. Composition: The National Executive Committee will be composed of the following members:
  - (1) The National President;
  - (2) The Immediate Past National President;
  - (3) The National Vice Presidents;
  - (4) The National Treasurer;
  - (5) The National President of LULAC Youth.
  - (6) Appointed Officers-National Secretary, National Legal

Advisor, National Parliamentarian, National Chaplain,  
and National Director of Publicity (all without vote).

- c. Powers: Under authority of the National Board of Directors, the National Executive Committee shall execute the mandates of the National Board of Directors, administer the League and establish policy in the interim between meetings of the National Board of Directors.

The following specific powers are hereby delegated to the National Executive Committee:

- (1) To approve or reject by majority vote all persons nominated by the President for National appointed office;
- (2) To approve or reject by majority vote all persons nominated by the President for the boards of subsidiary corporations;
- (3) To approve or reject by majority vote all persons nominated by the President to represent the League in activities outside the organization;
- (4) To authorize, hire, fire and set wages for all persons proposed for employment by the National President;
- (5) To act on behalf of the League on matters arising extemporaneously which require action or direction pending a meeting of the National Board of Directors or the Assembly. Policy or directives established by the National Executive Committee must be ratified at the first meeting of the National Board of Directors immediately following the action by the National Executive Committee;
- (6) To review and recommend, or propose alternatives to the Annual Budget submitted by the President for approval by the National Board of Directors;
- (7) To review all monthly financial statements and budget reports to insure fiscal stability and adherence to the budget approved by the National Board of Directors;
- (8) To carry out any task specifically delegated by the National Assembly or the National Board of Directors.



- d. Meetings: The National Executive Committee shall meet during the months of August, December and April of each year and at any other time upon the call of the President or upon the call signed by one half of the members of the National Executive Committee.

The meetings will be held on a regular schedule adopted by the National Executive Committee during its first scheduled meeting each year. The National Executive Committee will also schedule the location of each meeting in rotation among the LULAC regions.

- e. Quorum: One-half (1/2) of the voting Members of the Executive Committee shall constitute a quorum. To assure a quorum, the National President shall request that members indicate within two weeks or less of receiving the notice of meeting whether or not they will be in attendance. Failure to receive favorable notice from the necessary majority shall indicate postponement of the meeting to a later date. All procedures set for calling these meetings shall be followed in the case of a postponed meeting. Any action of the National Executive Committee taken without a quorum shall be invalid. National Executive Committee members may send representatives but their presence cannot be used to establish a quorum nor will they be allowed to vote. Voting by proxy is prohibited.

#### **Section 4—The State Assembly:**

- a. Definition and Composition: The State Assemblies are the highest authority within their respective states and shall be composed of:
  - (1) The State Executive Board Members;
  - (2) The District Directors;
  - (3) The Certified Delegations of the Councils.
- b. Powers: As the highest echelon in the State LULAC hierarchy, the State Assembly is vested with all legislative, judicial and executive powers granted under its Constitution and Bylaws, adopted resolutions and policies which shall be subordinate to and consistent with the National Constitution and Bylaws, and the resolutions, policies and

customs of the National Organization.

- c. Sessions: The State Assemblies shall convene annually in the month of May and shall follow all procedures as to site selection, special sessions, etc., as set forth for the National Assembly under Article II, Conventions, Sections (1-8) of the Bylaws. With the exception of the District of Columbia, all state officers in states with less than ten (10) councils will be appointed by the National President with the consent of the National Board of Directors.
- d. Quorum: In determining quorums for a State Assembly session, the provisions in Article VI, Section 1, Subsection d., shall prevail.

### **Section 5—The State Executive Board:**

- a. Definition and Composition: The State Executive Board is the delegated executive branch of the State Assembly and shall be composed of:
  - (1) The State Director;
  - (2) The Deputy State Director;
  - (3) The Deputy State Director for the Elderly;
  - (4) The Deputy State Director for Women;
  - (5) The Deputy State Director for Young Adults;
  - (6) The Deputy State Director for Youth;
  - (7) The State Treasurer;
  - (8) The Immediate Past State Director;
  - (9) The District Directors;
  - (10) Appointed Officers-State Secretary, State Legal Advisor, State Parliamentarian, State Chaplain, and State Director of Publicity (all without vote).
- b. Powers: Under the authority of the State Assembly, the State Executive Bo

ard shall execute the mandates of the Assembly and administer the State in the interim between State Conventions.

- c. Limitations: The limitations which this Constitution places on the National Board of Directors in Article VI, Section 2, Subsection c., Items 1 through 4 shall apply to the State Executive Board except that references made to the National Assembly, National Constitution, Bylaws, resolutions, etc., as well as officers, shall be interpreted to mean the State level.
- d. Meetings: The minimum number of scheduled meetings of the State Executive Board shall be two. The first shall be the organizational one which shall be held at the site and immediately following the close of the State Convention. The second shall be anytime thereafter with 30 days notice by the State Director to State Executive Board members. In case of an emergency situation, the State Director, or a minimum of 1/3 of the members of the Executive Board, may call a special meeting with 72 hour notice of the State Executive Board, advising the members by the quickest means of communication. State Executive Board meetings shall be held on Saturdays and for one day only.
- e. Quorum: One-third (1/3) of the voting members of the State Executive Board shall comprise a quorum to transact business. Failure to muster a quorum shall be cause to cancel the proposed meeting or if held without a quorum, the actions of the State Executive Board shall be invalid.

### **Section 6—The District Assembly:**

- a. Definition and Composition: The District Assembly comprises the highest authority within the District and shall be composed of:
  - (1) The District Executive Board Members;
  - (2) The Certified Delegations of the Local Councils.

Provided that:

- i) Districts shall be strictly defined and maintained within the geographic boundaries, e.g. municipalities and/or

surrounding counties;

- ii) Local Councils within the geographic boundaries of existing Districts may not break away from those Districts;
  - iii) All new local councils formed within the geographic boundaries of designated and existing Districts must respect and join the existing District; and
  - iv) No retroactive actions may be taken against Districts existing as of the date of the adoption of these provisions and the boundaries of such Districts shall be respected.
- b. Powers: The District Assembly is vested with all legislative, judicial and executive powers granted under its Constitution and Bylaws, and all duly adopted resolutions and policies which shall be subordinate to and not in conflict with the State and National Constitutions and Bylaws, resolutions, policies or customs.
  - c. Sessions: The District Assemblies shall meet annually in the Month of April, following the procedures set forth in the Constitution and Bylaws for calling the conventions, determining sites, etc. If the Constitution makes no such provisions or a constitution has not been drawn up, the Districts will follow the procedures set forth in this Constitution under Article II, Conventions, Section (1-8), of the National Bylaws. However, no District with less than three Councils may hold a District Convention.
  - d. Quorum: One-third (1/3) of the active Local Councils shall constitute a quorum for the transaction of business.

## **Section 7—The District Executive Board:**

- a. Definition and Composition: The District Executive Board is the Executive branch of the District Assembly and shall be composed of:
  - (1) The District Director;

- (2) The Deputy District Director;
  - (3) The Deputy District Director for the Elderly;
  - (4) The Deputy District Director for Women;
  - (5) The Deputy District Director for Young Adults;
  - (6) The Deputy District Director for Youth;
  - (7) The District Treasurer;
  - (8) The Immediate Past District Director;
  - (9) The Presidents of the Local Councils in the District;
  - (10) Appointed Officers-District Secretary, District Legal Advisor, District Parliamentarian, District Chaplain, and District Director of Publicity (all without vote).
- b. Powers: The District Executive Board is empowered to carry out the mandates of the District Assembly and to administer the District in the interim between conventions, being empowered to:
- (1) Assume those powers enumerated in this Constitution under Article VI, Section 2, Subsection b., Items (1) through (3), except that Item (1) shall be limited to appointments by the District Director and Items (2) and (3) shall be limited to the District;
  - (2) To declare Local Councils defunct if they fail to fulfill the requirements of an active council and to report such action to the State Director with full details.
  - (3) Remove a LULAC youth Supervisor or Sponsoring Council from such supervision or sponsorship for good cause. Good cause shall constitute, but is not limited to the following: (i) exhibiting lack of responsibility and guidance to the Youth Council; and (ii) not acting in the best interest of the Youth Council or members.
- c. Meetings: The minimum number of scheduled meetings of the District Executive Board shall be two. The first shall be the first organizational one which shall be held at the site and immediately following the close of the District Convention. The second shall be anytime thereafter with 20 days notice by the District Director to District

Executive Board members. In case of an emergency the District Director or 1/3 of the members of the District Executive Board may call a special meeting with 72 hour notice advising the members by the quickest means of communications. District Executive Board meetings shall be held on Saturdays and for one day only.

- d. Quorum: One-third (1/3) of the voting members of the District Executive Board shall comprise a quorum to transact all business. Any action taken by the District Executive Board without the required quorum shall be invalid.

### **Section 8—The Local Council:**

- a. The Local Council is an affiliated unit of the League which operates within a community under authority of a charter granted by the National Board of Directors upon approval of an Application for LULAC Charter.
- b. Organization: A local Council may be organized under the sponsorship of an active Council and/or of any District, State or National Board of Director officer or any combination of these according to the procedures set forth below:
  - (1) A group of not less than ten persons of either or both sexes that meets all qualifications for membership as defined under Article IV, Section 1 of this Constitution and desirous of forming a LULAC Council shall, on its own initiative or that of one of the possible sponsoring entities, stipulated above, meet and elect officers and otherwise constitute itself into an organized body;
  - (2) After orientation as to the principles, work and structure of the League, the group shall fill out an Application for LULAC Charter form (Subsection h., below);
  - (3) The application, accompanied by a roster of the officers and members of the group, complete with mailing addresses, a \$75.00 charter fee and a \$6.00 initiation fee and the dues payable for each member on the roster, shall be forwarded to the National Office.

All councils chartered 30 days prior to the National Convention will be allowed to have voting privileges;

- (4) Upon approval of the application by the National Board of Directors, a Charter will be issued by the National Office and sent to the Council in addition to the Director of the District and State Director in which the Council is to be located or the State Director if no District exists.
- (5) The District or State Director shall arrange a place and date with the new Council for the initiation of members, installation of officers, and presentation of charter according to the established ritual in this Constitution;
- (6) Charter Fees: The sum of \$75.00 is hereby set as the fee for issuance of a charter by the National Board of Directors to a group that applies and is approved for affiliation as a Local Council with the League. Said fee shall be renewed on an annual basis, due to the LULAC National Treasurer on the first day of January each year and payable no later than February 28 of that same year by each Local Council. Any Council not having paid said fee by the February 28 due date shall have its charter revoked and will be required to apply for a new charter and pay all fees as prescribed for the chartering of a new Council. Said fees shall be deposited in the General Fund of the National Office.

c. Powers:

- (1) To draw up a Constitution and or Bylaws to carry through its administration and work; however, said document's provisions must not be in conflict with or contrary to the District, State or National Constitutions and Bylaws, adopted resolutions, policies and customs;
- (2) To establish local membership dues and a schedule of payment, and to collect and remit District, State and National membership dues to the respective entities in the amounts and according to the schedules set in the Bylaws of this Constitution;

- (3) To initiate and carry through fund-raising, civic, social and welfare projects on its own or in cooperation with other acceptable organizations, providing said projects do not violate or contradict the principles of the League;
- (4) To organize and supervise Councils of the LULAC Youth in line with the procedures and guidelines set forth in this Constitution;
- (5) To suspend and drop from its rolls any member who is in arrears with his or her dues as provided in Article IV, Section 1, Subsection a., 9;
- (6) To suspend or expel from its ranks any member guilty of actions contrary to the best interests of the Council or the League in general, as provided in Article VIII, Section 8, Subsection a. (1) thru (8);
- (7) To impeach and remove from office any of its officers guilty of the causes enumerated in Article VIII, Section 8, Subsection a. (1) thru (8);
- (8) To elect and certify delegates and alternates to District, State and National Conventions in such numbers and according to procedures as set forth in the Bylaws.
- (9) Name Honorary members as per Article IV, Section 3(e) and Council Associates as per Article V, Section 3;

d. Limitations:

- (1) A Local Council may not assume the authority to speak or act for the League in matters of national scope involving National LULAC policies unless authorized by the National Board of Directors;
- (2) In no instance may a Local Council bind the League in any matter except with the consent of the National Board of Directors;
- (3) A Local Council organized less than thirty days prior to a District, State or National Convention or one whose charter has not been presented officially, may send delegations but may not have the right to cast votes.



- e. Responsibilities:
  - (1) To hold regularly scheduled meetings but in no case less than one each month;
  - (2) To prepare and submit quarterly financial and activity reports to the District Office, and to remit membership dues to the District, State and National Treasurers according to the established schedule;
  - (3) To pay special assessments within the specified time as voted by the National Assembly;
  - (4) To promote the growth of its membership and the scope of its activities and to comply with the provisions of the National Constitution and Bylaws, adopted resolutions, policies and customs and those of subordinate units of the League, including its own.
- f. Meetings:
  - (1) A Local Council shall establish a regular schedule of meetings during its first meeting following the election of officers, and notify all of its members;
  - (2) Meetings shall be conducted according to the established Ritual and Order of Business in the Bylaws, and *Robert's Rules of Order, Revised*, shall apply in all matters and situations not covered by the National, State, District or Local Council Constitution and Bylaws, resolutions, policies or accepted custom.
- g. Quorum: One-third (1/3) of the Active Members shall comprise a quorum to transact all business before the Council at regular or special meetings.
- h. Application for LULAC Charter: To the LULAC National Board of Directors using the forms provided by the National Membership Office.

### **Section 9—The Local Young Adult Council:**

- a. The Local Young Adult Council is an affiliated unit of the League which operates within a city, township or community under authority of a charter granted by the National Board of Directors upon approval of an

Application for LULAC Council Charter.

- b. Members of a Local Young Adult Council must be between the ages of 18 and 29 years old.
- c. All the requisites applicable to Local Councils mentioned specifically in Article VI, Organization Structure, Section 8, Subsections a. through h. above, and elsewhere in this Constitution and Bylaws, shall apply to Local Young Adult Councils and their members, with the following exceptions:
  - (1) Young Adult members can be candidates for elective offices in their Council or at National, State or District Conventions, provided they meet the legal age requirement of 21 years of age, they are certified as delegates to the conventions, have the support of their respective Council, and otherwise fulfill all requirements for the office sought;
  - (2) Young Adult Councils may organize LULAC Youth Councils. This includes, but is not limited to, supervision, sponsorship and oversight of LULAC Youth Councils in accordance with the procedures and guidelines set forth in this Constitution.

## **ARTICLE VII**

### **The Youth of the League of United Latin American Citizens**

**Section 1—Legal Provisions and Status:** The Youth League of United Latin American Citizens (LULAC Youth) is hereby authorized by the LULAC National Assembly to operate under a charter granted by the National Board of Directors of LULAC and under the direct supervision and guidance of the National Vice President of Youth Activities and the National Youth Activities Committee which shall be composed of the State, District and Local Council Directors of Youth Activities.

**Section 2—Definition and Composition:** The LULAC Youth is an entity designed to carry forth the work of LULAC at the teen-age level and to serve as a training base for its members through social, civic, sports, and parliamentary activities. It shall be composed of affiliated Youth Councils, organized and chartered as outlined in

Subsection f. below.

- a. The focus of the LULAC Youth program is the development of young people in bettering themselves and their community through positive educational experiences. LULAC Youth members shall be supported by responsible LULAC adult members who have demonstrated an interest in the well being of our youth.

**Section 3—Powers:** The LULAC Youth is empowered:

- a. To draw up, subject to approval by the Senior LULAC National Board of Directors, its own Constitution and Bylaws under the supervision and with the advice of the National Director and the National Committee of Youth Activities, defining an organizational and administrative structure applicable to the purposes of organization;
- b. To encourage and promote the organization and sponsorship of new LULAC Youth Councils and to approve and charter said Councils through its National Board of Directors;
- c. To chart a general program of activities which shall serve as a guideline for the various Youth Councils;
- d. To set and collect membership dues, charter fees and other fees as may be defined in its Constitution and Bylaws;
- e. To call and administer conventions under its own Constitutional provisions;
- f. Youth Conventions may be provided for in the Youth Constitutions and the dates, sites, determination of delegations, etc., shall be provided for as well. At such convention the LULAC Youth may carry through such activities as its constitution may provide for. LULAC Youth will hold their State Conventions in June and the Youth National Convention in July. That is so the Youth may be properly supervised by the National Directors of Youth Activities and the Youth's sponsoring Senior Council.

#### **Section 4—Limitations:**

- a. The Constitution and Bylaws, Resolutions and Policies of the LULAC Youth must not be in conflict with the League's nor contrary to the direction of the LULAC National Board of Directors or the better judgment of the National Director and National Committee of Youth Activities;
- b. The program of activities of the LULAC Youth and its conduct thereof shall not be contrary to the Principles and Aims and Purposes of the League and must have the approval of the National Director and National Committee of Youth Activities.

**Section 5—Financial Provisions:** The LULAC Youth shall be financially self-sustaining and self-efficient at whatever organizational or administrative categories it may function with funds from the following sources:

- a. Charter and initiation fees, membership dues;
- b. Proceeds from fund-raising projects at whatever administrative level they may be authorized;
- c. Donations or contributions from individuals or institutions;
- d. Regular or special allotments from the various administrative units of the Senior League as may be determined and authorized by such units.

