

# THE CONSTITUTION OF THE AMERICAN LEGION DEPARTMENT OF MASSACHUSETTS INC

## ARTICLE I NAME

The name of this organization shall be:  
THE AMERICAN LEGION, DEPARTMENT OF MASSACHUSETTS INC.

## ARTICLE II OBJECT

The object of this organization shall be as set forth in the National Constitution of THE AMERICAN LEGION.

## PREAMBLE

“For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to safeguard and transmit to prosperity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.”

## ARTICLE III NATURE

- Section 1. THE AMERICAN LEGION is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Legion; no member shall be addressed by his military or naval title in any convention or meeting of the Legion.
- Section 2. THE AMERICAN LEGION shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor shall it be used for the promotion of the candidacy of any person seeking public office or preferment.
- Section 3. Freedom of Conscience: Each member shall perform his full duty as a citizen according to his own conscience and understanding.

## ARTICLE IV ELIGIBILITY

- Section 1. Any person shall be eligible for membership in THE AMERICAN LEGION who was a member of the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States and was assigned to active duty as some time during any of the following periods: April 6, 1917 to November 11, 1918; December 7, 1941 to December 31, 1946; June 25, 1950 to

January 31, 1955; February 28, 1961 to May 7, 1975; August 24, 1982 to July 31, 1984; December 20, 1989 to January 31, 1990; August 2, 1990, to the date of cessation of hostilities as determined by the Government of the United States; all dates inclusive, or who, being a citizen of the United States at the time of his entry therein, served on active duty in the armed forces of any of the governments associated with the United States during any of said periods; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably after any said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject himself to military discipline or unqualified service.

Section 2. There shall be no form or class of membership except an active membership and dues shall be paid annually or for life.

Section 3. No person may be a member at any time or more than one Post.

Section 4. No person, who has been expelled by a Post, shall be admitted to membership in another Post, without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, he may appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

## ARTICLE V MEMBERSHIP QUALIFICATIONS

Section 1. No person shall be eligible for membership in THE AMERICAN LEGION unless such person possesses all the eligibility qualifications and none of the eligibility disqualifications, as stated in Article of IV of this Constitution.

Section 2. Each Post shall be the judge of the qualification of its members, provided such members are eligible for membership in THE AMERICAN LEGION.

Section 3. The words "American Legion" shall not be used on any membership cards whatsoever except those issued by the National Organization to active members of THE AMERICAN LEGION.

## ARTICLE VI EXPULSION OF MEMBERS

Section 1. Members may be expelled or suspended from any Post of THE AMERICAN LEGION upon a proper showing of cause. Charges shall be based upon:

- (a) Disloyalty to the United States or THE AMERICAN LEGION;
- (b) The advocacy of, or membership in, any organization advocating un-American principles, including anarchy, communism, or other forms of radicalism, which are contrary to the precepts of THE AMERICAN LEGION;
- (c) Dishonesty; or
- (d) Conduct unbecoming a member of THE AMERICAN LEGION.

All charges must be made under oath in writing by the accuser, and no member in good standing shall lose membership until given a fair hearing in such manner and form as prescribed in the Rules of Procedure in Discipline of Members, as set forth by the National by-law's and Constitution.

Section 2. No person who has been expelled or suspended by a Post, shall be admitted to membership in another Post, without the consent of the previous Post, except that where such consent has been asked for and denied by such Post, an appeal may be made to the Executive Committee of the Department of the previous Post for permission to be admitted to membership to another Post, and shall be ineligible for membership until such permission is granted.

## ARTICLE VII DEPARTMENT OFFICERS

Section 1. The following officers of the Department shall be elected annually by the Department Convention by a plurality of vote under the Australian Ballot, except as hereinafter provided in this section.

- (a) A Commander, who shall be Chairman of the Department Executive Committee.
- (b) A Senior Vice Commander
- (c) Three Vice Commanders who shall serve without seniority
- (d) A Historian
- (e) One Department Executive Committee member, who shall be a woman, to be elected at large
- (f) A Member of the National Executive Committee and a Alternate Member shall be elected biennially to serve a period of two years in odd years. They shall not succeed themselves.

Section 2. (a) One Department Committee member and one Alternate, who shall be respectively the District Commander and Vice Commander, from each District as hereinafter defined shall be nominated by the Delegates from each such District and elected by the Convention.

- (b) The Alternate National Executive Committeeman and the District Alternates may attend all meetings of the Executive Committee, but shall vote only in the absence of their respective Principles.
- (c) A Judge Advocate and a Chaplain shall be appointed by the Department Commander with the approval of the Department Executive Committee.
- (d) The immediate Past Department Commander shall be an ex-officio member of the Department Executive Committee and shall have a vote.
- (e) All Past Department Commanders shall have a voice at Department Executive Committee meetings without a vote, unless otherwise provided for.
- (f) All Past National Commanders, in good standing, in the Department of Massachusetts shall be permanent members of the Department Executive Committee

with voice and vote and all other privileges granted to members of the Department Executive Committee

- Section 3.
- (a) The Commander shall be the Chief Executive Officer of the Department and shall be the presiding Officer on all occasions. No person shall be eligible for subsequent election to the office of Department Commander.
  - (b) The Department Senior Vice Commander shall be the Membership Chairman and fulfill the duties of the Department Commander in his/her absence and perform other duties as assigned by the Department Commander. In the case of a vacancy in the Office of Commander the Senior Vice-Commander will complete the Commander's term of office.

There shall be 3 other Department Vice Commanders who shall assist the Department Senior Vice Commander in membership and perform other duties as assigned by the Department Commander.