#### **Section 6—LULAC Youth Councils:**

- a. Ten or more boys and/or girls who are residents of the United States of America, between the ages of thirteen and one half (13-1/2) and nineteen (19) inclusive, and meet other qualifications for membership as stipulated in the LULAC Youth Constitution and Bylaws shall be a minimum number with which to form a Youth Council. Persons who are 18 or 19 may exercise the option of joining a young adult or senior council;
- b. A local Non-Youth Council may organize and sponsor Youth Councils by making applications to the National

LULAC Youth Board of Directors. The Sponsoring Council shall name one or more supervisors, responsible to said Council for the efficient and progressive guidance of the Youth Council;

- (1) The application shall be accompanied by two affidavits: An affidavit from the Sponsoring Council President stating that the Youth Supervisor is a person of good moral character; and an affidavit signed by the prospective Supervisor that he/she has never been convicted of a felony or other offense that will affect his/her relationship with the youth members.
- c. A Local LULAC Council may sponsor more than one Youth Council but under no circumstances may a Youth Council be organized or operated without the sponsorship of a Senior or Young Adult Council;
  - d. Youth Councils shall function under the provisions of the LULAC Youth Constitution and Bylaws and the authority of the Youth National Board of Directors;
  - e. No Youth Council may hold regular or special meetings or functions of any kind, excepting minor committee meetings, without the presence of the officially- designated sponsor or sponsors;
  - f. No Youth Council may adopt or carry out a program or project which in the opinion of the supervisor or sponsoring Senior or Young Adult Council is considered as being contrary or damaging to the principles, purposes or procedures of LULAC;
  - g. Supervisors of Youth Councils shall have the responsibility of:
    - (1) Attending and supervising all meetings and other functions of the Youth Council;
    - (2) Suggesting and assisting in carrying out those projects or programs adopted by the Youth Council;
    - (3) Encouraging and emphasizing established Order of Business and proper parliamentary procedures;
    - (4) Encouraging and maintaining communication between the Deputy District Director for Youth, Senior/Young

Adult and Youth Councils through monthly reports to the sponsoring Senior Council and exchange of visits by members of both Councils;

- (5) Being vigilant about proposed candidates for membership in the Youth Council and maintaining guidance over the admittance of nonmembers to meetings and other functions of Youth Council.
- (6) Obtaining permission slips from parents or legal guardians of LULAC Youth members for out of town travel.
- (7) Supervising and monitoring the youth attending any District, State and/or National Conventions, conferences or meetings, including seminars, banquets, luncheons and other meetings. The supervisors shall preferably be a male and a female. Additionally, the Supervisors shall be responsible for their respective youth council's well being at all LULAC functions and events.
- (8) Ensuring the Youth Council is active and in good standing at all levels of the League: Local, District, State and National Levels.
- (9) Ensuring Youth members pay their dues in a timely manner.

## **ARTICLE VIII**

### **National Officers**

**Section 1—Elective Officers:** The following positions will be filled by majority vote of the General Assembly each year:

- a. National President;
- b. National Vice President for Women;
- c. National Vice President for Youth;
- d. National Vice President for Young Adults;
- e. National Vice President for the Elderly;
- f. National Treasurer;

- g. National Vice President Southwest;
- h. National Vice President Midwest;
- i. National Vice President Farwest;
- j. National Vice President Southeast;
- k. National Vice President Northeast
- l. National Vice President Northwest.

**Section 2—Appointed Officers:** The National President shall nominate any qualified member in good standing to the following appointed positions subject to confirmation by majority vote of the National Board of Directors or National Executive Committee:

- a. National Secretary;
- b. National Legal Advisor;
- c. National Parliamentarian;
- d. National Chaplain;
- e. National Director of Publicity;
- f. National Sergeant-at-Arms
- g. Any other Office designated by the President with the approval of the National Board of Directors or National Executive Committee.

**Section 3—Immediate Past National President:** This shall be the title conferred on the outgoing President by the incoming National President.

**Section 4—Qualifications:** All National Officers, whether elected or appointed, must:

- a. Be twenty-one years of age or older and must have been an Active Member of a Local or Young Adult Council in good standing for at least three consecutive years at the time of his or her election or appointment;
- b. Have held an administrative office for one year at the Local, District or State level within three years of his or her appointment. In the case of the Legal Advisor, the person

- must possess a law degree and be a practicing attorney in good standing;
- c. Be of good moral character and possess some demonstrated administrative ability necessary for the discharge of the duties pertaining to the office;
  - d. Not have served in the same office, whether intermittently or consecutively, for more than four years, except for the National Secretary and Legal Advisors;
  - e. Have the approval and endorsement of his or her Local Council.
  - f. Not hold an elective or appointive political office at the time of his or her election or appointment or at any time during their tenure of LULAC Office. School Board or those positions where no wage compensation or remuneration is received shall not be deemed a political office.
  - g. Members deriving employment wages from any organization owned by or that bears the LULAC name are ineligible to run for or hold a LULAC office, elective or appointive. A complete year must elapse from the last employment date before they are eligible to run for a LULAC office.

### **Section 5—Election of National Officers:**

- a. All candidates for an elective office must have their name submitted by their Local Council to the National Executive Committee sixty days prior to the National Convention. The National Executive Committee shall inform the Local Councils of the announced candidates through LULAC NEWS or other expedient medium of communication. A candidate for national office must be supported by the entire delegation of his council.
- b. Nominations from the floor of last minute candidates not previously announced as provided in Subsection a. above, shall be permitted, provided that a written certification of endorsement by the total accredited delegations of a minimum of five Councils, including the person's home council, is made to the presiding Officer prior to or at the



time of nomination.

- c. All elective National Officers, with the exception of State Directors who are elected by their respective State Assemblies, shall be elected by a majority vote of the accredited delegates to the National Assembly. For those unusual but possible instances where the balloting does not give a clear cut majority vote to any candidate, the following procedures shall prevail:
  - (1) In those cases in which the balloting fails to give anyone of three or more candidates the necessary majority to be elected, a second balloting will be held for the two receiving the largest number of votes in the first ballot;
  - (2) In those cases in which only two candidates are running and the balloting ends in a tie, the National President shall cast the deciding vote.
- d. Voting in National elections shall be by roll call, a show of hands or secret ballot, as the Rules Committee may recommend and the National Assembly may approve.
- e. Candidates for National Vice President for a geographical region must belong to a council within the region. The six LULAC regional areas are listed below.

**National Vice President**

**Southwest**

- New Mexico
- Oklahoma
- Texas
- Arkansas
- Louisiana
- Colorado

**National Vice President**

**Midwest**

- North Dakota
- South Dakota
- Nebraska
- Kansas
- Minnesota
- Iowa
- Missouri
- Wisconsin
- Illinois
- Michigan
- Indiana
- Ohio

**National Vice President**

**Far West**

- California
- Nevada
- Arizona
- Utah
- Hawaii

**National Vice President**

**Southeast**

- Kentucky
- Tennessee
- North Carolina
- South Carolina
- Mississippi
- Alabama
- Georgia
- Florida
- Puerto Rico

**National Vice President**

**Northwest**

- Washington
- Montana
- Oregon
- Idaho
- Wyoming
- Alaska

**National Vice President**

**Northeast**

- Virginia
- West Virginia
- Maryland
- Pennsylvania
- New York
- Connecticut
- Delaware
- District of Columbia
- New Hampshire
- Maine
- Rhode Island
- Massachusetts
- New Jersey
- Vermont

**Section 6—Tenure of Elected Office:**

- a. The term of office for each national elected officer shall be for one year terminating at the close of the National Assembly.
- b. In case of failure of the National Assembly to convene for any reason, or in case of failure of the National Assembly to have the established quorum to transact business, the duly elected and appointed National Officers shall continue in office until such time as the National Assembly convenes or is qualified to elect new officers.
- c. A National Officer may serve in the same office for four terms, consecutively or intermittently, if duly elected to such office, but in no case may an officer be elected to the same office for more than four one-year terms. Any move to draft or otherwise impose on the League a person who has exhausted his eligibility to hold the same office for more than the stipulated terms shall be deemed a gross violation of this Constitution.
- d. All vacancies occurring in the ranks of the National officers in the interim between sessions of the National Assembly shall be filled with persons appointed by the National President and approved by the National Board of Directors or National Executive Committee. In all such appointments, the National President and National Executive Committee shall adhere to the qualifications and limitations established in Article VIII, Section 4.

- e. Should the office of National President become vacant at any time for whatever reason, a new National President will be elected by a majority vote of the National Executive Committee from among the National Vice Presidents.
- f. The term of office of any officer appointed to fill an unexpired elective term shall be for the balance of the unexpired term and shall not be counted towards the four year tenure limitation.

**Section 7—Appointment Of Officers:** Nominees for appointment to National Offices shall be announced to the National Assembly by the National President Elect after all elections have been concluded and prior to the installation ceremonies. All appointments are subject to approval or rejection by the National Executive Committee at its first meeting, following the adjournment of the National Assembly. Should any appointee decline his appointment or should the National President Elect fail to have a complete roster of his appointments for the first National Executive Committee meeting, he shall then have thirty days from the adjournment date of the National Assembly to complete said roster and to submit his nominees by letter to the individual members of the National Executive Committee for their approval or rejection which shall be by registered mail vote. No appointment made by the National President is valid unless approved by a majority of the voting members of the National Executive Committee.

**Section 8—Expulsion, suspension, impeachment And/Or Removal of National Officers:**

- a. Any elected or appointed National Officer of LULAC may be impeached and/or removed from office for any of the following reasons:
  - (1) Disloyalty to the government of the United States;
  - (2) Actions prejudicial or contrary to or in violation of the Constitution and Bylaws, Aims and Purposes, Code, Resolutions, Policies or Customs of the League;
  - (3) Dereliction of duty;
  - (4) Incompetence in office;

- (5) Misappropriation of funds;
  - (6) Misconduct in office;
  - (7) Improper or immoral conduct;
  - (8) Oral or printed denunciations of the League, its role or procedures intended to discredit the organization or embarrass its membership and/or officers.
- b. Charges against a member or officer may be brought by a Local Council, a member, or another officer, following the guidelines below:
- (1) Charges must be in writing, sworn to by the individual or council and giving the name of the accused and the details of causes;
  - (2) Charges against Officers at District, State and National levels and Local Councils shall be forwarded directly to the National President. Charges against members shall be presented at the council level;
  - (3) If the accused is the National President the charges shall be forwarded to the National Treasurer or any National Vice President;
  - (4) The National President or the National Treasurer or any National Vice President, upon the receipt of the charges, shall inform the accused and schedule a hearing for the next meeting of the National Board of Directors.
  - (5) If the National Board of Directors determines that there is no reasonable cause to support the charges, the case will be dismissed and all references to the charges will be stricken from the record;
  - (6) If the National Board of Directors determines that there is reasonable cause to support the charges the National Officer shall be removed from office and this decision will be final;
  - (7) If the National Board of Directors determines that the accused should also be expelled from the League, the accused shall have the right to appeal this decision to the National Assembly;

- (8) The decision of the National Assembly rendered by a majority vote shall be final;
- (9) The accused shall have the right to legal counsel at the hearing before the National Board of Directors and the National Assembly.

**Section 9—Duties and Responsibilities of the National Officers:**

a. National President:

- (1) To uphold the Constitution and Bylaws of the League, its Policies and Customs, and all Resolutions duly passed;
- (2) To guide the League and the functions of the National Office with the cooperation and approval of the National Board of Directors and the National Executive Committee;
- (3) To preside at all sessions of the National Assembly, the National Board of Directors and the National Executive Committee;
- (4) To name all National Committees, appoint designated National Officers, and to fill vacancies in National Offices with the approval of the National Board of Directors and the National Executive Committee;
- (5) To suspend and/or remove from office, with the approval of the National Board of Directors any National Officer who is lax or incompetent in the discharge of his duties or who is found guilty of any of the causes enumerated in Article VIII, Section 8, Subsection a. (1-8);
- (6) To represent the League at those functions of national scope which involve the best interests, growth development and prestige of the League;
- (7) To confer the title of Immediate Past National President upon the outgoing National President;
- (8) To refrain from taking sides or influencing any individual or group, directly or by inference, in LULAC elections at whatever level;

- (9) To carry out all other duties found in this Constitution and Bylaws and incumbent upon his or her office.
  - (10) Appoint all vacancies occurring in the ranks of the National Officers in the interim between sessions of the National Assembly with the consent of the National Board of Directors or National Executive Committee provided appointees fulfill those qualifications and limitations established in Article VIII, Section 4.
  - (11) Appoint State Director in States with less than three councils, except District of Columbia, with the consent of the National Board of Directors or National Executive Committee.
  - (12) Deliver to his/her successor in office all books, papers, records and other property of the League that may be in his/her possession at the close of his/her official term.
  - (13) For the performance of the aforementioned duties, the President shall receive an honorarium that will be determined and subject to renewal by the Executive Committee on an annual basis.
- b. Immediate Past National President:
- (1) To serve as advisor to the National President;
  - (2) To attend National Executive Committee meetings, National Board of Directors meetings and National Conventions and to preside at either function in the absence of the National President and Vice Presidents or in the event these persons are candidates for office at a National Assembly and by virtue of this situation, disqualified to preside;
  - (3) To have supervisory control over committees assigned him or her by the National President;
  - (4) To carry out those functions which by request of the National President and National Executive Committee or by virtue of his position are incumbent upon him or her.

- c. National Vice Presidents:
- (1) To assume, according to the order of succession established in the Bylaws, the office of National President and all duties, responsibilities and powers pertaining thereto in the event of the resignation, death or removal of the duly elected officer; (Please see #7 below.)
  - (2) To represent the League as assigned by the National President or by the National Executive Committee;
  - (3) To have supervisory control over committees assigned him or her by the National President;
  - (4) To preside at sessions of the National Assembly and the National Board of Directors or National Executive Committee meetings when requested by or in the temporary absence of the National President;
  - (5) To oversee the activities of the League within the specified responsibilities of the office and to report at all meetings of the National Board of Directors and to the National Executive Committee;
  - (6) To assume such other duties and responsibilities as may be assigned to him or her by the National President, the National Board of Directors or the National Executive Committee, particularly within the geographical area from which he or she is elected;
  - (7) The offices of the National Vice President shall be designated as National Vice President without rank. In case of the resignation, death or removal of the duly elected National President, one of the National Vice Presidents shall assume the office of the National President upon election by majority vote of the National Executive Committee called to session for this purpose.
- d. National Vice President for Youth: In addition to the duties and responsibilities enumerated in Subsection c., above, the National Vice President for Youth shall have the following duties and responsibilities:
- (1) To act as Chairman and direct the function of the

National Committee of Youth Activities;

- (2) To set up such meetings of the Committee as may be necessary for the effective coordination of all youth activities, particularly in regard to the operation of the LULAC Youth;
- (3) To promote the welfare of youth in such fields as education, patriotism, health and morals through the various Directors of Youth Activities at all levels, LULAC Youth, Boy Scouts, Girl Scouts, and similar groups;
- (4) To guide and counsel the LULAC Youth at its National Convention and in the overall administration of the organization, its action projects, and its procedures in reaching its goals;
- (5) To report and recommend to the National Assembly and the National Board of Directors all matters pertaining to LULAC Youth and other youth activities.

e. National Treasurer:

- (1) To receive and place in a bank designated by the Treasurer with the approval of the National Executive Committee all monies paid into the National Treasury such as charter fees, membership dues, assessments, contributions and donations, and payments for pins, Constitutions and other items which the League provides for sale to members. Said monies may be deposited under various accounts as may be approved by the National Board of Directors or as provided for in the Constitution and Bylaws;
- (2) To cause his/her signature and that of the National President to be registered at the bank and to co-sign all checks for disbursements for authorized expenditures with the National President;
- (3) To keep and maintain up to date a set of books as dictated by proper accounting procedures;
- (4) To make written monthly reports to the members of the National Executive Committee on the status of the National Treasury, showing all income received and



its sources, accounts receivable, disbursements with the names of payees and the cause of each thereof, encumbered amounts, and balances of all accounts. Said reports shall be made within thirty days of the close of each month;

- (5) To require by authority of this Constitution a quarterly financial report and an annual audited financial statement from the Chairman and Board of Directors of each LULAC subsidiary corporation, including the LULAC Foundation, the LULAC Education Service Centers, LULAC Communications, Inc., SER, Jobs for Progress and each LULAC Housing project;
- (6) To see that all outstanding accounts of the National Office, with the exception of last minute National Convention expenses pertaining to the National President and authorized staff, have been settled by the time he or she closes the books for auditing purposes and reports to the National Assembly;
- (7) To cause an audit to be made of the accounts by a Certified Public Accountant who may be a LULAC member but not a member of the National Board of Directors or of the National Office Staff. Said audit to be carried out in May or June but before the National Convention, at which time he/she will turn it over to the National LULAC Auditing Committee along with his/her books of accounts, canceled checks, receipts, quarterly and audit reports of the housing projects, and other documentation;
- (8) To turn over to his/her successor a check or checks for the full amounts in each bank account, the complete set of accounting records, audit reports or his/her accounts and those of the Housing Projects, and any other documentation pertaining thereto.

f. National Secretary:

- (1) To keep or cause to be kept in a safe place all permanent records, inventories of equipment and furnishings, and lists and deeds of real property of the League;

- (2) To keep the Seal of the League and to control its use;
- (3) To handle all correspondence addressed to the National President, the National Board of Directors or the National Executive Committee, as authorized by the National President;
- (4) To take down, transcribe and make available to the membership of the League by means of LULAC NEWS, or other expedient medium of communication, the minutes of the sessions of the National Assembly and the National Board of Directors or the National Executive Committee. The latter responsibility to be carried out within thirty days of the date of the sessions;
- (5) To maintain in loose-leaf volume form and under definite headings for quick and easy reference, all resolutions and amendments to the Constitution and Bylaws and any policies duly adopted or set by the National Assembly, the National Board of Directors or the National Executive Committee;
- (6) To carry out any other duties and responsibilities pertaining to his/her office as may be assigned by the National President.

g. Legal Advisor:

- (1) To represent the League in all legal matters in which it may be involved or have an interest;
- (2) To interpret and render an opinion on matters arising with regard to the LULAC Constitution and Bylaws, Resolutions and/or Policies when requested by any member, Council, or officer of the League. The National Assembly may by a two-thirds majority reverse an opinion of the Legal Advisor in those cases wherein it is believed that he/she has acted in a biased manner or contrary to the spirit of the provision in question;
- (3) To cooperate with the National Secretary in preparing and maintaining up to date the volume which contains all resolutions, amendments, policies duly adopted

- and in force;
- (4) To counsel with Legal Advisors of subordinate entities, including LULAC Youth, as requested.
- h. National Parliamentarian:
- (1) To see that copies of the Constitution and Bylaws, and *Robert's Rules of Order, Revised* are readily available for quick reference at sessions;
  - (2) To interpret and make rulings on parliamentary procedure situations and to call the attention of the Presiding Officer to omissions, deviations or arbitrary actions in procedure as set by the Constitution and Bylaws or *Robert's Rules of Order, Revised*.
- i. National Chaplain:
- (1) To promote the invocation of God's help in all LULAC business meetings through the official prayer of the League;
  - (2) To recite the LULAC Prayer at the National Convention, National Board of Directors, or National Executive Committee meetings and other instances as requested.
- j. National Director of Publicity:
- (1) To coordinate and disseminate all news items dealing with the League or its interests through all media available to him and the Local Councils;
  - (2) To formulate a program of procedure to be employed by all levels of LULAC in publicizing LULAC activities, projects, etc;
  - (3) To encourage and promote the appointment of Publicity Directors or Committees at all levels of LULAC and to orient and work with them for better dissemination of information;
  - (4) To be vigilant to any adverse publicity of the League and to correct, in so far as it is possible, such erroneous or adverse information;
  - (5) To assist the various echelons of LULAC, including

LULAC Youth, in the promotion of their publicity programs and projects and to coordinate his or her work with that of the Editor of LULAC NEWS;

- (6) To refrain from using his or her office and prerogatives in the support of LULAC candidates for office of or partisan politics within or without LULAC;
- (7) To name, subject to National Executive Board approval, and to chair a National Publicity Committee to aid in publicity coverage in all geographical areas wherein LULAC functions.

k. National Committees:

- (1) In the interest of expanding the scope of work of the League or of emphasizing certain areas of need, such as health, education, citizenship, governmental affairs, leadership training, membership growth, etc. The National President may establish those committees of national scope that are needed with the approval of the National Board of Directors or the National Executive Committee;
- (2) The size, scope of activity and authority, composition, purpose and tenure shall be defined in writing by the National Board of Directors or the National Executive Committee;
- (3) Such committees shall function for the duration of the administration that names them or for less time as situation may dictate. Said committees may be continued by a new administration but in each case the appointments must be made anew by the incoming administration;
- (4) Members of these committees shall not be considered part of the National Board of Directors or the National Executive Committee. However, members of the National Board of Directors or the National Executive Committee, may be named to the committees.