- (c) The Department Adjutant shall be Chief Administrative officer of the Department and by virtue of his office shall be Secretary of the Department Executive Committee and shall be responsible for the performance of all duties incidental to the administration of that office. The Department Adjutant shall comply with the policies and administrative mandates of the Department Conventions, the Department Executive Committee and the Department Commander. For the purpose of carrying out the missions of that office with harmony and efficiency, he shall be responsible for the employment in the Department Headquarters and the Department Service Office, and the Department Adjutant shall submit an itemized budget for office and administrative expenses for the Department Office and Department Service Office to the Department Finance Committee for consideration in the Annual Department budget.
- (d) The Treasurer shall be charged with the collection and custody of funds of the Department including all dues and shall keep the accounts and report thereon at the regular meetings of the Department Executive Committee. He shall be the Treasurer of all committees of the Department whose functions entail the receipt and disbursement of funds. His accounts shall be audited annually. He shall disburse funds only in accordance with the approved annual budget, and/or special funds not included in the budget. He shall be bonded in accordance with Article VI, Section 1 of the National Constitution and By-Laws. All negotiable instruments of the Department of Massachusetts, The American Legion, Inc. shall require at least 2 signatures from the list of 4 authorized signatories enumerated hereafter: 1. The Department Treasurer; 2. The Department Adjutant; 3. The Chairman of the Dept Finance Committee; or 4. The Vice-Chairman of the Department Finance Committee.
- (e) The Historian shall keep a historical record of the Department.
- (f) The Chaplain shall officiate at all Conventions and State Ceremonies.
- (g) The Judge Advocate shall advise the Department Officers and the Department Executive Committee off all legal matters including the interpretation of the National Constitution and By-Laws and the Department Constitution and By-Laws and shall perform such other duties as are usually incident to the office. The Judge Advocate shall render opinions only upon the request of the Department Convention,

The Department Executive Committee in legal sessions assembled, or at the request of the Department Commander.

- (h) No paid employees of the Department of Massachusetts, The American Legion shall also be an elected officer of the Department Executive Committee except as otherwise provided for in the Constitution.
- (I) No elected Officer of the Department of Massachusetts shall hold more than one (1) elected office at the same time.

## ARTICLE VIII DEPARTMENT EXECUTIVE COMMITTEE

Section 1. The general executive power and management of the affairs of the Department shall be vested in the Department Executive Committee. The Voting Membership of the Department Executive Committee shall be comprised of the following Officers: the Department Commander; 1 Senior Vice Commander; 3 Vice Commanders; the Department Historian; the Department Executive Committee Woman-at-Large; the Immediate Past Department Commander; all Massachusetts Past National Commanders; the National Executive Committee Member and each of the 10 District Executive Committee Members, or their respective Alternates, as otherwise provided in this Constitution and By-Laws. The meetings of the Department Executive Committee shall be held at a time and place specified by the Department Commander during the year in accordance with the following schedule: One meeting after the Department Convention for the regular order of business, appointments and National pre-convention caucus; two meetings September through December: two meetings January through March and two meetings April through June. Additional meetings of the Department Executive Committee may be held in an emergency when called by the Commander or when requested in writing by the majority of the Department Executive Committee.

- (a) The Department Executive Committee shall appoint from its own members or otherwise such sub-committees as it may determine to be necessary to carry on the business of the Department. It shall not delegate, however, the power of decision in matters affecting the policy and external relations of The American Legion.
- (b) It shall have the power by a two-thirds vote of members present and voting at any meeting to cancel, revoke and to suspend, subject to the approval of the National Executive Committee, the charter of any Post for any violation of the Constitution or for conduct unbecoming or prejudicial to the best interest of The American Legion. But no such vote or revocation or suspension shall be adopted without giving one month's written notice of the contemplated action and charges of the Post in question before the expiration of which month the Post may make answer to the charges against it. In referring to the National Executive Committee the record of the vote of revocation of the charter of any Post the Department Executive Committee will in every case forward therewith the answer made by the post to the charges against it.
- (c) It shall prescribe and enforce such rules and regulations as may be necessary for the conduct of the Department Headquarters.
- (d) It shall have authority by a two-thirds vote of the members present at any meeting to fill vacancies created in its composition by death or other eventuality among its

members, provided that if the vacancy occurs in the District membership of the committee it shall be filled by the election of a member from that District. It shall have further authority to fill any vacancy among the Department Officers not otherwise provided for.

- (e) It shall have the power by a two-thirds vote of the members present at any meetings to suspend or remove from office for good cause any elective officer of the Department or any elective Post or District Officer within the Department after a fair and impartial hearing on the charges brought against such officer, or to expel or suspend from membership in The American Legion any member of any Post within its jurisdiction, for such causes as are provided in the National Constitution and By-Laws.
- (f) Each District Committeeman shall promote the welfare of each Post in his District, with the right to attend the meetings of each Post. Each District Committeeman shall have the duty to supervise the Post and to report conditions therein to the Department Executive Committee. He shall, at least once a year, make an official inspection and visitation to each Post in his District.
- (g) The Right to attendance at Executive Session(s) of the Department Executive Committee is expressly granted to all serving Officers of the Department who are elected at any Department Convention, including both the Alternate National Executive Committeeman and the Alternate Department Executive Committeeman from each District.

Section 2. A majority of the members of the Department Executive Committee shall constitute a quorum.

- (a) The Executive Committee in regular or special meeting assembled, shall not appropriate nor spend any sum of money in excess of Twenty-five Hundred Dollars (\$2500.00), without following the procedure hereby set forth. The subject matter shall be fully explained and discussed at one meeting, accepted as a first reading and the vote on said subject matter be then postponed until the next regular meeting of the Executive Committee, only, to allow time for the Department Officers and Executive Committee members to discuss it with their various Districts, to gain their opinion and direction on the subject matter, for their voting at the next meeting.