**ARTICLE IX**  
**State Officers**

**Section I—Elective Officers:**

- a. State Director;
- b. Deputy State Director;
- c. State Treasurer;
- d. Deputy State Director for the Elderly;
- e. Deputy State Director of Women’s Activities;
- f. Deputy State Director for Young Adults;
- g. Deputy State Director of Youth;

**Section 2—Appointive Officers:**

- a. State Secretary;
- b. State Legal Advisor;
- c. State Parliamentarian;
- d. State Chaplain;
- e. State Director of Publicity.

**Section 3—Immediate Past State Director:** This shall be the title conferred on the outgoing Director by the Incoming State Director.

**Section 4—Qualifications:** All State Officers, whether elected or appointed, must possess those qualifications as stipulated under Article VIII, Section 4, Subsections a. to g.

**Section 5—Election or Appointment:** The procedures and requisites set forth in Article VIII, Section 5, shall apply in the case of State Officers except that State Officers shall be substituted for National Officers, State Executive Board for National Board of Directors, State Assembly for National Assembly, and State Director for National President. Moreover, under Subsection b. the number of the endorsing Local Councils is reduced to three.

**Section 6—Tenure of Office:** All provisions in Article VIII, Section 6, Subsections a. to f. shall be applicable to State Officers, substituting the State nomenclature for that of National. A person may not seek a state office for which he has already served for four years consecutively or intermittently.

**Section 7—Impeachment and/or Removal of State Officers:** The provisions in Article VIII, Section 8, Subsections a. and b. of this constitution shall apply to State Officers.

**Section 8—Duties and Responsibilities of State Officers:**

a. State Director:

- (1) To uphold the National Constitution and Bylaws of the League, its Policies and Customs, and all Resolutions duly passed;
- (2) To administer the State of his/her jurisdiction and the functions of the State Office with the cooperation and approval of the State Executive Board;
- (3) To preside at all sessions of the State Executive Board, and the State Convention;
- (4) To name all State Committees, appoint State Officers and State Office Personnel, and to fill vacancies in State Offices with the approval of the State Executive Board;
- (5) To carry out all other duties and responsibilities incumbent upon his office.

b. Deputy State Director:

- (1) To have supervisory control over such State Committees and areas of work as the State Director may assign him/her, including the presiding over meetings of the State Executive Board and State Assembly;
- (2) To assume the office of State Director and all the duties, responsibilities and powers pertaining thereto upon the resignation, death or removal of the State Director.

- c. Immediate Past State Director:
  - (1) To serve as Advisor to the State Director;
  - (2) To attend State Executive Board meetings and State Conventions and preside at either function in the absence of the State Director and Deputy State Director or when these officers are candidates at State Convention and thus disqualified to preside over elections;
  - (3) To carry out those functions requested by the State Director, State Assembly or State Executive Board.
- d. Deputy State Director of Women's Activities:
  - (1) To have supervisory control over such state committees and areas of work pertaining to Women's Activities;
  - (2) To discharge those duties and responsibilities assigned by the State Director.
- e. Deputy State Director of Youth: To discharge those duties and responsibilities as defined for the National Director of Youth under Article VII, Section C, (1-6), except that they shall be limited to the State level, and, in addition he shall function as a member of the National Committee on Youth Activities.
- f. Deputy State Director for Young Adults:
  - (1) To have supervisory control over such state committees and areas of work pertaining to Young Adult activities.
  - (2) To discharge those duties and responsibilities assigned by the State Director.
- g. State Secretary:
  - (1) To keep in established places all permanent records, inventories and property list of the State;
  - (2) To handle all correspondence of the State Office as may be assigned by the State Director;
  - (3) To take down, transcribe and make available to the State membership and National President the minutes and resolutions of the State Assembly and sessions of the State Executive Board within thirty days of said

events;

- (4) To maintain in a separate volume all resolutions and State Constitution and Bylaw amendments as may be adopted by the State Assembly.

h. State Treasurer:

- (1) To receive and place in a bank designated by the State Director with the approval of the State Executive Board all monies paid into the State Treasury as State Membership dues, assessments, contributions and donations. Such funds may be placed under a general account or in various designated funds, as directed by the State Convention and Bylaws or the State Executive Board;
- (2) To register his/her signature and that of the State Director at the bank and to co-sign all checks for authorized expenditures;
- (3) To keep and maintain up to date a set of books in keeping with proper accounting procedures;
- (4) To make quarterly reports to the State membership following the procedures set in Article VIII, Section 9, Subsection e. Item 4;
- (5) To settle all accounts of the State organization with the exception of the State Convention and the audit of his/her accounts;
- (6) To have his/her account audited by a Public Accountant prior to the State Convention in May, and to turn over to his/her successor the complete set of accounting records, audit reports, and other documentation in his/her custody.

i. State Legal Advisor: To carry out those duties as are defined for the National Legal Advisor except that in the case of the State Legal Advisor they shall be limited to the scope and level of the state.

j. State Director of Publicity:

- (1) To coordinate all publicity at the State level in cooperation with the National Director and the Editor



- of LULAC NEWS;
- (2) To be vigilant to adverse publicity of LULAC and to refrain from using his office and prerogatives in the promotion of politics within or without LULAC.
  - k. State Chaplain: To perform those duties incumbent upon his/her office at all state functions requiring them.

## **ARTICLE X**

### **District Officers**

#### **Section I—Elective Officers:**

- a. District Director;
- b. Deputy District Director;
- c. District Treasurer;
- d. Deputy District Director for the Elderly;
- e. Deputy District Director for Women;
- f. Deputy District Director for Young Adults;
- g. Deputy District Director for Youth.

**Section 2—Immediate Past District Director:** This shall be the title conferred on the outgoing Director by the incoming Director upon his/her installation.

**Section 3—Qualifications:** All District Officers, whether elected or appointed must possess the qualifications set in Article VIII, Section 4, Subsections a. thru f. of this Constitution, except under Subsection b., previous office holding is limited to Local District Executive Board and/or District levels.

**Section 4—Election and Appointments:** The procedures and requirements stipulated in Article VIII, Section 5 of this Constitution shall apply to District Officers, substituting District designations in those instances where reference is made to the National level, and in

Subsection b., the number of endorsing Councils shall be two.

**Section 5—Tenure of Office:** All provisions in Article VIII, Section 6 of this Constitution shall apply to District Officers, substituting District designations for the National designations. A person cannot seek the position of District Director if he or she has held this position for four years intermittently or consecutively.

**Section 6—Impeachment and/or Removal of District Officers:** The provisions of Article VIII, Section 8, Subsections a. & b. of this Constitution shall apply to District Officers.

**Section 7—Duties and Responsibilities of District Officers:** All District Officers, elected and appointed, shall have those duties and responsibilities at the District level that are set forth for the State Officers under Article IX, Section 8, except that they shall be limited to the District level and jurisdiction.

## **ARTICLE XI Council Officers**

### **Section 1—Elective Officers:**

- a. President;
- b. Vice President(s); see Section 3, b. below.
- c. Vice President for Youth;
- d. Secretary;
- e. Treasurer;
- f. Parliamentarian;
- g. Chaplain;
- h. Sergeant-at-Arms.

### **Section 2—Appointive Officers:**

- a. Director of Youth Activities;
- b. Director of Publicity;
- c. Others as the Local Constitution and/or Bylaws may

establish.

### **Section 3—Qualifications:**

- a. All Council Officers whether elected or appointed, must:
  - (1) Be twenty-one years of age or older and must have been a member in good standing for at least one year. The one-year rule will be waived for Councils which have been chartered for less than one year;
  - (2) Be of good moral character and possess some administrative ability necessary for the discharge of his or her duties;
- b. All Local Young Adult Council Officers, whether elected or appointed, must meet the criteria stated in Section 3, Subsection a., above, except that the age shall be lowered to eighteen years of age or older.

### **Section 4—Election or Appointment:**

- a. All elective officers shall be elected by a majority vote of the Council during the month of March, at such date as may be set by the Local Constitution and/or Bylaws. Should no Constitution or Bylaws be established, notice of elections, giving the place, hour and date, shall be given to the members thirty days prior;
- b. Voting shall be by a show of hands, roll call or secret ballot as the Local Constitution and/or Bylaws may establish or the Local Rules Committee may recommend and the Council may approve;
- c. In those instances where no candidate receives a clear cut majority, the procedure set in Article VIII, Section 5, Subsection c., Items (1) and (2) of this Constitution shall be followed with the Presiding Officer casting the deciding vote under Item (2);
- d. All appointments of the President must be approved by a majority of the membership present at the time;
- e. All vacancies occurring in elective offices shall be filled through special elections provided notice of such election is given at least two weeks in advance to all members.

Special elections shall follow the same procedure as set in Subsections b. & c. above;

- f. Installation of officers may be held immediately following the elections or postponed for a period of time not to exceed two weeks.

**Section 5—Tenure of Office:** All terms of office of Local Council Officers and any limitation thereto shall be in keeping with the provisions set in Article VIII, Section 6, except that all situations are limited to the Local Council scope and all references to appointed officers shall not apply since all offices of the Local Council are elective with the exception of Council Committees.

**Section 6— Impeachment and/or Removal of Local Council Officers:** Procedures for the Impeachment and/or Removal of Council Officers, shall follow those set forth in Article VIII, Section 8, of this Constitution.

**Section 7—Duties and Responsibilities of Council Officers:** The duties and responsibilities of all Council Officers shall be those set forth in the Constitution and Bylaws of the Local Council, so long as they do not conflict with or exceed those of National or other Officers of the League. If no provisions are made by the Local Council for the definition of duties and responsibilities, then those set for the District, State and National Officers shall be followed to the extent that they are applicable to similar offices of the Council.

## **ARTICLE XII**

### **General Provisions**

**Section 1—The LULAC Code:** A set of moral principles designed and adopted by the League as its code of conduct and which charges each and every member to:

Respect your citizenship and preserve it; honor your country; maintain its traditions in the spirit of its citizens and embody yourself into its culture and civilization.

Be proud of your origin and maintain it immaculate; respect your glorious past and help to defend the rights of all the people. Learn how to discharge your duties before you learn

how to assert your rights; educate and make yourself worthy, and stand high in the light of your own deeds; you must always be loyal and courageous.

Filled with optimism, make yourself sociable, upright, judicious, and above all things, be sober and collected in your habits, cautious in your action and sparing in your speech.

Believe in God, love humanity, and rely upon the framework of human progress, slow but sound, unequivocal and firm.

Always be honorable and high-minded; learn how to be self-reliant upon your own qualifications and resources.

In war, serve your country; in peace, your convictions; discern, investigate, study, meditate and think; at all times be honest and generous. Let your firmest purpose be that of helping to see that each new generation shall be of a youth more efficient and capable, and in this let your own children be included.

**Section 2—Motto:** All For One And One For All verbally embodies the philosophy and spirit of the organization and is hereby adopted as the official motto of the League. It shall be printed on all stationery, charters, I.D. Cards, and other appropriate documents and papers of the League.

**Section 3—Emblem:**

- a. The shield as a symbol of protection shall be the official emblem of the League;
- b. The shield shall be triangular shaped with convex sides tapering down to a point. The top of the shield shall curve downward on either side of the apex to subordinate points which form the widest part of the shield. This width shall not exceed two thirds the length of the overall shield;
- c. The upper half of the shield shall be a field of blue with thirteen white stars and the lower half shall have seven red and six white vertical bars. Stars and bars represent the thirteen original states of our country;
- d. Reaching diagonally from the upper left point of the shield

to a point midway on its right side, there shall be a white stripe whose width shall not exceed one fifth the length of the shield and on which shall be imprinted the letters LULAC in blue;

- e. The emblem shall be stamped on all LULAC stationery, documents and other papers of the League and shall be imprinted on the Seal. The specifications herein set as to shape and widths and lengths shall be followed closely by all councils and officers authorized to use or reproduce the emblem. Any variations from these shall not be accepted as official, unwarranted and unauthorized use of this emblem shall be prosecuted to the fullest.

#### **Section 4—Seal:**

- a. The adopted Seal of the League shall be circular in shape with the emblem described in Section 3, set in the center, wreathed by a band on which is imprinted the name, LEAGUE OF UNITED LATIN AMERICAN CITIZENS;
- b. All charters, certificates and other official papers of the League must carry the impression of the Seal to be valid and in force;
- c. The Seal shall be kept in the National Office and may not be used by anyone other than the National President or National Secretary on official documents.

**Section 5—Flag:** The Flag of the United States of America, ever proud and symbolic of freedom and justice throughout the world, is hereby adopted as the Flag of the League. Due respect and homage shall be shown and offered to the Flag through proper and respectful display and by the recitation of the Pledge of Allegiance at all official functions of the League:

“I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with Liberty and Justice for all.”

**Section 6—Banner:** A banner for Local Council, District, State or National Office identity is authorized herein and shall adhere to the following specifications to insure uniformity:

- a. The banner shall be of deep blue silk or felt material, two feet wide and four feet long, with a two inch gold border. The LULAC Emblem with the specifications set in Section 3, proportioned to the size of the banner, shall be centered.  
Above the emblem shall be the words, COUNCIL NO. \_\_\_, in two inch white letters and below the emblem shall be the name of the city in which the Council is located with letters of the same size and color;
- b. In the case of District, State, or National Banners, the specifications above shall be followed except that above the emblem shall appear the letters, DISTRICT NO. \_\_\_, STATE COUNCIL, NATIONAL COUNCIL, as the case may be, and below the Emblem shall appear the name of the state for the District and State banners and UNITED STATES OF AMERICA for the National Banner;
- c. The banners may be mounted on a standard for parades or indoor use or may be hung on a wall. They may also be used to identify the seating place for delegations at conventions.

**Section 7—Membership Pin:**

- a. The LULAC Pin shall be an exact replica of the Emblem or shield made of gold and porcelain, except that the stars and white stripes and the letters on the white band shall be gold;
- b. The Pin may be worn as a lapel pin, tie clasp, or tie tack by men, as a pendant or bracelet charm by women or as a ring by both men and women.

**Section 8—Colors:** The colors of the League shall be the red, white and blue of our Flag, symbolizing the virtues of courage, purity of thought, and faith in the justice of God and man.

**Section 9—Prayer:** Washington’s prayer is hereby designated the official prayer of the League as a tribute to the memory of the first President of the United States of America and as an eminently pure expression of our devotion to this country:

“Almighty God, who has given us this good land for our heritage, we humbly beseech Thee that we may always prove

ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning and pure manners. Save us from violence, discord and confusion; from pride and arrogance, and from every evil way. Defend our liberties and fashion into one united people the multitudes brought hither out of many kindred and tongues. Imbue with the spirit of wisdom those to whom in Thy name we entrust the authority of government, that there may be justice and peace at home and that, through obedience to Thy law, we may show forth Thy praise among the nations of the earth. In the time of prosperity fill our hearts with thankfulness; in the day of trouble suffer not our trust in Thee to fail, all of which we ask through Jesus Christ our Lord. Amen.”