## ARTICLE IX DISTRICTS

Section 1. For the purpose of the business of the Department, Massachusetts shall be divided into ten (10) Districts. A District shall consist of all Posts within an area defined in this article. Each District shall consist of counties as indicated below:

<u>District</u>	<u>County</u>	<u>District</u>	<u>County</u>
1	Berkshire	6	Norfolk
2	Franklin/Hampshire	7	Suffolk
3	Hampden	8	Essex
4	Worcester	9	Bristol
5	Middlesex	10	Plymouth/Barnstable/ Nantucket/Dukes

- Section 2. The Posts of each District may organize a District or County Council with a District Commander and Senior Vice Commander as provided in Article VI,
- Section 2a. Including such other Officers as they may by Constitution and By-Laws prescribe. Such a District or County Council may operate in such a manner and way as it may provide but without conflict with the rights and powers of the Department and Post organizations.
- Section 3. Election for all Officers in each District shall be conducted so as to enable those elected to assume the duties of their Office at the close of Department Convention each year.

## ARTICLE X DISTRICT COMMANDERS

- Section 1. There shall be one District Commander for each of the Districts in the Department.
- Section 2. District Commanders shall be elected by one of the following methods:
- (a) At the Department Convention by the Delegates from respective District in which the Rules of Department Convention shall govern, or
  - (b) At a pre-convention caucus of the Department convention delegates, to be held not earlier than thirty (30) days prior to the Department Convention, at a time and place designated by the District Commander.
  - (c) The District Commander shall notify each Post within his district of the place, time and purpose of such pre-convention caucus, at least ten (10) days prior thereto. A plurality of the votes of the delegates present and voting shall be necessary to elect a District Commander.
- They may also conduct such other business as may come before the caucus.
- Section 3. District By-Laws shall determine the method of election to be used in the respective district.
- Section 4. In the event that a District Commander fails to function or does not perform the duties prescribed for him to the satisfaction of his Department Commander and the Department Executive Committee, or fails to attend two (2) successive Department Executive Committee meetings without giving reasons for his absence therefrom, the Department Commander, with the consent of the Department Executive Committee, may declare the office vacant.
- Section 5. In the event of a vacancy in the office of District Commander, the Senior Vice Commander for that District, elected at the Department Caucus, as specified in Article X, Section 1 (a) shall replace the District Commander.

## ARTICLE XI DEPARTMENT CONVENTIONS

- Section 1. The Legislative body of the Department shall be the Department Convention.
- (a) There shall be a Department Convention held annually at such time and place as voted by the Department Standing Committee and approved by the Department Executive Committee and subject to the Department Convention.

- (b) A special Convention may be called at any time, either
  - 1. By a majority of the Department Executive Committee, or
  - 2. By a written application of at least fifty (50) chartered Posts in good standing, representing at least seven (7) Districts.
- (c) The notice of any Convention shall be given to the Post Adjutant by the Department Adjutant at least thirty (30) days prior to the date fixed for such Convention.
- (d) When the holding of a Department Convention, as provided for under Section 1, is made impracticable by reason of a state of war, operation or force of law, or other extraordinary or unforeseen contingency, all the functions, powers and duties of the annual Department Convention shall be submitted for consideration and decision to each Post by mail, in lieu of Delegates to said Convention, provided that this method shall have been authorized by vote of three-fourths of the Department Executive Committee.
- (e)
  - 1. Determination of all matters so submitted shall be by a majority of the vote recorded, except amendments to the Constitution shall be amended by a two-thirds vote. The election of officers shall be by the Australian ballot and by a plurality vote.
  - 2. The Department Executive Committee is empowered to prescribe the requisite procedure for carrying into execution the foregoing provisions.

Section 2.

- (a) A Convention shall be composed of delegates in good standing from all Posts. The Posts may elect alternate delegates in a number not to exceed the number of authorized delegates.
- (b) The delegates to a Department Convention shall be elected by each Post from the membership of said Post, by a plurality vote of those present at a meeting called for that purpose, unless otherwise provided by the By-Laws of the Post.
  - (1.) Each Post shall supply to the Department Adjutant, at least ten (10) days prior to opening of the Convention, a complete listing of the Delegates and Alternates who will represent the Post at said Convention. Failure to comply will result in the Post paying a premium, to be determined by the Department Adjutant, for issuance of credentials.
- (c) Each Post shall be entitled to one delegate up to fifty (50) members and also an additional delegate for each one hundred (100) members or major fraction thereof.
- (d) All Department Officers enumerated in Article VII, Section 1 and 2, shall be additional delegates to all Conventions within this Department, their votes to be credited to the Posts of which they are respectively members. The District Alternates shall be by virtue of their office, Alternate Delegates to the Department Convention.
- (e) All Past Department Commanders while in good standing in their respective Posts shall be delegates to the Department Convention.

Section 3.

- (a) Upon payment of registration fee to the Department of five dollars (\$5.00) for each qualified delegate authorized herein, credentials shall be issued by the Department to



each such delegate. All registration fees must be turned over to the Convention Committee with the approval of the Department Executive Committee. If not paid, at the time of registration, fees will be doubled and the Department will invoice said Post for delegate fees.

- (b) For the purpose hereof, members are those whose dues are paid up at Department Headquarters thirty (30) days prior to the date of any convention.
- (c) No member shall be entitled to more than one (1) vote at any Department Convention.

Section 4.

- (a) A majority of Posts registered in good standing, represented by duly elected delegates, shall constitute a quorum.
- (b) The will of the convention on all matters, excepting election of officers and amendments of the Constitution and By-Laws shall be recorded by vote of a majority of the delegates present and voting.

Section 5.

The annual Department Convention shall elect four delegates at large and such other delegates as are permitted by the National Constitution to the National Convention, elect the Department Officers as hereinafter provided and may pass resolutions, legislate and amend the constitution and transact such other business as may be brought before it. The delegates, other than the delegates at large, shall be apportioned among the several districts by the Executive Committee according to membership, and the delegates from each district to the Department Convention shall nominate the number of delegates so apportioned to such districts for election by the Department Convention. In addition to the four delegates at large to the National Convention elected as heretofore provided, the Department Commander and the National Executive Committee members shall also be delegates at large to the National Convention and the Department Adjutant shall be the secretary of the Department delegation to the National Convention and shall accompany the delegates in that capacity.

Section 6.

The rules of procedure at a Department Convention shall be as adopted by the Convention and all difference of opinions in regard to points of order or modes of procedure, not otherwise provided for, shall be governed by parliamentary practices as set forth in Robert's Rules of Order (Revised).

Section 7.

The Commander shall appoint, subject to the ratification by the Department Executive Committee, an official reporter, who shall take the convention proceedings, verbatim, and shall be charged with compiling of said proceedings.

Section 8.

Rules and regulations governing the conduct of elections under Australian ballot at Department Conventions shall be adopted by the Convention, rules to stand until changed by some subsequent convention. The term "Australian ballot" shall be construed to include the use of voting machines.

Section 9.

District Delegates to the Department Convention may meet in caucus, prior to the opening of the convention for the purpose of expediting the business of the convention and may meet as such other times during the period of the convention as the district delegates shall determine.

A district body when separately assembled is a separate body. The first business of the district delegation shall be to elect a Chairman and a Secretary who shall remain as its officers during the sessions of the convention.

## ARTICLE XII THE LOCAL UNIT: THE POST

- Section 1. Formation of a New Post: The local unit of the Department shall be the Post, the minimum of which shall be fifteen (15). Those who desire to form a Post shall, subject to the provisions of this Constitution and the By-Laws of the Department, make application for charter upon forms to be supplied by the Department Adjutant.
- Section 2. Post Charter: Post Charters, when issued by the National Commander and National Adjutant, shall be duly countersigned by the Department Commander and the Department Adjutant upon approval of the Department Executive Committee.
- Section 3. Post Officers: The Officers of the Post may be as follows:
- (a) Post Commander
  - (b) Two Vice Commanders
  - (c) Post Adjutant
  - (d) Post Finance Officer
  - (e) Post Historian
  - (f) Post Chaplain
  - (g) Post Judge Advocate
  - (h) Post Service Office
  - (i) Such other officers as the Post shall prescribe.
- Section 4a. Election of Post Officers shall be held before July 1<sup>st</sup>, and the Post Commander as the Post shall prescribe shall appoint such other officers before July 1<sup>st</sup>, and the Department Adjutant shall be notified on or before July 15<sup>th</sup>.
- Section 5. Duties of the Post Officers: The duties of these officers shall be defined by their respective Posts, and shall conform as nearly as may be, to the duties imposed on similar offices of the Department.
- Section 6. Post Meetings: The Post meeting shall be opened and closed in accordance with the ritual provided by National and the Department. All candidates for membership in the Post shall be properly initiated.
- Section 7. Post Constitutions: Subject to the provisions of the National and Department Constitutions, By-Laws and Regulations, each Post shall adopt its own Constitution, By-Laws and Regulations.
- (a) No Provision of a Post's Constitution, By-Laws or Regulations may be in conflict with either the National or Department Constitution, By-Laws or Regulations which shall in all cases be controlling.
  - (b) A Post may incorporate as a not-for-profit entity, under the laws of the Commonwealth of Massachusetts only, to protect its Membership from individual liabilities because of the actions of the Post and to conduct such business as its corporate charter may allow.
  - (c) A Post may establish a "Building Association," "House Committee," or such other subordinate unit as it may deem necessary to its successful operation.
  - (d) Entities established under (b) and/or (c) above shall be subordinate to and compliant with the will of the Post Membership as expressed in an action by the Post in a

regular or special meeting properly convened except in the case of the sale, lease, exchange or other disposition of all or substantially all of its assets in which event a vote of two thirds of its members present and entitled to vote thereon at a properly convened meeting duly called for such purpose after notice thereof to the membership.

Section 8. Revocation of Post Charters:

- (a) Upon recommendation in writing, submitted by the District Commander, the Department Executive Committee may recommend revocation of the charter of a Post which is less than fifteen (15) members in any one year as of thirty (30) days prior to the Department Convention of each year; provided that written notice of the intention to revoke said charter, and the reasons thereof, be served personally or by certified mail or registered mail upon the proper Post Officers, at least sixty (60) days before the date set for the recommendation of the revocation of the charter.
- (b) The charter of any Post may be revoked, canceled or suspended by the Department Executive Committee, in accordance with the Uniform Code of Procedure for Revocation, Cancellation of suspension of Post Charters, as appended to the Department By-Laws.

Section 9. Where the action of any Post is being discredited in the public press where criminal proceedings have been instituted against a Post, or where otherwise the actions of a Post are such as to be scandalous or inimical to the very purpose or aim of The American Legion, the Department Commander may take summary actions as follow:

- (a) Forthwith appoint a special plenary subcommittee of five (5) members of the Department Executive Committee.
- (b) Summon the said sub-committee into immediate and summary session.
- (c) Upon and with consent of four-fifths of the members of the said committee temporarily suspend the charter of the Post involved.
- (d) Give five (5) days notice to the Post Commander to exercise the right of appeal as provided in the Uniform Code of Procedure adopted by the resolution of the National Executive Committee.
- (e) In the event no right of appeal is so exercised the Department Commander may summon the Department Executive Committee to special session and a quorum being present, the majority of those present shall determine whether to revoke the charter of the Post involved.
- (f) No Post shall be named after a living person.

### ARTICLE XIII NATIONAL EXECUTIVE COMMITTEEMAN

Section 1. The Department Convention shall elect the National Executive Committeeman and the Alternate National Executive Committeeman for a term of two (2) years as prescribed in the National Constitution, and they shall not succeed themselves upon completion of a full term in odd years.