**Section 10—Hymn:** The hymn “America” which verbalizes the beauty and bountifulness of our land and the hope and faith of its people in God and country is hereby designated as the official hymn of the League and shall be sung at all appropriate functions of the league:

### AMERICA

My country ‘tis of thee, sweet land of liberty, of thee, I sing;  
Land where my fathers died! Land of the Pilgrims’ pride!  
From every mountain side, let freedom ring!  
My native country thee, land of the noble free, Thy name I  
love;  
I love thy rocks and rills, thy woods and templed hills;  
My heart with rapture thrills, like that above.  
Let music swell the breeze, and ring from all the trees sweet  
freedom song;  
Let mortal tongue awake, let all that breathe partake,  
Let rocks their silence break, the sound prolong!  
Our father’s God, to Thee, Author of Liberty. To Thee we sing;  
Long may our land be bright with Freedom’s holy light;  
Protect us by Thy might, Great God our King.

**Section 11—LULAC News:**

- a. LULAC NEWS shall be the title of the official publication of the League and shall be printed and mailed to each active member and associate free of charge. The Magazine



shall be available for sale to the general public;

- b. LULAC NEWS shall contain new items and pictures of LULAC activities from all levels of the League, news items of national and international scope which are of interest and concern to the organization. League announcements, convention proclamations, National Convention and National Board of Directors minutes of meetings, editorials, resolutions and constitutional amendments, obituaries and other items for the information and enjoyment of the readers;
- c. LULAC NEWS may not be used by any group or individual within or outside the organization for the propagandizing of political candidates, platforms or partisan political views in any form, including paid political advertisements;
- d. LULAC NEWS shall be published by the National Office.

#### **Section 12—National Office:**

- a. A permanent National Office shall be established and maintained in Washington D.C., as the principal office of the League;
- b. The National President may establish any other subsidiary office with the concurrence of the National Executive Committee;
- c. All current and permanent records of the League shall be available to any member of the National Board of Directors during normal business hours at any time;
- d. The national staff shall be under the management of an Executive Director, who shall be hired as permanent staff of LULAC and retained or terminated based on performance. The Executive Director shall be hired by and accountable to the National Executive Committee through a Personnel Committee, which shall consist of the National President, and three special emphasis LULAC Vice Presidents, nominated by the President and approved by the National Executive Committee. The Personnel Committee shall be responsible for establishing a job description, conducting a search, recommending a candidate to the National

Executive Committee, developing a recommended salary and contract terms, periodically evaluating the Executive Director, and addressing any personnel issues which may arise related to the Executive Director, including recommending termination based on non-performance.

- e. The Executive Director shall be responsible for directing the day-to-day administration and operations of the organization, and for hiring and supervising all other national staff, including the Financial Manager. The Executive Director must remain neutral in the political aspects of LULAC business, such as the election of officers and the selection of convention sites.
- f. The housing and furnishing of the National Office shall be determined by the National Board of Directors and National President, according to the needs and the budgetary provisions.

### **Section 13—Litigation**

- a. Whenever any legal action or proceeding is initiated by or against any LULAC council, council agrees to cooperate with LULAC to protect the organization's name and interests and to protect LULAC from the unauthorized use by anyone or any party litigant who does not have authority from LULAC to make use of the name in any legal action or proceeding. Council shall notify the LULAC National Office promptly after it initiates any legal action or after it receives notice through legal service of process that LULAC is named as a party defendant. In either case, Council will submit a copy of the pleadings setting out the names of the parties, the cause number, the name of the court wherein the case lies, and the details of the case or controversy;
- b. Council agrees to maintain the high standards of LULAC in its use of the organization's name whenever it initiates any legal proceeding;
- c. Council shall not be required to bring any legal action or proceeding to prevent the unauthorized use of the organization's name in any legal action or proceeding. The

National Office assumes all responsibility for preventing the unauthorized use of the organization's name in any legal action or proceeding.

## **ARTICLE XIII**

### **Financial Provisions**

#### **Section 1—Revenue Sources:**

- a. Charter Fees: The sum of \$75.00 is hereby set as the fee of issuance of a Charter by the National Board of Directors to a group that applies and is approved for affiliation as a Local Council with the League. This said fee shall be renewed on an annual basis and be due to the LULAC National Treasurer on the first day of January of each year and payable no later than February 28 of that same year by each Local Council or by the designated extension date set by the National Board of Directors at the February meeting. Any Council not having paid said fee by February 28 or the designated extension date set by the National Board of Directors, shall have its charter revoked and will be required to apply for a new charter and pay all fees as prescribed for the chartering of a new Council. Said fees shall be deposited in the General Fund of the National Office.
- b. Membership Initiation Fees: A National Membership Initiation Fee of \$6.00, payable to the National Office, shall be required of all new members, as well as ex-members who have been dropped from their Council rolls for non-payment of dues and who desire to reapply for membership rather than pay dues in arrears. Said dues are to be collected by the Local Council and forwarded to the National Office for deposit in the General Operations Account. This fee is in addition to the National Fee of \$15.00 per member year.
- c. Membership Dues: All active members shall be subject to National, State, District and Local Council monthly dues in such amounts as may be set up and approved by each Assembly by majority vote, with the exception of Life Members who are exempt from National dues, as set in

Article IV, Section 2. All monies from fees and dues must be paid to the respective treasurer by February 28 of each year or by the extension date designated by the National Board of Directors at the February Board of Directors meeting. In those instances where the National Board of Directors designates an extension date for the payment of fees and dues other than February 28, all entities of the organization will adhere to the date set in determining the membership in good standing. Said fees and membership dues shall be deposited to the General Operations Account in each entity.

d. Assessments:

(1) The National, State and District Assemblies or the National Board of Directors or the State and District Executive Boards may assess the Boards or membership within their respective administrative areas for amounts necessary to carry out previously specified and approved projects;

(2) Local Councils may assess their membership for local purposes;

(3) All assessments at whatever level must be approved in writing by a two thirds (2/3) vote of the body or in the case of Council action, by a two thirds vote of the membership at a regular meeting;

(4) All monies from assessments shall be used only for the purposes specified. Unused funds from assessments shall be deposited in a Special Projects Account of the administrative entity;

(5) The power to assess shall be limited to one assessment per League division per year, depending on the merit of the proposed project but in no instance may two divisions make simultaneous assessments or assess for the same project.

e. Donations: All donations by individuals or institutions shall be made to the League unless the donor indicates a specific division of the League as a recipient, or unless the donor specifies a specific purpose for the donation. Councils, districts, state offices, the National Office, the

LULAC Foundation and any other division of the League can receive donations intended by the donor to qualify for tax exemption if they are qualified to receive such tax deductible contributions.

- f. Endowments: All endowments made to the League or any of its subordinate divisions shall be guided by the provisions in Subsection e., above.
- g. Sales: The League as such or through its subordinate divisions may derive monies from the sale of articles such as Constitutions, pins, emblems, decals and similar items that it may develop from time to time for such purpose.
- h. Other Sources of Funds: The administrative divisions of the League may carry through such projects as bingos, dances, raffles, dinners, and the like for the purpose or raising funds for general operation expenses or specific projects. Strict accounting shall be made of these funds to Councils or members, as the case may determine.
- i. Use fees and assessment for the use of the LULAC name, logos, and reputation from independent corporate LULAC satellites as required by rules and regulations to be promulgated by the LULAC National Board of Directors.

## **Section 2—Budgets:**

- a. The National Treasurer in consultation with the National President shall prepare and propose an annual budget to the National Board of Directors during the October board meeting.
- b. The budget shall be based on anticipated income from all sources, including balances from the previous administration and its anticipated expenditures shall adhere to expected income.
- c. Designated funds for special projects, whether current or carried over from past administrations at any level, shall not be considered as revenue for ordinary operations of any administrative division even though they shall be a category of the budget.
- d. The Annual Budget may be approved as proposed or

as amended by majority vote of the National Board of Directors.

- e. The National Treasurer is required to present a financial report at each meeting of the National Executive Committee and the National Board of Directors. The report must include current, accumulated, and projected expenditures by budget item.
- f. The National Board of Directors may authorize reallocation of funds among budget items at the request of the President or Treasurer and may increase specific line item allocations upon satisfactory presentation as to availability of funds.
- g. The line item allocations in the budget shall not be exceeded except as approved by the National Board of Directors.
- h. Any funds secured in excess of budgeted funds and any funds left over at the end of the fiscal year shall be available for allocation during the subsequent annual budget.
- i. The State, District, and Local Councils shall adhere in principle to the above budget directives applicable to the National office.

### **Section 3—Disbursements:**

- a. All disbursements of National funds will be made by the National Treasurer upon demand by the National President or some other official specifically authorized by the National President.
- b. The request for disbursements shall identify the budget line items which will be credited and shall not exceed the amount budgeted in that category.
- c. All expenditures shall be substantiated by vouchers and receipts.

### **Section 4—Audits:**

- a. The National Treasurer shall cause an annual audit to be made by a Certified Public Accountant at the close of each fiscal year.

- b. As soon as practical, after the National Convention, the books and financial records shall be turned over to a Certified Public Accountant selected by the National Executive Committee, who will present a report to the National Board of Directors during the October Board meeting.
- c. Any discrepancies reported by the Certified Public Accountant will be assigned to the National Executive Committee for resolution and/or legal action.

## **ARTICLE XIV**

### **The Constitution and Bylaws**

#### **Section 1—Enabling and Repealing Provision:**

- a. This Constitution and Bylaws shall become the Supreme Law of the League of United Latin American Citizens (LULAC) upon its ratification by a majority of the Local Councils of the League in good standing, following its approval by a two thirds (2/3) majority of the certified delegates at the convention of the National Assembly.
- b. All Constitutional provisions, Bylaws, Resolutions, Policies and Customs in conflict with this Constitution and Bylaws are hereby repealed and/or rescinded.

#### **Section 2—Amendments:** Amendments to this Constitution and/ or Bylaws may be presented at the annual convention of the National Assembly by any Council in good standing, and only by a Council. Said presentation shall follow the procedure set below:

- a. All proposed amendments must be submitted typewritten via electronic mail or postmarked to the National Office sixty days before the National Convention date, which shall be when the National Assembly is scheduled to be convened to be certified and vote. The National Office, In turn, shall send copies of the proposed amendments to all Councils in good standing thirty days prior to set date. Additionally, they will be posted on the National Website and published in the LULAC News magazine.
- b. At the Convention, the Chairman of the Amendments

and Resolutions Committee shall read each amendment once and offer the recommendations of the committee before the National Assembly discusses and votes on the amendments.

- c. A two thirds (2/3) majority vote of the certified delegates at the National Convention is necessary for approval of an amendment.
- d. Within thirty days of the close of the National Assembly, the National Secretary shall submit mimeographed copies of the approved amendment(s) to all Councils in good standing for their study and ratification or rejection. Councils shall be allowed thirty days from receipt of the amendment(s) to indicate their decision in writing. Failure of any Council to advise the National Board of Directors of its decision within the specified time shall be deemed as approval by that Council and so recorded by the National Secretary.
- e. A favorable vote by a majority of the Councils shall be sufficient to ratify amendment(s) and to enable the National President to proclaim that said amendment(s) are part of the Constitution and/or Bylaws. Within a reasonable time, the National Office shall make available inserts of the ratified amendment(s) for inclusion in the Constitution.
- f. No amendment to the Constitution and/or Bylaws shall be accepted by the National Board of Directors if it is improperly prepared, in conflict with existing provisions, or submitted past the established deadlines. No Constitutional amendments may be offered from the floor at the National Convention, orally or written.

**Section 3—New Constitution:** A general revision of the Constitution and/or Bylaws, shall follow the same procedures set forth in Section 2, above.

**Section 4—Resolutions:** Resolutions may be offered at the National Convention following the same procedures established for amendments in Section 2, above, with the following exceptions:

- a. A simple majority vote of the certified delegates shall be sufficient for adoption;



- b. Resolutions need not be submitted to the Councils for ratification;
- c. In submitting resolutions to the Councils for their study prior to the Convention, the National Secretary need only send a summarization of the resolution or simply the resolved portion;
- d. In case of emergencies or situations arising after the National Assembly is in session, resolutions may be accepted by the National Assembly when presented by a Council in good standing, if properly prepared in text and typed.

**Section 5—State and District Constitutions and Bylaws:** State and District Constitutions and Bylaws shall be amended or revised generally or completely in the same manner as established in Sections 2 and 4 above. Resolutions for District and State Assemblies shall follow the pattern set forth in Section 4, above.

**BYLAWS  
of the  
LEAGUE OF UNITED LATIN AMERICAN CITIZENS**

**ARTICLE I  
Ritual of the League**

**Section 1—Meetings:** The President and Staff shall take their places when the hour set for the meeting has arrived and a quorum is present.

**PRESIDENT:** “I declare this meeting duly convened and qualified to consider and transact such business as may come before this Council. Let us rise and extend an invitation to our Chaplain to elevate the Official Prayer of our League, given as a tribute to the memory of its author, the first President of the United States of America and as an eminently pure expression of our devotion to America, our Country.”

**CHAPLAIN:** “Almighty God, who has given us this good land for our heritage, we humbly beseech Thee that we may prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning and pure manners.

Save us from violence, discord and confusion; from pride and arrogance, and from every evil way. Defend our liberties and fashion into one united people the multitudes brought hither out of many kindred and tongues. Imbue with the spirit of wisdom those to whom in Thy name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to Thy law, we may show forth Thy praise among the nations of the earth. In the time of prosperity fill our hearts with thankfulness; in the day of trouble suffer not our trust in Thee to fail; all of which we ask through Jesus Christ our Lord. Amen.”

PRESIDENT: “We will now pledge allegiance to the Flag of our country: I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands: one nation under God, indivisible, with liberty and justice for all.” (The singing of the official hymn after the pledge is optional, but is recommended that it be made a custom to sing it.) (President gives one rap with gavel and members will be seated.)

PRESIDENT: “By the authority vested in this body by its charter, and with the consent of our members, we are pledged to the advancement of all Americans. Pledged to such a policy of human betterment, we believe that this can be best accomplished in our particular case by organization, education and fraternity. Organized we can foster progress and education. We can study, think, thrive and reach higher levels of social, moral, economic and political welfare. Education is necessary for organization and progress, fraternity is the cause and effect of unity.”

### **Regular Order of Business**

- Roll Call of Officers
- Reading of Minutes of Previous Meeting
- Reading of and Voting on Applications for Membership
- Initiation of Candidates
- Reports of Officers and Committees
- Unfinished Business
- Communications and Finances
- New Business
- Election and Installation of Officers
- Good and Welfare of the League

- Closing (All attendants are required to sign the Attendance Book)

PRESIDENT: “As we adjourn this meeting tonight, let us depart with the spirit of brotherhood and respect. Let us leave with the feeling that we have extended to each other the courtesy of hearing and having been heard, without offending or feeling offended. That the mutual ideals that have brought us together tonight are stronger than the differences of opinion that seem to divide us. In the spirit of friendship and respect, let us offer each other the sign of brotherhood.”

**Section 2—Member Initiation Ceremony:** The initiation ceremony is intended to impress the member candidates with the seriousness of the work of LULAC and to instill in each the true spirit of the League and its Aims and Purposes. For this reason it shall be mandatory for all Councils to perform each ceremony at each and every initiation. It is recommended the Councils hold such ceremonies on a bimonthly or quarterly basis so that a larger number of candidates may be initiated and thus add to the impressiveness. On the initiation night, member candidates will be kept outside the meeting place by the Council Guide until called by the President.

PRESIDENT: “As we are about to enter into the performance of our initiation ceremonies, it is understood that no one will leave the hall, cause any disturbance or be permitted to enter. Mr. Guide, since the candidates in waiting have been selected, introduce them for initiation.”

PRESIDENT: “Mr. Guide, what is the purpose of our call?”

GUIDE: “Mr. President, I am here for the purpose of introducing these gentlemen and/or ladies. (Guide gives names). They are all residents of the United States of America, persons of character and duly elected to membership in the League of United Latin American Citizens. They now come of their own free will to be admitted to the privilege of membership in this subordinate Council of the League.”

PRESIDENT: “Let them come forward.” (Guide leads candidates to a place in front of the President where they line up facing him.)

PRESIDENT: “My friends and fellow Americans, it is my duty to inform you that the League of United Latin American Citizens allows complete freedom of inclination to every candidate for membership in this Body. An obligation is required, but let me assure you that in this obligation there is nothing contrary to your civil or religious duties. With this understanding, are you willing to take an obligation which binds you, upon your honor as a man or as a woman, as long as life remains and you have no justifiable reason to repudiate your pledge? If you are, please answer, I do! Each of you will now raise your right hand while I recite the Pledge.

“You solemnly swear to be loyal to the Government of the United States of America; to support its Constitution and obey its laws; to teach your children to be good, loyal and true Americans; to faithfully keep and observe the Constitution and Bylaws of the League of United Latin American Citizens, and all its officers? Answer I do! Mr. Chaplain, will you please take charge of the Service?” (Upon signal from the Chaplain, the entire membership rises and moves toward the center of the room where a table with an American Flag draped over it is located. The members will form a single file square or circle. The President and Chaplain move into the square and the Guide leads the candidates into the square.)

PRESIDENT: “My fellow citizens: Simple as this part of your initiation ceremony is intended to be, we and you, nevertheless, expect to retain forever its significance and impressiveness. You now stand before the National Emblem of your country. Under this Flag, with very little difference in its makeup, Washington led us to victory in the war of 1776. We are here today assembled as sons and residents of the American Republic. We know that you did not come here to be Americanized. You are Americans by birth or choice, yet you want to know and to love America better than you have in the past. Surrounding the Flag of our country, the stars and stripes as we are seen to be doing on this solemn occasion, we wish to feel that in so doing we are in the fact bringing about a more perfect union of citizens devoted to the welfare of our country. We are not here to cultivate a false sense of patriotism. We come with clean hearts to express our devotion to the nation and its flag. The American Flag is not strange to our sight. It was floating in the breeze when we were born and it was the emblem of the National Government that then as now protects us. Under this flag we have never suffered defeat.

We were born free men and free women under that emblem. Under the Flag we are looking for a future with new opportunities. We seek advancement. This flag must be treasured in our homes and our children shall learn to love it. This flag is our flag.

“Gentlemen and Ladies, while you face the flag, standing at attention, please recite, with me, slowly and consciously, the following words: ‘I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

“We will now sing our official hymn—AMERICA.”

CHAPLAIN: “Our countrymen: This is a civic and patriotic organization, devoted to the gradual creation of a more perfect type of American among the peoples and persons privileged to be admitted into its membership. Let us, then, recall our American Ideals and the luminous thoughts that in 1787 arose from the minds of the makers of the Constitution of the United States of America.

They said: “We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.” Those were lofty thoughts and glorious ideals. They are found today as the foundation stones of our entire social structure. It is our hope that in this League we shall be blessed with the privilege of emulating the noble, far-reaching and constructive spirit of the makers of our political Constitution. In this league we learn to keep a perfect Union, we want justice for all men; we seek domestic tranquility, and we shall never fail, when necessary, to help in any and all enterprises for the common defense. We shall consecrate ourselves to the promotion of the common welfare and to securing the blessing of liberty to ourselves and to our posterity. We, like our forefathers, stand ready to uphold those principles and to preserve them, that we may secure them for ourselves, and preserve them for our posterity. My countrymen, be on your way. Drink at the fountain of our national history, study the traditions of our country, and learn how to consecrate your life more deeply to the cause of Truth, Justice and Humanity in America.”

VICE PRESIDENT: “Friends and Brothers: Your present talk is now coming to an end. We have sought to give you an understandable conception of the underlying and well- intentioned spirit of this organization, which is now and shall ever remain distinctly pledged to the cause of clean and unalloyed Americanism. Pray permit us to remind you that we shall always expect you to promote good will and friendship in this organization and that you will devote yourselves to the task of securing the advancement and well-being of the elements that hold membership in this organization. We welcome you. You may now proceed to take a seat and be a part of our deliberations.”

**Section 3—Installation of Officers:** The Installation Ceremony, herein set shall be used in installing all National, State, District, and Local Council Officers, both elected and appointed. No person may assume the duties of an office until he has been officially installed. The officers to be installed shall take their place in front of the installing Officers with all officers to the left of the President Elect. All members shall rise and remain standing while the oath of office is administered.

PRESIDENT (or other installing Officer): “The oath you are about to take will impose a grave obligation and responsibility on your shoulders, not only because of the duties incumbent upon your respective offices, but because of the moral obligation you will assume, those whom you shall be privileged to serve and who have placed their confidence in your integrity as a person and as an officer to be. Realizing the scope of this obligation and responsibility, are you willing to take this oath? If you are, answer, I am!”

“Please place your right hand upon your left breast and repeat after me: ‘I, (give your full name), most solemnly promise that I will faithfully perform all the duties imposed upon me as an officer of the League of United Latin American Citizens by its Constitution, Bylaws, Protocol or by any resolution duly passed; that I shall zealously watch for the purity, progress and prosperity of the League; and that I shall set a good example of a true and loyal American in my own life. So help me God. I further promise to deliver to my successor in office all books, papers and other property of the League that may be in my possession at the close of my official term. All of this I solemnly promise, with the full knowledge that

to violate this pledge is to stamp me as a person devoid of principle and destitute of honor.”

PRESIDENT: “By virtue of the authority vested in me, I hereby declare that you have been duly installed in the respective offices for which you have been elected. You will now proceed to your stations and perform the duties imposed upon you.”

**Section 4—Graveside Prayer:** To be recited by the Chaplain or other officer at the grave of a departed member when apropos. “The valiant have fallen and the lances of battle are lowered in grief. Almighty God, we beseech Thy Blessings upon all the loved ones of our departed Brother/Sister and pray that through Your divine mercy, their grief may be consoled. Bless the leaders of our community, our State and our Nation. May the memory of our departed Brother/Sister serve as an inspiration to those of us who live and pursue that which is acceptable in Your sight; may it encourage us to seek ways to improve the lives of our fellow men, and may it instill courage, light, determination and hope.”

## **ARTICLE II Conventions**

**Section I—Authority To Hold Conventions:** Annual conventions of the National, State and District Assemblies may be held as authorized in Article VI, Section 1.c., Section 4.c., & Section 6.c., respectively, of the National Constitution. All conventions shall be held in the months stipulated in the Article and Section cited, at such dates as the National Board of Directors, State and District Councils may determine, provided such dates fall on a weekend.

### **Section 2—Selection of a Convention Site:**

- a. Any local Council or group of Councils in good standing may bid for the right to host the National Convention.
- b. Bids to host the National Convention will be submitted to the National Board of Directors during their February meeting, and shall include information regarding adequacy of hotel, convention, and transportation facilities, as well as other information requested by the Board.

- c. The board will name a three-person Committee to evaluate the sites and report at the National Convention.
- d. The Convention Site Committee will present a report of their evaluation of each of the cities who have submitted a bid immediately prior to opening the floor for nomination site.
- e. Only those cities which have been considered by the Convention Site Committee may be nominated.
- f. The National Assembly will select the Convention site by majority vote.

### **Section 3—Convention Arrangements:**

- a. Immediately after a Convention site is selected, the National Office staff or a person or organization selected for such task by the National Executive Committee will negotiate and contract for the Hotel and Convention facilities.
- b. The National Office will be responsible for all arrangements including the housing of delegates, officers, and guests, and the provision of adequate assembly and committee meeting facilities.
- c. The National Office will coordinate the invitations to all speakers, special guests, panelists and dignitaries, allowing the Host Council a reasonable opportunity to include local and state personalities in the list of participants.
- d. The National Office or an organization selected for this purpose by the National Executive Committee will coordinate all exhibits, advertising, and other commercial participation at the Convention.
- e. The National Office shall be financially responsible for the Convention. Proceeds from the Convention shall be shared with the Host Council in the following manner:
  - (1) One third of all net income in excess of the registration fee;



- (2) One third of all net income from Convention exhibits and advertising;
  - (3) In addition, the Host Council will be entitled to sponsor one function on Thursday evening of the Convention week designed to attract large local participation, the proceeds of which will ensure to benefit of the Host Council.
- f. All other income from the Convention will be retained for the benefit of the National Organization.
  - g. The National office will make a special financial report on all Convention activities during the October National Board of Directors meeting.
  - h. Only accredited delegates registered at the Convention will be allowed to vote. Registration fees for delegates may not exceed \$20.
  - i. Admission tickets for business or social functions may be sold separately or as part of a registration package at prices set by the National Office.
  - j. Exemptions from the payment of registration fees will not be allowed.

**Section 4—Delegates:** Each Council in good standing shall have the right to send as many delegates and alternates as it is entitled to, in accordance with their paid up membership as determined by the table below:

<b>MEMBERSHIP</b>	<b>DELEGATES</b>	<b>ALTERNATES</b>
10 (min. membership)	3	3
11 - 31	4	4
32 - 52	5	5
53 - 73	6	6
74 - 94	7	7
95 - 115	8	8
116 - 136	9	9
137 - 157	10	10
158 and over, 1 delegate per each 30 additional members.		

- a. All delegates of a Council to any convention of the League

shall be elected at a regular meeting of which all members have been advised with at least a two week notice. Elections for delegates may be on a plurality vote with the top vote getters designated as delegates and the alternates being designated as first, second, etc., alternate on the basis of the number of votes received.

- b. The delegation shall be headed by the Council President, or if unable to attend, by the Vice President or other selected officer.
- c. The Council Secretary shall certify the delegates to the National, State or District Secretaries in writing with a copy to the head of the delegation thirty days before the convention date. The delegation shall present its certification letter to the National, State, or District Treasurer at the time of registration. Any delegate that is uncertified shall not be allowed to vote. Such a provision may not be set aside by the Assembly.
- d. Councils organized less than thirty days prior to a convention or whose charter has not been officially presented and approved by the National Board of Directors, may send delegations to a convention but without the right to vote.

#### **Section 5—Agenda:**

- a. The National Office shall report at each meeting of the National Executive Committee and the National Board of Directors the status of activities planned for the Convention.
- b. An approved agenda that includes social and business functions shall be sent to each Council within fifteen days of the last National, State or District Council meeting.
- c. Councils, Officers and assemblies may have the right to submit suggestions of agenda items to the National Board of Directors, State and District Council for its consideration in setting up the agenda.
- d. The agenda for any convention shall be timed to end not later than noon of Sunday, the last convention day.

## **Section 6—Convention Committees:**

- a. The following Convention Committees shall be nominated by National President with the approval of the National Board of Directors or National Executive Committee:
  - (1) Rules Committee—Shall propose the rules for the conduct of business at the convention. They shall report at the first instance to the National Board of Directors during the February meeting at which time the rules will be adopted by majority vote of the Board. Convention Rules thus adopted may be changed by the Convention only by two-thirds (2/3) vote of the assembly;
  - (2) Credentials Committee—Shall propose procedures that will be used to ascertain eligibility to vote at the convention. These procedures shall be proposed to the National Board of Directors during the February meeting. Once adopted by the National Board of directors, those procedures may be changed by the Convention only by two thirds (2/3) vote of the assembly.
- b. The following Committees shall be appointed by the National President at any time prior to the Convention:
  - (1) Law and Order Committee—Shall maintain order at business sessions, call delegations to sessions when the meeting hour has arrived, aid in carrying or relaying messages to and from the Presiding Officers, and perform such other functions as the situations may require;
  - (2) Amendments and Constitution Committee—Shall review all amendments and revisions for content and possible conflicts, proper working, adherence with time schedule set by the Constitution for submission, and with certification of sponsoring Council shall report to the Assembly the accepted amendments along with its recommendations;
  - (3) Resolutions Committee—Shall carry out the same duties as the Amendments Committee but in addition,

shall classify resolutions as:

- (a) Legislative: those dealing with laws or bills of interest or affecting the League's area of activity. Copies of laws or bills shall accompany the resolution;
  - (b) General: those resolutions dealing with denouncements of individuals, groups, ideologies or institutions and their actions or effects, with situations or conditions of interest or concern to the League and its work, or with setting or determining policies of the League;
  - (c) Special: those resolutions dealing with expressions of appreciation, congratulations, memorial observances, condolences, and similar recognitions.
- (4) Awards Committee— Shall carry out the review and selection of recipients for established awards.
  - (5) Auditing Committee—Shall carry through a review of the financial status of the Assembly and report to the Assembly its findings and recommendations.
  - (6) Other Committees—The Presiding Officer at a convention shall name such special committees as he may deem necessary for the efficient conduct of the sessions at conventions.
- c. Committees shall have the right to call before them any officer or member of a delegation for assistance.
  - d. Committees shall have no less than three and no more than eleven members including the chairman, and no one delegation shall have more than one voting member on any one committee.
  - e. Convention Committees are temporary and are automatically dissolved upon acceptance of their work or report.

**Section 7—Reports of Officers:** A typed report shall be required of each officer reporting to his particular assembly; however, in making both the written and oral reports the officer shall emphasize the

following items where applicable: Financial statement of his entity; number of councils and members; outstanding activities carried out; honors received by Councils or individuals in his area; problems encountered, and recommendations. At National Conventions only State Directors and National Officers shall report.

### **Section 8—Voting at Conventions:**

- a. Voting at all the conventions shall be by a show of hands, roll call, or secret ballot as provided for the National Assembly in the National Constitution under Article VIII, Section 5, Subsection d.
- b. At the National Convention the elective National Officers, Immediate Past National President, Past National Presidents, Past National Vice Presidents, State Directors and District Directors and the certified delegates of the Council shall have a vote.
- c. At State conventions state elective officers, Immediate Past State Directors, Immediate Past District Director, Past National Presidents, District Directors and certified delegates of the Council shall have a vote.
- d. In all instances, with the exception of those in which the National Constitution specifies a vote proportion such as two-thirds (2/3), or specifies the certified delegates as determined, a simple majority vote of certified delegates and voting officers shall prevail.
- e. Voting by proxy or absentee shall not be permitted in any convention, and alternate delegates of Deputy Directors shall be permitted to cast a vote only when the person he or she is substituting for shall have left the city of the convention or is under doctor's care at the convention city. Certification of either instance shall be required by the Presiding Officer.
- f. All persons with a right to vote must be present in the assembly hall at the time of the vote to have the vote recognized.
- g. A person may cast only one vote in each voting instance even if he or she is an elective officer with a right to vote

and delegate at the same time.

### **ARTICLE III**

#### **Membership Dues**

**Section 1—National:** The National dues for LULAC active members shall be \$1.25 per month payable in quarterly installments to the councils for remittance to the National Office. National dues expire on December 31st of each year, and are due on January 1st of the new calendar year. National dues are payable for 12 months in advance if a member is renewing membership, or for pro-rated portion of the calendar year if coming from a new member. The National dues are payable to the Councils for remittance to the National Office by February 28. A pilot system of direct invoicing to members is hereby authorized. The LULAC National Treasurer shall report to the National Board of Directors and National Executive Committee at various intervals.

**Section 2—Membership Initiation Fees:** A National Membership initiation fee of \$6.00, payable to the National Office, shall be required of all new members, as well as of ex-members who have been dropped from their council rolls and who desire to reapply for membership rather than pay dues in arrears. Said dues are to be collected by the Local Council and forwarded to the National Office for deposit in the General Operations account.

**Section 3—Dues in Arrears:**

- a. Any Active Member subject to Council dues, including a Life Member not exempt otherwise, who is in arrears for three months shall be suspended from all privileges of membership and so advised by the Secretary of his/her Council immediately. Such member may be reinstated by simply paying his/her dues in arrears; however, if he/she continues to be in arrears for six months, he/she shall be dropped from the rolls and so reported to the District, State and National Offices.
- b. A member who has been dropped from the rolls for nonpayment of dues may be reinstated by a majority vote

of his/her Council by following either of two procedures below:

- (1) By presenting a written request for reinstatement and enclosing the full amount of dues in arrears;
  - (2) By applying anew for membership according to the established procedures for new members.
- c. A council in arrears shall not be permitted to have voting delegates at any convention and may have its Charter canceled for continued failure to pay its dues to the District, State and/or National Offices.
- d. Associates who fail to make their annual contributions by the sixth month of the fiscal year shall be subject to having their name dropped from the rolls of the League, except that the action will be carried out by the National Office. If reinstatement is desired, the associate shall make a written request to the National Office and enclose his or her contribution.

**Section 4—State:** The dues shall be set by each State Assembly but in no instance shall they exceed the National dues. They shall be paid as in Section 1 above.

**Section 5—District:** The provision in Section 4 shall apply to District Dues.

**Section 6—Local Council:** Councils are empowered to set their own dues and the only limitation affecting the amount shall be the economic situation or ability to pay of the members and prospective members. However, no council may set dues so high as to exclude prospective members.

#### **ARTICLE IV**

#### **Constitutional Revision Committee**

The Constitutional Revision Committee is authorized to make any changes necessary to correct, clarify, conform and consolidate the revised Constitution adopted hereby.

# **SIMPLIFIED PARLIAMENTARY PROCEDURE**

## **Based on Robert's Rules of Order**

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from the League of Women Voters

### **ARTICLE I Order of Business**

1. The meeting is “called to order” by the president.
2. The minutes of the preceding meeting are read by the secretary.
  - a. May be approved as read.
  - b. May be approved with additions or corrections.
3. Monthly statement of treasurer is “Received as read and filed for audit.” (Chair so states.)
4. Reports of standing committees are called for by the president.
5. Reports of special committees are called for by the president.
6. Unfinished business is next in order at the call of the chair or of the meeting.
7. New business.
8. The Program—The program is part of the meeting; the president “presides” throughout, but the program chairman makes report.
9. Adjournment.

### **ARTICLE II Duties of a President**

1. To preside at all meetings
2. Keep calm at all times.
3. Talk no more than necessary while presiding.
4. Have agenda for meeting before him/her and proceed in a



businesslike manner.

5. Have a working knowledge of parliamentary law and a thorough understanding of the constitution and bylaws of the organization.
6. Keep a list of committees on table while presiding.
7. Refrain from entering the debate of questions before the assembly. If it is essential that this be done, the vice-president should be placed in the chair. A president is not permitted to resume the chair until after the vote has been taken on the question under discussion.
8. Extend every courtesy to the opponents of a motion, even though the motion is one that the presiding officer favors.
9. Always appear at the rostrum a few minutes before the time the meeting is to be called to order. When the time arrives, note whether a quorum is present; if so, call the meeting to order, and declare “quorum is present.”

### **ARTICLE III** **Other Officials**

**Section 1—Vice-President:** The vice-president of an organization is the one who acts in the place of the president, whenever needed. In case of resignation or death of the president, the vice-president automatically becomes the president unless the bylaws provide other methods.

In official meetings, the vice-president should preside in the *absence* of the president or whenever the president temporarily vacates the chair.

If the president should be absent for a long period, the vice president may exercise all duties of the president except to change or modify rules made by the president.

The vice-president cannot fill vacancies where the bylaws state that such vacancies shall be filled by the president.

In case of resignation or death of the president, and the vice president

does not care to assume the office of president, the *vice president must resign*.

The office of vice-president becomes vacant when the vice president assumes the office of president. If there are several vice presidents, they automatically move up to the higher office leaving the lower office vacant. This office should be filled as instructed by the bylaws or authorized parliamentary authority.

In the absence of the president, the vice-president is *not “ex-officio”* member of any committee.

**Section 2—Secretary:** The secretary should issue all calls or notices of meetings and should write such letters as the board of directors of executive committee may designate.

The secretary should keep a neat and careful record of all business done in the meetings, with the exact wording of every motion and whether it was lost or carried. Brief extracts from speeches, if important, may be recorded but *no comment of any kind, favorable or unfavorable, should be made*. The minutes should show the names of persons appointed to committees and it is the duty of the secretary to notify all persons nominated or elected on any committee.