Section 2. In the event of a vacancy in the office of National Executive Committeeman, the Alternate National Executive Committeeman shall serve the remainder of the unexpired term. In the event of a vacancy in the office of Alternate National Executive Committeeman, such vacancy to serve the unexpired term shall be filled by a two-thirds vote of the Department Executive Committee present and voting. This election shall be called for, and conducted by the Department Commander, within thirty (30) days. They shall not succeed themselves.

## ARTICLE XIV REPRESENTATION AT THE NATIONAL CONVENTION

Section 1. Delegates-at-Large: The Department shall be represented at the National Convention by the following delegates-at-large: the Department Commander, four (4) additional delegates and five (5) alternate delegates to be elected by the Convention-at-large.

Section 2. National Convention Delegates:

- (a) Each District within the Department shall elect National Convention Delegates to represent the District at the National Convention. Each District shall be entitled to one (1) delegate for each one thousand (1,000) paid members or fraction thereof in District, determined as of the date of the annual Department Convention. Further, each District shall elect an alternate for each delegate on the same basis.
- (b) National Convention Delegates and their Alternates shall be elected at the same time and in the same manner as District Commanders are elected.
- (c) Vacancies among the elected delegates to the National Convention shall be filled by the Department Commander with alternate delegates from the same district if possible.
- (d) The Department Commander shall be the chairman of the delegation to the National Convention. The Department Adjutant shall be the secretary of the delegation to the National Convention.

Section 3. Other Delegates: The Department Commander shall appoint any other delegates to the Department in addition to those designated in Section 1 and 2 of this Article.

## ARTICLE XV AMENDMENTS TO THE DEPARTMENT CONSTITUTION

Section 1. Amendments to this Constitution may be proposed by any Legionnaire, Post District, County Committee, Department Standing Committee at any time not later than forty (40) days prior to the Annual Convention and shall be forwarded to the Department Adjutant, who shall give notice thereof to all Posts in the Department at least thirty (30) days prior to said Convention. The Department Executive Committee shall have the authorization to propose amendments to this Constitution upon notice to all Posts in the Department given at least thirty (30) days prior to said convention. Such amendment shall be considered adopted upon a two-thirds affirmative vote of the delegates present at any session.

Section 2. Amendments to the Constitution as proposed by any Legionnaire, Post, District, County Committee, Department Standing Committee or by the Executive Committee may be

presented to a special Convention called for such purpose in conformity with the provisions of this Constitution, provided that thirty (30) days notice of such amendments shall be duly given to every Post. Such amendments shall be considered adopted upon a two-thirds affirmative vote of the Delegates present at any session of such Special Convention.

Section 3. In the event the National Constitution is amended and thereby any provisions of the Department Convention comes in conflict therewith, then the Department Constitution shall be deemed automatically amended so as to conform with the National Constitution as amended.

BY-LAWS  
OF  
THE AMERICAN LEGION  
DEPARTMENT OF MASSACHUSETTS INC

ARTICLE 1

NAME

Section 1. The Department existing under these By-Laws shall be known as THE AMERICAN LEGION, Department of Massachusetts, Inc.

Section 2. The fiscal year of THE AMERICAN LEGION, Department of Massachusetts, Inc., shall be from the 1<sup>st</sup> of July in each year to the 30<sup>th</sup> of June in each succeeding year.

ARTICLE II

Section 1. Department Commander:

- (a) The Department Commander shall be the Chief Executive of the Department, and shall ensure that the provisions of the National and Department Constitution & By-Laws shall be observed. In cooperation with the Executive Committee of the Department, the Department Commander shall be responsible for the enforcement of discipline and maintenance of good conduct on the part of the several posts and their members. The Department Commander shall be the presiding officer at Department Conventions. The Department Commander, or his designee, shall represent the Department in its relations with Federal, State and other governmental bodies. The Department Commander shall have authority to designate a Department Vice Commander to represent the Department at public ceremonies and meetings, and in the event of the inability of any Vice Commander to accept such assignment, the Department Commander shall appoint another representative. The Department Commander shall appoint the Department Judge Advocate, two assistant Judge Advocates, the Department Chaplain, the Aide to the Department Commander, the Department Sergeant-at-Arms, four assistant Department Sergeant-at-Arms, ten assistant Department Sergeants-at-Arms, (one for each District as recommended by each District Commander), Department Photographer and Department Surgeon. The Department Commander may appoint an Assistant Department Chaplain who shall while performing the duties of the Department Chaplain shall have all of the duties, privileges and responsibilities of the Department Chaplain. All enumerated appointments shall be subject to the ratification of the Department Executive Committee.
- (b) The Department Commander shall act upon all complaints received from any source whatsoever as affecting the conduct of members, of Posts, of Post Officers, of Department Officers or affecting the welfare of the Department, and shall have the authority to appoint committees to investigate such complaints and make recommendations to the Department Executive Committee for appropriate action.
- (c) The Department Commander shall appoint a sub-committee from among the members of the Department Executive Committee for the performance of special duties, including a committee for temporary revocation, cancellation or suspension

of Post charters or members, and shall have authority to delegate to them such functions and authority as shall be deemed necessary.

- (d) The Department Commander shall from time to time appoint such other committees as may be necessary, and as shall be directed by the Convention, or as required by the Constitution and By-Laws.

Section 2. The Senior Vice Commander and 3 Vice Commander shall assist the commander when called upon. and in the case of a vacancy in the office of commander the senior vice commander will assume the duties of commander. All officers will assume the duties of their office at the close of the Department Convention each year.