The secretary should be on hand a few minutes before a meeting is called to order. He or she should have the Minutes book of the organization with him/her so that reference can be made to minutes of past meetings.

The secretary should always have a copy of the bylaws; standing rules; book of parliamentary procedure endorsed by the organization; list of members of clubs; a list of unfinished business, copy of which should be given to the presiding officer.

**Minutes:** The minutes of an organization should contain a record of what *is done and not what is said*.

Minutes should contain:

1. Date, place and time of meeting.
2. Whether it is a regular or special meeting.

3. Name of person presiding.
4. Name of secretary. (In small boards, the names of those present should be recorded.)
5. All *main* motions, whether adopted or rejected.
6. The names of persons making the motions; the name of the seconder need not be recorded.
7. Points of order and appeals, whether sustained or lost.
8. A motion which was withdrawn should not be recorded.

**Section 3—Treasurer:** The treasurer of any organization is the custodian of its funds and receives and disburses them upon authority from the organization, the board, executive committee or the finance or budget committees. A treasurer should be bonded.

The organization should authorize the medium by which bills are paid, (whether by check or by cash and by whom) and should either approve the budget or authorize the executive committee of the board of directors to do so. A chairman or an officer or member should get permission from the president or board to make expenditure.

No treasurer should accept bills for payment, such as for postage, traveling expenses, etc., from a chairman unless receipts are enclosed.

The treasurer should make a monthly statement and a report once a year, or upon the request of board or parent body during the year. The annual report should be audited. An auditor's report should be presented following the treasurer's report. The presiding officer states to the assembly that to adopt the report of the auditor (if carried) has the effect of accepting the treasurer's report.

**Committees:** Committees have no authority except that which is granted by the constitution or by vote of the organization. Unless otherwise provided, the person first named or the one receiving the largest number of votes is its chairman. *A committee has no right to incur any debt or involve the organization in any way unless given full authority to do so.*

*Under no consideration should one or more, members of a committee*

*go ahead with the business without action by a quorum*; usually a *majority* of the committee, being present. Failure to observe these rules renders such action “the action of individuals” and subject to “censure,” “suits,” etc.

## **ARTICLE IV**

### **Principal Motions**

General Statement: When a motion has been made, seconded and stated by the chair, the assembly is not at liberty to consider any other business until this motion has been disposed of. If the motion is long and involved the chairman asks the mover to hand it in writing to the secretary. The mover cannot withdraw his motion after it has been stated by the chair. In general, all important motions should be seconded, which may be done without rising or addressing the chair.

1. To Amend: This motion is “to change, add, or omit *words*” in the *original main motion*, and is debatable: majority votes.

To Amend the Amendment: This is a motion to change, add, or omit *words* in the *first amendment*; debatable: majority votes.

Method: The first vote is on changing *words* of second amendment, the *second* vote (if first vote adopts change) on first amendment *as* changed; the *third* vote is on adopting main motion as changed.

2. To Commit: When a motion becomes involved through amendments or when it is wise to investigate a question more carefully, it may be moved to commit the motion to a committee for further consideration. Debatable—Amendable—Committee must make report on such question.
3. To Lay on the Table: The object of this motion is to postpone the subject under discussion in such a way that it can be taken up at sometime in the near future when a motion “to take from the table” would be in order. These motions are not debatable or amendable: majority vote.
4. To Postpone: A motion to postpone the question before the assembly to some future time is in order, except when a

speaker has the floor. Debatable: majority vote.

5. To Adjourn: This motion is always in order except:
  - a. When a speaker has the floor.
  - b. When a vote is being taken.
  - c. After it has just been voted down.
  - d. When the assembly is in the midst of some business which cannot be abruptly stopped.

Under all the above circumstances, the motion is not debatable.

When the motion is made to adjourn to a definite place and time, it is debatable.

6. To Reconsider: The motion to reconsider a motion that was carried or lost is in order if made on the *same* day or the next calendar day, but must be made by one who voted with the prevailing side. No question can be twice reconsidered. Debatable: majority vote.

Requires 2 votes: First on whether it should be reconsidered; Second on original motion after reconsideration.

7. The Previous Question: Is to close debate on the pending question. This motion may be made when debate becomes long and drawn out. It is not debatable. The form is “Mr. (Madam) Chairman, I move the previous question.” The chairman then asks, “Shall debate be closed and the question *now* be put?” If this be adopted by a two-thirds (2/3) vote, the question before the assembly is immediately voted upon.
8. Point of Order: This motion is always in order, but can be used only to present an objection to a ruling of the chair or some method of parliamentary procedure. The form is “Mr. (Madam) Chairman, I rise to a point of order.” The Chairman: “Please state your point of order.” After the member has stated his objection, the chair answers:
  - a. “Your point of order is sustained” or,
  - b. “Your point of order is denied.”

If any member is not satisfied he/she may appeal from

the decision of the chair. The chairman then addresses the assembly, “Shall the decisions of the chair be sustained?” This is debatable and the presiding officer may discuss it without leaving the chair. Voted on like any other motion: majority or tie vote sustains the decision of chair. Requires a majority of “no” votes to reverse decision of the chair.

## ARTICLE V

### Nominations, Elections and Terms of Office

**General Henry M. Robert, author of *Robert's Rules of Order*,** says: “In the election of the officers of a society it is more usual to have the nominations made by a committee—when the committee makes its report, which consists of a ticket (a ticket is one name for each office to be filled by ballot), the chair asks, ‘Are there any other nominations?’—at which time they may be made from the floor. The committee’s nominations are treated just as if made by members from the floor, *no vote being taken on accepting them.*”

If nominations are made from the floor, these names are added to those submitted by the nominating committee. Neither nominations by the committee nor adoption by vote, but are acted upon in the election ballot. Nominations are never seconded except as a complimentary endorsement of candidates not known to the assembly. This is rarely done except in national meetings where candidates assemble from all parts of the country.

A nominating ballot is NOT an elective ballot: (is not necessary or desirable where a nominating committee operates). When nominations are completed the assembly proceeds to the election, voting by the method prescribed in the Constitution and Bylaws. The usual method in permanent societies is by ballot, the balloting continued until the offices are filled. If a member is in good standing in the organization and receives a majority of the votes cast in the elective ballot (or plurality if bylaws so provide), he/she is then declared to be legally elected to fill the office even though he/she has not been nominated from the floor or by the nominating committee.

A motion may be made to close nominations but this motion is not in order until the assembly has been given reasonable time to add further nominations to those already made. It is a non-debatable

main motion, incidental to the nominations. It may be amended as to the time of closing nominations, but have no other subsidiary motion applied to it because it deprives members of one of their rights. It requires a two-thirds (2/3) vote. The motion to reopen nominations is non-debatable and requires a *majority* vote. It may also be amended as to time, but no other subsidiary motion applies.

The chair should remind the members that the nominating committee has endeavored to present as sure a ticket as possible, but it is now their privilege to name a candidate for any or all of the offices to be filled, and that they still have the opportunity of casting a ballot, for any eligible members, whether nominated or not.

General Robert says: “Each member may vote for any eligible person whether nominated or not.”

A member may withdraw his name if placed in nomination, announcing that if elected he would not be able to serve, but he cannot “withdraw in favor of another member.”

*KINDS OF VOTING*—Majority vote means more than half the votes cast, ignoring blanks, and a plurality vote is the largest of two or more numbers. A plurality vote never adopts a motion or elects a member to office except by virtue of a special rule previously adopted in the constitution or bylaws. In an election a candidate has a plurality when he or she has a larger vote than any other candidate.

*THE CHAIR VOTES*—When the vote is by ballot the president writes his or her ballot, and casts it with the rest. On a tie vote the motion is lost. If a majority of *one*, the chair (if a member of the assembly) may vote with the minority and make it a tie, and declare the motion “lost” *unless the vote is by ballot*.

In the event of a tie vote by ballot, balloting must continue until a candidate receives a majority. (Unless bylaws provide for plurality)

To move “that an election be made unanimous” is a mistaken courtesy, as it forces those who did not vote for the candidate to unwillingly submit to the transferring of their vote, this making it appear to be unanimous, when it is not; one negative response causes such a motion to be “lost”.

An election takes effect immediately following the completion of the annual business unless the bylaws specify some other date.

This does not mean that officers are to assume office *at this meeting*, for the duties of the outgoing officers are not completed for the year until after the adjournment of the annual session and all business relating to the annual meeting has been perfected.

*BALLOTING*—It is the duty of the chairman of elections to see that ballots are prepared in advance of the meeting and pencils are ready for the election. The tellers shall count the ballots. The chairman of elections reads the report, giving the number of votes for each person, whether nominated or “written-in” on the ballot. The presiding officer then “declares” who have been elected.

A formal “Installation” may be arranged, but office does not depend on installation but on election (or appointment if so provided in bylaws).

## **ARTICLE VI**

### **Decorum**

Probably the most serious defect in most meetings is the lack of reasonable decorum. Good order must be maintained if business is to be carried out. Courtesy would demand that there should be no whispering or commotion while any speaker has the floor. Do not speak too frequently. Beware of personalities. State *facts* rather than what you think or believe. Nothing marks the dignity of a meeting as the sharp retort or angry voice.

Speak while motion is pending not after the vote has been taken or *after the meeting is over*.



**LEAGUE OF UNITED LATIN AMERICAN CITIZENS  
ANNUAL COUNCIL CHARTER AGREEMENT**

**PREFACE**

This Agreement becomes effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between LULAC COUNCIL NO. \_\_\_\_\_ (herein referred to as “COUNCIL”) and the LEAGUE OF UNITED LATIN AMERICAN CITIZENS, INC. (herein referred to as “LULAC”), a national organization incorporated as a 501(c)4 and registered in the State of Texas under the provisions of the Texas Non-Profit Corporation Act.

WHEREAS, this Agreement creates and is intended to create a network of LULAC Local Councils acting within their own community as chartered and authorized by the League of United Latin American Citizens, Inc., a Texas non-profit corporation acting through its President and National Board of Directors, hereinafter referred to as LULAC NATIONAL to be hereinafter known as LULAC NATIONAL NETWORK (LNN); and

WHEREAS, the purpose of this network is to provide a vehicle within which to act and work toward the improvement of the quality of life within the United States and Puerto Rico; and

WHEREAS, equality of opportunity and citizenship may best be achieved through the various programs and services that are offered through duly chartered and authorized LULAC Local Councils; and

WHEREAS, LULAC NATIONAL owns all rights to the use of the name League of United Latin American Citizens known as LULAC together with all of its logos used and developed since the year 1929 when LULAC came into being; and

WHEREAS, all duly chartered and authorized LULAC Local Councils admit and recognize the legal right of LULAC NATIONAL to require chartering and adherence to LULAC NATIONAL; and

WHEREAS, the undersigned Council hereby requests charter membership in LULAC and by doing agrees to adhere to the terms and conditions set forth herein; and

WHEREAS, the Council when chartered and authorized herein, agrees to maintain a corporate ethic of excellence and fully understand that the interests of the corporation are paramount, requiring adherence to conditions and requirements of this agreement and the Texas Non-Profit Corporation Act; and

NOW THEREFORE, in consideration of the premises and other good and valuable consideration; the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

## **ARTICLE I**

### **Purposes and Philosophy**

The purposes and philosophy of LULAC are set forth in detail in its Constitution and By-Laws. The Council applying for a Charter pursuant to this Agreement agrees to accept and wholly abide by said rules and principles of purpose and philosophy.

## **ARTICLE II**

### **Charter Agreement**

A Council is the basic unit of active membership in LULAC, a national organization. Each Council must and will be identified by a numerical figure issued when the Council is duly chartered by the LULAC National Board of Directors pursuant to the terms and conditions of this charter agreement and the requirements and procedures set forth in the LULAC Constitution and Bylaws. Once duly chartered, the Council shall have all the rights and powers and will be bound by the limitations and responsibilities as set forth in the LULAC Constitution and Bylaws, and this Agreement.

This Agreement becomes a binding contract upon its execution by the contracting parties effective on the date stated above and is renewable annually.

## **ARTICLE III**

### **General Agreement**

**Section A—Membership:** There will be two kinds of membership; Sustaining membership and Applying membership.

- (1) Sustaining Council: At inception of this Agreement, all currently existing and duly chartered LULAC Councils will be approved as “Sustaining Councils”.

A duly chartered Sustaining Council may apply for a LULAC Licensing Agreement. A LULAC Licensing Agreement grants the chartered Council the right to non-exclusive use of the LULAC Service Marks and Trademarks in connection with the Council’s programs and activities. The LULAC Licensing Agreement is a separate and distinct contractual relationship between Council and the National Organization.

- (2) Applying Council: A duly chartered Council which has come into existence for the first time or a Council which has been dormant for a period in excess of 12 months and is applying for re-chartering, will be classified and recognized as an “Applying Council”. Applying Councils are automatically placed on a 12 month probationary membership status and will be elevated to the status of Sustaining Council upon successful completion of corporate accounting and financial reporting requirements. The primary purpose of the probationary period is to ensure that the Applying Council evidences the willingness and ability to adhere to LULAC’s corporate and financial reporting requirements.

An Applying Council will be ineligible for a LULAC Licensing Agreement during its probationary period. However, upon proper consideration and approval, licensing limitations may be waived in accordance with the provisions contained in the LULAC Licensing Agreement.

**Section B—LULAC:** will provide administrative guidance and technical support to all duly chartered councils, consistent with the terms and conditions of this Agreement, the LULAC Constitution and By-Laws and its economic and practical abilities and limitations.

## **ARTICLE IV**

### **Covenants of Chartered Council**

**Section A—The Council:** shall reflect “LULAC” and its assigned number in its name. Council shall be known and shall do business as it is registered with LULAC. The Council shall conspicuously identify itself as a duly chartered Council of LULAC in all dealings with its clients, contractors, public officials, and others, and shall prominently place appropriate notice of its charter membership on all forms, business cards, stationary, advertising, signs and other materials where LULAC membership is disclosed.

**Section B—Revenues and Expenses:** The Council shall be solely responsible for its revenues and expenses in providing, managing, or otherwise conducting the business affairs of the Council.

**Section C—Principles of Operation:** The Council shall operate its programs, services, and business activities in keeping with the purposes, philosophy, and standards described in the LULAC Constitution and its By-Laws and this Agreement.

**Section D—Record Keeping, Accounting, Reporting Standards:** The Council shall open and maintain bank accounts to be used in general operational activities of the Council as well as an account for designated specific purposes which cannot be used for the general operational activities.

These bank accounts shall be subjected to inspection by LULAC and their status must be reported to LULAC.

The Council shall keep correct, current, and complete books and records of accounts, and shall keep minutes of proceedings of its members, officers, board of directors, and committees having any authority of the Council and shall keep at its principle office, a record of the names, addresses, and telephone numbers of its members entitled to vote.

All books and records of a Council may be inspected by any LULAC member, or his agent or attorney, or LULAC officer for any purpose at any reasonable time.

**Section E—Financial Records and Annual Reports:** A Council shall maintain current, true and accurate financial records with full and correct entries made with respect to all financial transactions of the Council, including all income and expenditures in accordance with generally accepted accounting principles.

Based on these records, the officers of the Council or trustees shall prepare an annual report of the financial activity of the council. The financial report is due no later than sixty (60) days after the close of their accounting period. The report must include a statement of support, revenue, expenses, changes in fund balance, and a balance sheet for all funds. These reports are due in the National office as directed by the National President or National Treasurer.

All records, books, and annual reports shall be kept at the Council's principal office and shall be maintained for at least three years after closing of the accounting period.

A Council that fails to maintain financial Records, prepare an annual report, or otherwise fail to follow any of the provisions herein in the manner prescribed by this section shall have its Council charter forfeited and/or not renewed.

**Section F—Service Marks and Trademarks:** When applicable, Council agrees to cooperate with LULAC to protect the Service Marks of "LULAC" all Service Marks Trademarks, Logos, and any other service marks or trademarks registered from time to time to LULAC, and to protect it from unauthorized use by anyone or any entity who does not have authority from LULAC to display or otherwise make use of such service marks or trademarks.

Council shall not be required to bring any legal action or proceeding to protect the marks, but shall cooperate fully with LULAC or any of its members who bring an action or proceeding to protect the marks.

Council further agrees to maintain the high standards of LULAC in its use of such service marks and trademarks. Council's use, in any way, of the service mark "LULAC", all service marks, trademarks, logos, and any other service mark or trademark registered to LULAC or any of the members shall be governed by the form of this Agreement.

**Section G—Personal and Real Property:** Each Council shall have the right to acquire property, both real and personal, to facilitate the furtherance of their programs. Council shall maintain a running inventory of any such property acquired by Council from any and all sources.

The Council shall provide that any property acquired is the property of LULAC and that same shall be turned over to the National Office or its designated Chartered Council in the event that said Council's Charter becomes forfeited and/or not renewed by LULAC National.

**Section H—Hold Harmless:** Council agrees to hold LULAC National "harmless" from any and all claims made against the Council or entity arising out of acts or failures to act by said Council/entity, and to provide funds to LULAC National for attorney's fees and costs resulting from any such claim.

## **ARTICLE V**

### **Covenants of LULAC**

**Section A—Support:** LULAC will provide administrative and technical guidance and assistance to its duly Chartered Councils.

**Section B—Advocacy:** LULAC will serve as an advocate at the national level to inform the public, corporate leaders and elected officials of LULAC's achievements as well as the needs and issues concerning the Hispanic community.

**Section C—Annual Financial Statement:** LULAC agrees to make available to Council, upon request, an Annual Financial Statement.

## **ARTICLE VI**

### **Members**

**Section A—Restrictions:** Unless authorized by the National Board of directors, the LULAC members, life members, and distinguished members are not allowed to use Local, State, or National LULAC assets, any variation of the LULAC name or symbol, LULAC scholarship money or other LULAC property, either directly or implied, for personal monetary or material gain. Neither shall such

members contribute or assist toward a non-members gain of LULAC assets that are appropriated in an unauthorized manner.

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COUNCIL PRESIDENT

COUNCIL NO. \_\_\_\_\_

DATE \_\_\_\_\_, 20\_\_\_\_\_.

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NATIONAL PRESIDENT

DATE \_\_\_\_\_, 20\_\_\_\_\_.

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COUNCIL SECRETARY

SEAL

## **DIRECTIONS FOR PROPER USAGE OF “LULAC” SERVICE MARKS PROTECTING VALUABLE RIGHTS**

The League of United Latin American Citizens, Inc. (LULAC), a national organization, is a Texas non-profit corporation which has invested a great deal of time and money in establishing ownership rights in the protecting the LULAC service marks: (1) LULAC (2)L.U.L.A.C. (3)LULAC NATIONAL, (4) STATE LULAC (5) DISTRICT LULAC (6) LEAGUE OF UNITED LATIN AMERICAN CITIZENS, (7) LULAC NATIONAL EDUCATIONAL SERVICE CENTERS (8) LNEC, (9) LULAC FOUNDATION (10) LULAC SCHOLARSHIP COMMITTEE, (11) LULAC (in stylized letters), (12) LULAC COUNCIL NO. “1” THROUGH COUNCIL NUMBER “INFINITY”, (13) LULAC NATIONAL ECONOMIC DEVELOPMENT COMMISSION, (14) LULAC NATIONAL HOUSING COMMISSION, (15) LULAC NATIONAL NETWORK, (16) LLN, (17) LNSF, (18) LULAC & design (collectively, along with any other trade names, trademarks or service marks that LULAC may adopt or employ from time to time, referred to herein as the “LULAC Marks”).

The LULAC Marks, if properly cared for, will become stronger and stronger symbols of the effectiveness of the LULAC organization. In order to enhance the investment that has been made by LULAC and to protect the name and identity of its LICENSEES; LICENSEES must use the LULAC Marks in accordance with these instructions. First however, it is important that each licensee understands what LULAC is trying to protect.

### **What is a “Trademark” or “Service Mark”?**

Many people use these terms trademark and service mark interchangeably. “Trademarks” are marks used to designate the source of services. Trademarks and service marks are also referred to generally as “marks”. Because LULAC provides services, LULAC has and uses service marks, such as the LULAC Marks noted above. The LULAC Marks will also, from time to time, be used as trademarks. This document covers all use of the LULAC Marks.

### **What is the advantage of having a Registered Mark?**

Once a mark is registered with the U.S. Patent and Trademark



Office, there are a number of benefits to the owner. No unrelated party can use a mark that is “confusing similar” without incurring risk of liability unless that party has permission from the owner of the mark. Therefore, it becomes easier for users of the trademarks or service mark to become better associated with that mark in the memory of the public.

### **Can the advantages of having a Registered Mark be Lost?**

Unfortunately, a mark owner’s obligation does not end once such owner obtains a registration certificate. In order to preserve the valuable benefits of registration, the owner and those affiliated with the owner (such as licensees) MUST be careful to protect the mark. LULAC Marks should be used consistently and the services provided by all parties using LULAC Marks must be monitored by LULAC to ensure that “quality control standards” are met.

## **SPECIFIC USAGE DIRECTIONS**

As owner of the LULAC Marks, LULAC directs you to pay careful attention to the following:

### **Provide Notice of the Registrations**

You may, from time to time, see that designation <sup>TM</sup> used at the end of a word or design. While such symbol represents one’s claimed rights based on use of a mark, once a mark has been issued a certificate of registration, the notation ® or other designation or registration (either “Registered in U.S. Patent and Trademark Office”, or “Reg. U.S. Pat. & TM. Off.”) should be used in proximity to the registration mark.

By giving notice of a mark’s registration (using one or more of the designations noted in the paragraph above), the owner may be able to obtain the full statutory benefits of registration, including recovery of profits, damages and cost (and possibly treble damages and attorney’s fees) if another party infringes on the owner’s mark.

If the owner of a registered mark does not provide note of the registration noted above whenever the LULAC Marks are used in promotional materials, on letterhead, on educational material or on any other materials that are distributed. The designation should be used so that it is conspicuous, in at least one location on the front of

any materials.

All material should be submitted to LULAC for review to ensure that the registration designations are used properly. If you are using materials that LULAC does not believe adequately protect the LULAC Marks, it will be necessary that you cease use of such materials at the request of LULAC or modify such materials directed by LULAC.

LULAC Emblem Artwork



LULAC Seal Artwork





[www.LULAC.org](http://www.LULAC.org)

LEAGUE *of* UNITED LATIN AMERICAN CITIZENS



**EXHIBIT  
D**

**LEAGUE OF UNITED LATIN AMERICAN CITIZENS  
2022 COUNCIL CHARTER AGREEMENT**

**PREFACE**

This Agreement becomes effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2022, between **LULAC COUNCIL NO. \_\_\_\_\_** (herein referred to as “**COUNCIL**”) and the **LEAGUE OF UNITED LATIN AMERICAN CITIZENS, INC.** (Herein referred to as “**LULAC**”), a national entity incorporated as a 501(c)(4) organization and registered in the State of Texas under the provisions of the Texas Non-Profit Corporation Act.

**WHEREAS**, this Agreement creates and is intended to create a network of **LULAC** Local Councils acting within their own community as chartered and authorized by the League of United Latin American Citizens, Inc., a Texas non-profit corporation acting through its President and National Board of Directors, hereinafter referred to as **LULAC NATIONAL** to be hereinafter known as **LULAC NATIONAL NETWORK (LNN)**; and

**WHEREAS**, the purpose of this network is to provide a vehicle within which to act and work toward the improvement of the quality of life within the United States and Puerto Rico; and

**WHEREAS**, equality of opportunity and citizenship may best be achieved through the various programs and services that are offered through duly chartered and authorized **LULAC** Local Councils; and

**WHEREAS**, **LULAC NATIONAL** owns all rights to the use of the name League of United Latin American Citizens known as **LULAC** together with all of its logos used and developed since the years 1929 when **LULAC** came into being; and

**WHEREAS**, all duly chartered and authorized **LULAC** Local Councils admit and recognize the legal right of **LULAC NATIONAL** to require chartering and adherence to **LULAC NATIONAL**; and

**WHEREAS**, the undersigned Council hereby requests charter membership in **LULAC** and by doing agrees to adhere to the terms and conditions set forth herein; and

**WHEREAS**, the Council when chartered and authorized herein, agrees to maintain a corporate ethic of excellence and fully understand that the interests of the corporation are paramount, requiring adherence to conditions and requirements of this agreement and the Texas Non-Profit Corporation Act; and

**NOW THEREFORE**, in consideration of the premises and other good and valuable consideration; the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

**ARTICLE 1: PURPOSES AND PHILOSOPHY**

The purposes and philosophy of **LULAC** are set forth in detail in its Constitution and By-Laws. The Council applying for a Charter pursuant to this Agreement agrees to accept and wholly abide by said rules and principles of purpose and philosophy.

**ARTICLE 2: CHARTER AGREEMENT**

A Council is the basic unit of active membership in **LULAC**, a national organization. Each Council must and will be identified by a numerical figure issued when the Council is duly chartered by the **LULAC** National Board of Directors pursuant to the terms and conditions of this charter agreement and the requirements and procedures set forth in the **LULAC** Constitution and By-Laws. Once duly chartered, the Council shall have all the rights and powers and will be bound by the limitations and responsibilities as set forth in the **LULAC** Constitution and By-Laws, and this Agreement.

This Agreement becomes a binding contract upon its execution by the contracting parties effective on the date stated above and is renewable annually.

### ARTICLE 3: GENERAL AGREEMENT

**SECTION A: MEMBERSHIP:** There will be two kinds of membership; sustaining membership and applying membership.

**1) SUSTAINING COUNCIL:** At inception of this Agreement, all currently existing and duly chartered **LULAC** Councils will be approved as “Sustaining Councils”.

A duly chartered Sustaining Council may apply for a **LULAC** Licensing Agreement. A **LULAC** Licensing Agreement grants the chartered Council the right to non-exclusive use of the **LULAC** Service Marks and Trademarks in connection with the Council’s programs and activities. The **LULAC** Licensing Agreement is a separate and distinct contractual relationship between Council and the National Organization.

**2) APPLYING COUNCIL:** A duly chartered Council which has come into existence for the first time or a Council which has been dormant for a period in excess of 12 months and is applying for re chartering, will be classified and recognized as an “Applying Council”. Applying Councils are automatically placed on a 12-month probationary membership status and will be elevated to the status of Sustaining Council upon successful completion of corporate accounting and financial reporting requirements. The primary purpose of the probationary period is to ensure that the Applying Council evidences the willingness and ability to adhere to **LULAC**’s corporate and financial reporting requirements.

An Applying Council will be ineligible for a **LULAC** Licensing Agreement during its probationary period. However, upon proper consideration and approval, licensing limitations may be waived in accordance with the provisions contained in the **LULAC** Licensing Agreement.

**SECTION B:** **LULAC** will provide administrative guidance and technical support to all duly chartered councils, consistent with the terms and conditions of this Agreement, the **LULAC** Constitution and By-Laws and its economic and practical abilities and limitations.

### ARTICLE 4: COVENANTS OF CHARTERED COUNCIL

**SECTION A: The Council** shall reflect “**LULAC**” and its assigned number in its name. Council shall be known and shall do business as it is registered with **LULAC**. The Council shall conspicuously identify itself as a duly chartered Council of **LULAC** in all dealings with its clients, contractors, public officials, and others, and shall prominently place appropriate notice of its charter membership on all forms, business cards, stationary, advertising, signs and other materials where **LULAC** membership is disclosed.

**SECTION B: Revenues and Expenses:** The Council shall be solely responsible for its revenues and expenses in providing, managing, or otherwise conducting the business affairs of the Council.

**SECTION C: Principles of Operation:** The Council shall operate its programs, services, and business activities in keeping with the purposes, philosophy, and standards described in the **LULAC** Constitution and its By-Laws and this Agreement.

**SECTION D: Record Keeping, Accounting and Reporting Standards:** The Council shall open and maintain bank accounts to be used in general operational activities of the Council as well as an account for designated specific purposes, which cannot be used for the general operational activities.

These bank accounts shall be subjected to inspection by **LULAC** and their status must be reported to **LULAC**.

The Council shall keep correct, current, and complete books and records of accounts, and shall keep minutes of proceedings of its members, officers, board of directors, and committees having any authority of the Council and shall keep at its principle office, a record of the names, addresses, and telephone numbers of its member entitled to vote.

All books and records of a Council may be inspected by the **LULAC** National Treasurer for any purpose at any reasonable time.

**SECTION E: Financial Records and Annual Reports:** A Council shall maintain current, true and accurate financial records with full and correct entries made with respect to all financial transactions of the Council, including all income and expenditures in accordance with generally accepted accounting principles.

Based on these records, the officers of the council or trustees shall prepare an annual report of the financial activity of the council. The financial report is due no later than sixty (60) days after the close of their accounting period. The report must include a statement of support, revenue, expenses, changes in fund balance, and a balance sheet for all funds. These reports are due in the National office as directed by the National President or National Treasurer.

All records, books, and annual reports shall be kept at the council's principal office and shall be maintained for at least three years after closing of the accounting period.

A council that fails to maintain financial records, prepare an annual report, or otherwise fail to follow any of the provisions herein in the manner prescribed by this section shall have its council charter forfeited and/or not renewed.

**SECTION F: Service Marks and Trademarks:** When applicable. Council agrees to cooperate with LULAC to protect the Service Marks of "LULAC" all Service Marks Trademarks, Logos, and any other service marks or trademarks registered from time to time to LULAC, and to protect it from unauthorized use by anyone or any entity who does not have authority from LULAC to display or otherwise make use of such service marks or trademarks.

Council shall not be required to bring any legal action or proceeding to protect the marks, but shall cooperate fully with LULAC or any of its members who bring an action or proceeding to protect the marks.

Council further agrees to maintain the high standards of LULAC in its use of such service marks and trademarks. Council's use, in any way, of the service mark "LULAC", all service marks, trademarks, logos, and any other service mark or trademark registered to LULAC or any of the members shall be governed by the form of this Agreement.

**SECTION G: Personal and Real Property:** Each Council shall have the right to acquire property, both real and personal, to facilitate the furtherance of their programs. Council shall maintain a running inventory of any such property acquired by Council from any and all sources.

The Council shall provide that any property acquired is the property of LULAC and that it shall be turned over to the National Office or its designated Chartered Council in the event that said Council's Charter become forfeited and/or not renewed by LULAC National.

**SECTION H: Hold Harmless:** Council agrees to hold LULAC National "harmless" from any and all claims made against the Council or entity arising out of acts or failures to act by said Council/entity, and to provide funds to LULAC National for attorney's fees and costs resulting from any such claim.

#### ARTICLE 5: COVENANTS OF LULAC

**SECTION A: Support:** LULAC will provide administrative and technical guidance and assistance to its duly Chartered Councils.

**SECTION B: Advocacy:** LULAC will serve as an advocate at the national level to inform the public, corporate leaders and elected officials of LULAC's achievements as well as the needs and issues concerning the Hispanic community.

**SECTION C: Annual Financial Statement:** LULAC agrees to make available to Council, upon request, an Annual Financial Statement.

#### ARTICLE 6: MEMBERS

**SECTION 5: Restrictions:** Unless authorized by the National Board of Directors, the LULAC members, life members, and distinguished members are not allowed to use Local, State, or National LULAC assets, any variation of the LULAC name of symbol, LULAC scholarship money or other LULAC property, either directly or implied, for personal monetary or material gain. Neither shall such members contribute or assist toward a non-members gain of LULAC assets that are appropriated in an unauthorized manner.

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COUNCIL PRESIDENT

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DATE

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COUNCIL SECRETARY

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NATIONAL PRESIDENT

# 2014 CONVENTION RULES



## Proposed for Review by the National Board of Directors

1. Only delegates, or alternates replacing a delegate, wearing their certified badges, will be allowed in the voting section. All other persons shall be seated in an observation area designated by the Credentials Committee. The only exception to this rule shall be to accommodate a physically challenged delegate or alternate who desires to be seated in a special area.
2. A member in good standing has the right to ask that nonmembers be removed from the election area. This shall include the news media.
3. An Election Judge shall be appointed by the National President to conduct the elections.
4. The Election Judge shall appoint a Time Keeper and three Official Counters for all elections.
5. Elections shall be by standing show of hands or roll call vote. In case of a roll call vote, the head of each delegation shall announce his/her council's vote and the Election Judge shall repeat the vote to the floor.
6. No delegate or alternate may have more than one vote in any one election.
7. Voting in absentia shall not be allowed.



8. A candidate not previously announced, as per the LULAC National Constitution, may run from the floor provided that a written certification endorsement by the total accredited delegations of a minimum of five councils, including the candidate's home council, is made to the Election Judge prior to the time of nominations for the office in question.
9. Each candidate has the right to appoint one counter. However, the only official count for any election shall be that recorded by the three Official Counters.
10. Each candidate shall have five minutes for speeches which shall follow the closure of nominations for the office in question.
11. In elections where candidates are running unopposed their elections will be combined and held by acclamation. In elections in which more than two candidates are involved, and no one receives 50 percent plus one majority of the certified votes, the two candidates receiving the highest number of votes shall immediately go into a runoff. No speeches shall be allowed in runoff elections.
12. Challenges to any election must be issued to the National Legal Advisor immediately after the outcome is announced and before another election has begun. It shall take a two-thirds vote to overturn any ruling made by the National Legal Advisor.
13. The order of elections shall be as follows and will be conducted after resolutions/amendments are voted on.
  - National President
  - National Vice President for Women
  - National Vice President for Youth
  - National Vice President for Young Adults
  - National Vice President for the Elderly
  - National Treasurer
  - National Vice President for the Southwest
  - National Vice President for the Midwest
  - National Vice President for the Farwest
  - National Vice President for the Southeast



- National Vice President for the Northwest
- National Vice President for the Northeast
- National Vice President for the Northwest
- 2017 Convention Site

14. First reading of all Constitutional Amendments and Resolutions will be presented immediately after the Assembly is convened.
15. The presentation of Constitutional Amendments from the floor shall not be allowed. Discussion on Constitutional Amendments shall be limited to three speakers for and three speakers against with each speaker having two minutes.
16. All resolutions must be type written and submitted in the form provided for in the LULAC website and submitted by a local council in good standing. Approved State resolutions must be submitted to the National Office within five days of passage. The Resolutions Committee shall read the resolved portion of each resolution and make its recommendation to the assembly. Discussion on each resolution shall be limited to two speakers for and two speakers against with each speaker having two minutes. A speaker must announce if he/she is speaking in favor of or against the resolution in question.
17. Resolutions from the floor shall be accepted. The resolution from the floor must be type written and submitted by using the form provided in the LULAC website and signed by the total registered delegation of the offering council. The written resolution from the floor must be presented to the Resolutions Committee and the State Director or his/her designee be notified. The Resolution Committee Chair shall read the resolution in its entirety and call for a vote. The same time limit, number of speakers, and announcement as in rule 16 shall apply to this rule.
18. Any issue not covered by these Convention Rules will be determined by the proper provisions within the LULAC National Constitution, By-Laws & Protocol, and Robert's Rules of Order (revised) in that order.

19. These adopted 2014 Convention Rules may be changed by a two-thirds vote of the assembly.
20. Delegates, alternates and guests must maintain proper decorum at all times. Whistling and whistles are not allowed. Individuals intentionally disrupting election proceedings as determined by the Convention Chair will be expelled from the floor. No photography, video and audio recordings will be permitted. Violators will be removed.
21. Any individual that uses profanity, verbally threatens or attacks another member on or near the voting floor be removed from the voting floor and that charges to expel the member for "actions contrary to the principles of LULAC" be brought against the member by the presiding officer at the next National or Executive Board meeting.