Section 3. Department Adjutant:

- (a) The Adjutant shall be the Chief Administrative Officer, conduct the correspondence and keep the files and records of the Department including lists of names and addresses of all Posts and their officers and members. He shall furnish all Department Officers with such information as they may from time to time request in order to facilitate the performance of their duties and the business of the Department. He shall review and approve all proper expense vouchers prior to payment by the Treasurer. He shall perform such other duties as the Commander may prescribe which are not in conflict with the duties of other officers.
- (b) The Department Adjutant is a salaried fulltime employee working under a contract negotiated by the Department Personnel Committee and approved by the Department Executive Committee.

Section 4. Department Treasurer:

- (a) The Department Treasurer is a salaried fulltime employee working under the direction of the Department Adjutant, the Department Treasurer shall be charged with the collection and custody of all funds of the Department, shall keep the accounts of the Department, and shall report thereon to the Annual Department Convention and at each regular meeting of the Department Executive Committee, and shall make such other reports to the Department Commander as may be required. The Department Treasurer shall pay all bills in such manner as the Executive Committee shall prescribe. He shall at the expense of the Department and with the approval of the Finance Committee give bond, with sufficient security for the faithful performance of his duties.
- (b) The Department Treasurer shall receive all funds for the financial administration of the Department including the assessment levied by the National Body on the Posts within the Department, and moneys from any source as ordered by the Department Convention or the Executive Committee. The Treasurer, in the name of The American Legion, Department of Massachusetts, Inc, shall deposit these funds. The Department Treasurer is authorized to transfer surplus funds from the checking account to the savings account under the same designation and within the same depository. The Department Adjutant and the Chairman of the Finance Committee shall be notified of all transfers.
- (c) The Department Treasurer shall disburse the funds of the Department upon the authority of a regular voucher showing the character and amount of expenditures, vouched for as correct. Vouchers for payment of expenses of Officers and

Committees, which are allowable under the approved budget shall be accompanied by an itemized statement of such expenses on an approved form, including approval of the Department Adjutant. Upon receipt of a regular voucher, properly authorized for payment, the Treasurer shall draw a check for the stated amount, to the order of the party named in the voucher and transmit same to proper person.

- (d) The Treasurer shall keep the books of accounts of all receipts and disbursements and make a monthly report to the Department Executive Committee and Finance Committee. The Department Treasurer shall also make annual report to the Convention. It shall be the duty of the Department Executive Committee to make certain that the books are audited for the period of July 1 through June 30. This audit is to be distributed to all members of the Department Executive Committee and Department Finance Committee. The Finance Committee shall recommend the certified public accountant, subject to approval of the Department Executive Committee. The Department Treasurer shall not permit any over-expenditures of any part of the adopted Budget without the approval of the Department Finance Committee, which shall have full jurisdiction of the transferring of funds within the budget in such emergencies.
- (e) In the event the Department Treasurer becomes incapacitated, the Department Adjutant shall have the authority to sign all checks until the return of the Department Treasurer to full status, or until his successor has been duly elected by the Department Executive Committee. The Department Adjutant shall, at the expense of the Department and with the approval of the Department Finance Committee give bond, with sufficient security for the faithful performance of his duties. This Amendment shall take effect on July 1<sup>st</sup>, 2004 at the close of the Department fiscal year, unless a vacancy should occur prior there to.

Section 5. Department Historian: The Department Historian shall be responsible for the compiling of a complete historical record of the Department. The Department Historian shall have authority to request, from the officers of the Department and the Posts therein. Information necessary to prepare and submit annually to the Executive Committee thirty days before the Department Convention, a report covering the activities and interests of the Department throughout the year, accompanied by such suggestions relating to the preservation as shall seem appropriate. The copy shall be presented to the Department Commander.

Section 6. Department Sergeant-at-Arms: Sergeants-at-Arms shall perform such duties as shall be assigned to them by the Department Commander.

Section 7. Department Chaplain: The Department Chaplain shall officiate at the Department Convention Elections and shall perform such other duties, ordinarily incident to the office of Chaplain, as shall be assigned by the Department Commander.

Section 8. Department Judge Advocate: The Department Judge Advocate shall advise the Department Officers, Executive Committee and the Finance Committee on all legal matters, including the construction and interpretation of the National Constitution and By-Laws, Department and Post Constitutions and By-Laws, and shall perform such other duties as are usually incident to the office. The Department Judge Advocate shall render opinions only upon the request of the Department Convention, the Executive Committee in legal session assembled or upon the request of the Department Commander.



Section 9. District Executive Committeemen:

- (a) A District Executive Committeeman shall represent the District in all matters pertaining hereto and shall determine that the spirit and aims of the Legion is the foremost goal of each Post. The District Executive Committeeman shall obtain the names and addresses of the Post Commanders and Post Adjutants with mailing addresses, phone numbers and emails and shall immediately forward same to the Department Headquarters.
- (b) The Department Commander shall be responsible for the Installation of the Officers of the Posts; he/she delegates to the one (1) Senior Vice Commander, three (3) Vice Commanders and ten (10) District Commanders the authority to perform installations in the Department Commanders absence. When neither the District, Department Commander, or Department Vice-Commander is available to perform installation the District Executive Committeeman may appoint a past District Commander to perform an installation. Post who wish specific individuals to conduct their installation will submit a request through the District Commander to the Department Commander. No other person can perform an installation without the approval of the District and the Department Commander. No one person, other than The Department Vice-Commanders shall be allowed to perform more than one (1) installation within their District and one (1) in another District. Any installation performed at the request of the District Commander does not apply to the above restrictions. Post Officers shall be paid up members at the time of installation.
- (c) The District Executive Committeeman or his designee shall make an annual inspection of each Post in the District.
- (d) The District Executive Committeeman shall stimulate growth of THE AMERICAN LEGION and active participation in THE AMERICAN LEGION programs.
- (e) The District Executive Committeeman shall investigate all applications for Post Charters within his District and shall make a recommendation of approval or disapproval to the Department Adjutant for referral to the Department Executive Committee.
- (f) The District Executive Committeeman shall for good and sufficient reason to recommend the suspension revocation or cancellation of existing charters.
- (g) The District Executive Committeeman shall discharge such additional duties as may be delegated by the Department Commander and/or the Executive Committee, including the enforcement of all mandates of THE AMERICAN LEGION.