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## Case of Court of Appeal of February 07, 2005, number KLRX0500007

**Issuing Organization:** Court of Appeal

**Número de resolución:** KLRX0500007

**Party Name:** Pueblo v. Valdes Ramos

**Tipo de recurso:** Recursos extraordinarios

**Resolution Date:** February 07, 2005

**Id. vLex** VLEX-685164633

**Link:** <https://app.vlex.com/#vid/lextca20050207-01-pueblo-v-685164633>

**Text**

## Content

### LEXTCA20050207-01 Pueblo v. Valdes Ramos

Estado Libre Asociado de Puerto Rico

TRIBUNAL DE APELACIONES

REGION JUDICIAL DE SAN JUAN

PANEL III

EL PUEBLO DE  
PUERTO RICO  
PETICIONARIO

vs.

ELSIE VALDES RAMOS  
RECURRIDA

MANDAMUS procedente del Tribunal de Primera  
Instancia Sala Superior de San Juan Criminal Núm.  
K1CE2004G0165

Panel integrado por su presidenta, la Juez Bajandas Vélez, el Juez Aponte Hernández y el Juez Vivoni del Valle.

Bajandas Vélez, Juez Ponente

## RESOLUCION

En San Juan, Puerto Rico, a 7 de febrero de 2005.

Comparece ante nos El Pueblo de Puerto Rico (el peticionario), por conducto del Procurador General, mediante Petición Urgente de Mandamus presentada a las 5:17PM del 4 de febrero de 2005.<sup>1</sup>

Además, en igual fecha ha presentado ante nos Moción en Auxilio de Jurisdicción y Resolución Expedita. Mediante el primer recurso extraordinario, el peticionario nos solicita que ordenemos al Tribunal de Primera Instancia, Sala Superior de San Juan, (TPI), que resuelva la alegada controversia de derecho<sup>2</sup>

respecto al Art. 3.2(c) de la Ley de Etica Gubernamental, 3 L.P.R.A. Sec. 1822(c), antes de emitir su dictamen en torno a la moción de absolución perentoria presentada por la defensa al finalizar el desfile de la prueba del Ministerio Público en el caso Criminal Núm. K1CE2004G0165.

En el segundo recurso, el peticionario nos requiere que instruyamos al TPI a que no resuelva la aludida moción de absolución perentoria con anterioridad al pronunciamiento del veredicto en el referido caso.

Analizadas cuidadosamente tanto la Petición de Mandamus como la Moción en Auxilio de Jurisdicción, al tenor del derecho aplicable, resolvemos desestimar ambos recursos por academicidad.

I

El 24 de mayo de 2004 el Ministerio Público presentó dos acusaciones contra la Sra. Elsie Valdés Ramos (Sra. Valdés o la recurrida) por infracción Artículo 3.2(c) de la Ley de Etica Gubernamental, 3 L.P.R.A.

Sec. 1822(c), el cual dispone, en su parte relevante, lo siguiente:

(c) Ningún funcionario o empleado público utilizará los deberes y facultades de su cargo ni la propiedad o fondos públicos para obtener, directa o indirectamente para él, para algún miembro de su unidad familiar, ni para cualquier otra persona, negocio o entidad, ventajas, beneficios o privilegios que no estén permitidos por ley. 3 L.P.R.A. Sec.

1822(c).

Las referidas acusaciones estuvieron basadas en que mientras la Sra. Valdés era Directora del Programa Zona Escolar Libre de Drogas y Armas (ZELDA) adscrito al Departamento de Educación alegadamente utilizó los deberes y facultades de su cargo para que miembros de la Liga de Ciudadanos Latinoamericanos (LULAC) obtuvieran beneficios no permitidos por ley.

Particularmente, se le imputó a la Sra. Valdés que ésta presuntamente solicitó y recibió de Island Security Services, una empresa de guardias de seguridad, una aportación económica de

\$1,000 para adquirir pasajes aéreos de American Airlines para que los miembros de LULAC se trasladaran a la convención nacional de dicha organización en los Estados Unidos. Apéndice del Recurso, págs. 1 y 2.

Luego de varios trámites procesales, el 18 de enero de 2005 comenzó la celebración del juicio por jurado. Concluida la presentación de la prueba del Ministerio Público, el 1ro de febrero de 2005 la defensa solicitó la absolución perentoria de la Sra. Valdés, reservándose el TPI su decisión en torno a la misma. El 2 de febrero de 2005, después de terminada la presentación de la prueba por la defensa, el TPI señaló una vista a ser celebrada el 4 de febrero de 2005 a los fines de resolver la solicitud de la defensa. El TPI instruyó que ambas partes argumentaran sobre los elementos constitutivos del delito imputado en lo referente a si el funcionario público objeto del delito tiene que obtener concretamente algún beneficio para que se configure el delito en cuestión o si con solicitar algún beneficio es suficiente para la comisión del mismo. Avanzada la tarde del 4 de febrero de 2005, el jurado emitió su veredicto, declarando a la Sra. Valdés no culpable de los delitos imputados.

En el recurso de Mandamus presentado el 4 de febrero de 2005, El Pueblo de Puerto Rico nos solicita que, a base de la interpretación de derecho que éste entiende la correcta, ordenemos al TPI no adjudicar la moción de absolución perentoria presentada por la defensa, puesto que existe en este caso una discrepancia respecto a la interpretación del estatuto en cuestión relacionada a los elementos del delito. Sostiene su razón de pedir en que cuando existe una controversia de derecho no procede adjudicar la moción de absolución perentoria pues ello permitiría que imputados de delitos sean absueltos en virtud de interpretaciones estatutarias erróneas, finales e inapelables ajenas a la suficiencia de la prueba.

A base de tales argumentos, se nos requiere nuestra urgente intervención pues lo planteado es una cuestión estrictamente de derecho de alto interés público. Además, precisa que es necesaria la acción de este Tribunal ante el grave menoscabo y el potencial riesgo que representa para el Estado el que se absuelva perentoriamente a la acusada de autos basada en una interpretación errónea del derecho.

## II

El [Artículo 649](#) del [Código de Enjuiciamiento Civil](#), 32 L.P.R.A. Sección 3421, define el mandamus, como un auto altamente privilegiado dirigido a alguna persona o personas naturales, a una corporación o a un tribunal de menor jerarquía, requiriéndoles el cumplimiento de algún acto expresado en el auto y que esté dentro de sus atribuciones o deberes. Dicho auto no confiere nueva autoridad y la parte a quien obliga deberá tener la facultad de poder cumplirlo.

Tanto la jurisprudencia como el [Artículo 650](#) del [Código de Enjuiciamiento Civil](#), 32 L.P.R.A. Sección 3422, establecen que para obligar al cumplimiento de un deber por medio del auto de mandamus es necesario que el solicitante demuestre que el funcionario está obligado al cumplimiento de un acto que la ley particularmente ordena como un deber resultante de un empleo, cargo o función pública. El mandamus sólo procede para exigir el cumplimiento de un deber impuesto por ley, es decir, un deber calificado como ministerial, que no permite discreción en su ejercicio, sino que es mandatorio e imperativo, *Noriega v. Hernández Colón*, [135 D.P.R. 406](#), 447-448 (1994); *Hernández Agosto v. Romero Barceló*, [112 D.P.R. 407](#), 418 (1982).

El ámbito de lo que constituye un deber ministerial ha sido delimitado por la jurisprudencia y trata de un acto en cuya ejecución no cabe ejercicio de discreción alguna por parte de la persona que viene obligada a cumplirlo. *Álvarez de Choudens v. Tribunal Superior*, [103 D.P.R. 235](#), 242 (1975). Esto es así, debido a que el auto no puede tener dominio sobre la discreción judicial. [Artículo 650](#) del [Código de Enjuiciamiento Civil](#), supra.

También existen otras limitaciones a la expedición del mandamus. Por ejemplo, el auto no puede ser emitido en aquellos casos en que el peticionario tiene a su alcance otro remedio legal adecuado. [Artículo 651](#) del [Código Enjuiciamiento Civil](#), 32 L.P.R.A. Sección 3423; *Hernández Agosto v. Romero Barceló*, supra, a la página 418; *Dávila v.*

*Superintendente de Elecciones*, [82 D.P.R. 264](#), 274 (1960). El objeto del mismo no es reemplazar remedios legales, sino suplir la falta de ellos. Además, la naturaleza altamente privilegiada del recurso conlleva que el mismo no proceda como cuestión de derecho, sino que su expedición descansa en la sana discreción del tribunal. *Báez Galib y otros v. C.E.E. II*, 152 D.P.R.

\_\_\_\_\_ (2 de noviembre de 2000), [2000 T.S.P.R. 161](#), 2000 J.T.S. 173, a la página 305. La norma es clara al establecer que para mover la discreción de un tribunal hacia la expedición de un mandamus, no es suficiente que el promovido tenga el deber ministerial alegado, sino que el promovente también debe tener un derecho definido a lo reclamado. *Espina v. Calderón, Juez, y Sucn.*

*Espina, Int.*, 75 D.P.R. 76, 84 (1953). El derecho del promovente y el deber del demandado deben surgir en forma clara y patente. *Hernández Agosto v. Romero Barceló*, supra, a la página 418. El auto procede cuando el derecho a exigir la inmediata ejecución de un acto es evidente y no hay excusa para no ejecutarlo. Regla 55 de Procedimiento Civil, 32 L.P.R.A.

### Apéndice III.

Por otro lado, la doctrina sobre academicidad es una de autolimitación basada en el principio constitucional de que el poder judicial no emite opiniones consultivas sino que se limita a resolver casos y controversias. Véase Raúl Serrano Geys, *Derecho Constitucional de Estados Unidos y Puerto Rico*, Colegio de Abogados de Puerto Rico, Instituto de Educación Práctica, Inc. (1986), págs. 122-128.

En esencia, un caso se torna académico cuando con el paso del tiempo y los eventos posteriores el mismo pierde su condición de controversia viva y presente. *P.P.D. v. Gobernador I*, [139 D.P.R. 643](#) (1995), *Comisión de la Mujer v. Secretario*, [109 D.P.R. 715](#), 724 (1980). Debe concluirse que un caso es académico cuando en el mismo se trata de obtener un fallo sobre una controversia inexistente, o una sentencia sobre un asunto el cual, por alguna razón, no podrá tener efectos prácticos. *RBR Construction, S.E. v.*

*Autoridad de Carreteras y Transportación*, 149 D.P.R 836 (1999). Una vez se determina que un caso es académico, los tribunales, por imperativo constitucional (o sea, en ausencia de un "caso o controversia") o por motivo de autolimitación judicial, deben abstenerse de considerarlo en sus méritos. *Asoc. de Periodistas v. González*, 127 D.P.R 704, 719 (1991); *ELA v. Aguayo*, [80 D.P.R. 552](#), 562 (1958).

Mediante la aludida autolimitación, se evita también el uso innecesario de los recursos judiciales y el hacer pronunciamientos autoritativos que resulten innecesarios. CEE v. Departamento de Estado, 134 D.P.R 927, 935-936 (1993). Al analizar un planteamiento de academicidad, el tribunal debe considerar si por los eventos posteriores al comienzo del pleito ha cesado la adversidad entre las partes, característica esencial de la justiciabilidad de las causas. PPD v. Gobernador I, supra.

La jurisprudencia ha enunciado que no es de importancia cómo un tribunal adquiere la información que demuestra que la controversia que tiene ante su consideración es académica. A manera de ejemplo, el Tribunal Supremo de Puerto Rico ha expresado que esta información puede obtenerse de los propios autos, por medios informales o a través del conocimiento judicial. ELA v.

Aguayo, supra, a las págs. 560-561.

Una vez se concluye que un caso es académico el tribunal solo podrá entender en éste 1) si la controversia es una recurrente que por su naturaleza evade la revisión judicial; 2) cuando la academicidad se debe a que, mediante su conducta, el demandado ha cambiado la situación de hechos pero el cambio no tiene visos de permanencia; 3) cuando subsisten consecuencias colaterales o, 4) se trata de un pleito de clase y la controversia se ha tornado académica para uno de sus miembros pero no para el representante promedio de la clase. Noriega v. Hernández Colon, 135 D.P.R 406 (1994).

Por último, al tenor de lo dispuesto en la Regla 135 de las de Procedimiento Criminal, 34 L.P.R.A. Ap. II,<sup>3</sup> una absolución perentoria es la facultad que tiene un tribunal para examinar la suficiencia de la prueba de cargo y decretar, a base de dicho examen, la no culpabilidad de un acusado. Pueblo v. Colón Burgos, [140 D.P.R. 564](#), 576 (1996).

Si bien es cierto que la Regla 135 de las de Procedimiento Criminal, supra, aplica a juicios por tribunal de derecho, el propósito fundamental de la absolución perentoria consiste en eliminar la posibilidad de que un jurado condene a un acusado cuando la prueba es insuficiente, Pueblo vs. Colón Burgos, supra. Indistintamente, el acusado podrá ser absuelto del delito imputado cuando la prueba presentada por el Estado no es suficiente para sostener los cargos más allá de toda duda razonable, según el requerimiento evidenciario de los casos criminales. Véase, Olga E. Resumil de Sanfilippo, *Práctica Jurídica de Puerto Rico, Derecho Procesal Penal*, Tomo II, 1993, página 299.

Al evaluar una solicitud de absolución perentoria, el criterio de insuficiencia de prueba no debe confundirse con prueba conflictiva o contradictoria. Ello implica que el juez, al adjudicar una moción a tales efectos, no puede resolver conflictos en la prueba ni dirimir credibilidad. Tampoco puede absolver perentoriamente sólo porque considere que la prueba del acusado es más sólida que la del ministerio público. Este balance probatorio debe ser dirimido por el juzgador de hechos en primera instancia y en último caso mediante apelación por el foro apelativo al amparo del criterio de evaluación de la prueba en apelación. Ernesto L. Chiesa Aponte, *Derecho Procesal Penal de Puerto Rico y Estados Unidos*, Editorial Forum, 1993, Vol. III, págs. 415-419.

Conforme a lo antes mencionado, un juez puede dejar sin efecto un veredicto de culpabilidad si

entiende que la prueba de cargo fue insuficiente. Claro está, ...el Pueblo puede revisar el fallo de absolución, pues de prevalecer, el tribunal apelativo sólo tendría que reinstalar el veredicto de culpabilidad y proceder con el trámite de sentencia, sin necesidad de ulteriores procedimientos de presentación o evaluación de la prueba. Pueblo v.

Rivera Ortiz, [150 D.P.R. 457](#), 464-465 (2000). No obstante, cuando el veredicto del jurado es de no culpable el tribunal siempre deberá aceptarlo. Regla 148 de las de Procedimiento Criminal, 34 L.P.R.A. Ap. II R. 148.<sup>4</sup>

### III

Aplicada la normativa expuesta a los recursos ante nos, concluimos que los mismos son académicos. Advertimos que es de conocimiento general que la Sra. Valdés fue hallada no culpable por un jurado, avanzada la tarde del 4 de febrero de 2005, fecha en que se dilucidaría ante el TPI el aspecto de derecho cuestionado por el peticionario. Al darse dicho evento, la decisión del TPI respecto a la moción de absolución perentoria presentada por la defensa carece de efecto práctico alguno. El juzgador de los hechos, o sea, el jurado resolvió el caso en forma final antes de que el TPI resolviera dicha moción, razón por la cual resulta inmeritorio en este momento tomar acción alguna en estos recursos. El veredicto de no culpabilidad ciertamente conlleva que el jurado haya evaluado tanto la prueba del Ministerio Público como la de la defensa y le haya dado a una y otra el valor probatorio que estimara.

En vista de que por un evento posterior a la presentación de los recursos ante nos, la controversia planteada en los mismos ha perdido su condición de ser una viva y presente, estos casos se han convertido en académicos. Por ello, estamos impedidos de considerarlos en los méritos. Lo contrario, equivaldría a emitir una opinión consultiva respecto al asunto de derecho planteado por El Pueblo de Puerto Rico, lo cual está claramente vedado a los tribunales.

### IV

Por los fundamentos expuestos, se desestiman tanto la Petición Urgente de Mandamus como la Moción en Auxilio de Jurisdicción y Resolución Expedita por haberse tornado ambos recursos académicos.

Notifíquese de inmediato por facsímil o teléfono y por la vía ordinaria.

Lo acordó y manda el Tribunal y lo certifica la Secretaria del Tribunal Interina.

Mildred Ivonne Rodríguez Rivera

Secretaria del Tribunal de Apelaciones Interina

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[1] El caso de epígrafe fue referido a este Panel III de la Región Judicial de San Juan, hoy 7 de febrero de 2005, a las 10:10AM, aproximadamente.

[2] [2] Dicha controversia versa sobre si la obtención de un beneficio es un elemento del delito tipificado por el Art. 3.2(c) de la Ley de Etica Gubernamental o, si por el contrario, la solicitud de dicho beneficio es suficiente para la comisión de dicho delito.



[\[3\]](#) [\[3\]](#) La Regla 135 reza: Queda abolida la moción para que se ordene un veredicto absolutorio. El tribunal a instancia propia o a instancia de un acusado decretará su absolución perentoria en uno o varios cargos de la acusación o denuncia luego de practicada la prueba de una o de ambas partes si la misma fuere insuficiente para sostener una convicción por ese cargo o cargos. De presentarse una moción de absolución perentoria, luego de practicada toda la prueba, el tribunal podrá reservarse su resolución, someter el caso al jurado y resolver la moción, bien antes del veredicto. Si el tribunal declarare sin lugar la moción antes de rendirse un veredicto de culpabilidad o de disolverse el jurado sin veredicto, la moción podrá reproducirse entro del término jurisdiccional de los cinco (5) días de rendido el veredicto o disuelto el jurado, siempre que no se hubiere dictado sentencia.

[\[4\]](#) [\[4\]](#) Véase, Ernesto L. Chiesa Aponte, *Ob. Cit.*, Vol. II, págs. 345-346.