Section 10. Department Service Office: The Department Service Office shall consist of three Service Officers, and such other employees as may be necessary. The Department Chief Administrative Officer shall be responsible for the performance of the duties incumbent upon said Office, and for the supervision of the three Service Officers in their duties and for the supervision of any other employees of the said Office.

Vacancies in the position of Service Officer shall be filled upon the recommendation of the Department Chief Administrative Officer to the Department Executive Committee and ratification thereof by said Committee.

A Service Officer shall continue in office, unless suspended or removed for good cause by the Department Chief Administrative Officer. Any Service Officer so suspended or

removed may appeal said action to the Department Executive Committee within ten (10) days. The Department Executive Committee, after hearing, shall render a decision on said appeal within thirty (30) days. Said decision shall be final.

## ARTICLE III DEPARTMENT STANDING COMMITTEES

Section 1. The Department Commander shall appoint the following standing committees and sub-committees. The Department Commander shall have the sole authority to appoint, with the approval of the Department Executive Committee, all Directors, Chairmen, Vice Chairmen and all other members of committees that are deemed desirable to conduct the business of, and carry out the programs of such standing committees entrusted to them. The Department Commander shall also have the sole authority to remove, with the approval of the Department Executive Committee, all Directors, Chairmen, Vice Chairmen and all other members of committees that are deemed not desirable to conduct the business of, and carry out the programs of such standing committees entrusted to them. The members of various standing committees and sub-committees that are annually appointed to represent their counties by the District Commander shall not be covered by this section, and the makeup of the Department Finance Committee as is provided for in Article IV of this Constitution and By-Laws are not covered by this section. Each member approved to said committee must be a paid up member to The American Legion.

Each committee shall submit to the Department Executive Committee for approval all proposed policies, procedures, rules, etc. and any changes and thereafter shall note on the date approved by Department Executive Committee.

- 1 Advisory Committee to Department Commander
  
- 2 Americanism Division
  - A Americanism
  - B Children and Youth
  - C Athletic
  - D Boy Scouts
  - E Boy State
  - F Scholarships
  - G Oratorical
  - H Community Service
  - I Child Welfare Foundation
  - J Youth Cadet Law Enforcement Program
  
- 3 Legislative Division
  - A Legislative
  - B Legislative Council
  
- 4 Media & Communications Division
  - A Internal
  - B External
  - C E-Legionnaire

- 5 National Security Division
  - A Aerospace
  - B Convention Armed Forces
  - C Foreign Relations
  - D Law and Order and Homeland Security
  - E Military Benefits and Quality of Life
  - F National Guard & Reserve Forces
  - G Unconventional Forces and Intelligence
  - H Blood Donor
  - I POW / MIA
  - J ROTC
  - K Pearl Harbor Day
  
- 6 Veterans Affairs & Rehabilitation
  - A Health Administration
  - B Veterans Benefits
  - C Cemeteries
    - 1 Bourne
    - 2 Agawam
    - 3 Winchendon
  - D VAVS
    - 1 Bedford
    - 2 West Roxbury
    - 3 Jamaica Plain
    - 4 North Hampton
    - 5 Brockton
    - 6 Chelsea Soldiers Home
    - 7 Soldiers Home in Holyoke
  - E Rehabilitation Fund
  
- 7 Finance Division
  - A Leo F Malloy Trust Fund
  - B Audit
  - C Marketing
  - D Revenue Enhancement
  - E Legion Insurance
    - 1 Legionnaire Insurance Trust (LIT)
    - 2 National
  
- 8 Internal Affairs Division
  - A Constitution and By-Laws
  - B Resolutions
  - C National Commander's Banquet
  - D Distinguished Guests
  - E Sons of The American Legion
  - F Auxiliary Liaison
  - G Membership and Post Activities
    - 1 Women's Membership
    - 2 Post Development Revitalization
  - H Legion Extension Institute
  - I American Legion College

- J Convention Resolution\_\_\_\_ Convention \_\_\_\_
- K Information Technology
- L Department Commander’s Banquet
- M Legion Riders

- 9. Veterans Employment & Education Division
  - A Employment & Veterans Preference
  - B Veterans Education, other Benefits and Homelessness
  - C Agriculture

- (a) It shall be the duty and responsibility of all directors and members of the above divisions to assist, coordinate and encourage maximum participation within each sub-committee in their division.
- (b) Each sub-committee shall function as an independent committee, answerable only to the authority of the Department Commander and the Department Executive Committee; there shall be one member from each District to be named by the District Commander.
- (c) All budget requests or all other un-budgeted requests in addition to those approved by the Department Convention must be approved by the division director who will transmit the requests to the department Executive Committee which upon approval will forward same to the Department Finance Committee.

Section 2.

“The Department Commander shall appoint a five (5) Member Committee, to be known as the Department Personnel Committee, to develop job description criteria and conduct, as necessary, interviews of candidates for all paid positions of the Department of Massachusetts, The American Legion. Make recommendation to Department Adjutant for ratification by Department Executive Committee. Membership on this Committee shall be comprised of 3 Past Department Commanders who shall serve for a term of 3 year and may not service more than one full term; the sitting Department Commander who shall serve during the one year of his tenure in Office; and an Elected Member of the Department Executive Committee who shall serve co-terminus with the Department Commander who appoints him/her.”

The Incoming Department Commander will appoint 3 Past Department Commanders for the following periods: one each to a one-year term, a two-year term and a three-year term. Each succeeding Department Commander would appoint a single Past Department Commander to a three-year term in addition to his annual appointment of an Elected Department Executive Committee Member.

Section 3

- (a) Department Baseball Appeals Board. There shall be a Department Baseball Appeals Board composed of: (1) the Director of the Americanism Division who shall serve as Chairman of this Board; (2) two members appointed by the Chairman of the Athletic Committee, and (2) two members appointed annually by the Department Commander. The Chairman of this Board shall also appoint two alternate members. The term of office for alternate members shall be one year. No member of the Appeals Board may have rendered a previous vote on the initial decision by the Athletic Committee.
- (b) Final Authority. This Board shall have sole authority to consider appeals filed by Post Commanders from decisions of the Department Athletic Committee denying

admission or exclusion to the Baseball Program by such Post and nothing more. The decision of this Board shall be final. The concurrence of a majority of the members of the Board shall constitute the ruling by the Board.

- (c) Filing An Appeal. All Appeals to this Board must be made in writing and addressed to the Department Adjutant within 72 hours of the issuance of the Department Athletic Committee Decision being appealed. Such appeals may be made by facsimile transmission, email or hand delivery and shall contain the precise points of contention which are the basis for the appeal. If an appeal is not filed within the stated time limit, it will not be considered. No appeal shall be considered until all established appeal procedures within the Department Athletic Committee have been exhausted as Certified by the Chairman of the Department Athletic Committee.

## ARTICLE IV FINANCE COMMITTEE

Section 1. There shall be appointed by the District Executive Committeeperson from Districts 2-4-6-8-10 one (1) member to the Department Finance Committee to serve for one (1) year term, each to serve until their re-appointment or successors have been named. Upon the second year of this change the reappointed or successor shall be for two (2) year term. There shall be appointed by the District Executive Committeeperson from District – 1-3-5-7-9 one (1) member to the Department Finance Committee to serve for two (2) year term each to serve until their reappointment or successor have been named.

The Department Commander shall appoint five (5) members-at-large from the membership. No more than one (1) member from same District to serve one (1) year. The chairman, vice chairman and secretary of this committee shall be elected annually from within the membership of said committee. Membership of this committee shall consist of other than duly elected Department Officers or employees, except the Department Treasurer who shall be ex-officio member of the committee.

The committee shall function independently of any other committee and shall promptly report to the Department Executive Committee through the Department Commander or Department Treasurer any such transactions or recommendations authorized during its term of service.

Section 2. Duties:

- (a) Supervision of all funds and accounts of this Department shall be vested in the Department Finance Committee, except such funds which exist or may come into being, where expressed jurisdiction has or will be designated at the time of creation of said funds. Upon recommendation of the Department Executive Committee, the Finance Committee may approve any withdrawals or transfer from “funds or accounts”.
- (b) The Department Finance Committee shall upon appointment meet and conduct a survey and study of the financial requirements for the ensuing year. They shall submit a proposed budget for action by the Delegation at the next annual Convention. Such proposal should list Committee requests, Finance Committee recommendations and appropriate comments explaining any differences. Such budget submitted and recommended by the Finance Committee must be a balanced budget with recommendations for raising proposed revenues to meet budget. The

Department Adjutant will transmit copies of such proposed budget to each Post of this Department at least thirty days (30) prior to the next Department Convention.

- (c) The Committee shall meet, subject to call by its chairman or upon the request of the Department Commander, the Department Treasurer or upon written request of five (5) members of this Committee, and shall authorize the signing of regular vouchers by Committee Chairmen, The Department Adjutant and the Department Commander so as to provide for the payment of Committee expenses or other expenditures contained in the Budget. Expenditures for budgetary items other than those for Committee work requires authorization by vouchers signed by the Department Adjutant and the Department Commander. Expenditures in excess of budgetary limitations or for unbudgeted items shall also require the approval of the Finance Committee and the signature of its Chairman.
- (d) Shall receive and examine monthly, quarterly and annual reports of the Department Treasurer.
- (e) Shall provide for an audit the books of the Treasurer by Certified Public Accountants, said Certified Public Accountants to be approved by the Department Executive Committee.
- (f) Shall recommend the amount of the bonds required to be given by all personnel who receive or disburse funds be in accordance with the requirements of Article VI of the National Constitution and By-Laws.
- (g) Shall receive, examine and approve, if in order, a report of the Department Treasurer which shall cover the period from July 1st to June 30th of the current year.
- (h) The Finance Committee shall be charged with investing all surplus funds in legal investments or savings banks in the Commonwealth of Massachusetts. The Chairman of the Finance Committee and the Department Treasurer shall be charged with the duty of carrying out the Committee's orders to invest the funds.
- (i) Nothing in this section shall be construed to be in conflict with Article VIII, Section 1 of the Constitution.

## ARTICLE V MEMBERSHIP DUES

Section 1. The revenue of the Department shall be derived from annual membership dues and from such other sources as may be approved by the Department Executive Committee.

Section 2. The annual per capita shall be determined by each Department Convention for the ensuing year.

Section 3. The annual per capita shall be collected by each post and transmitted to the Department Treasurer within fourteen (14) days from receipt thereof.

Section 4. Upon representation of the Department Treasurer that a post is in arrears in the transmittal to him of the Department dues collected, the Department Executive Committee shall order an inspection of the finances of the delinquent post, for the purpose of determining only the correctness of the representation of the Department Treasurer.

Section 5. Members in good Standing: Each member of an American Legion Post shall be deemed a member in good standing until the member is suspended or expelled or shall have resigned. The Department Adjutant shall be notified of all suspensions, expulsions, resignations, and deaths.

Section 6. Delinquent, Suspended and Forfeited Membership on Account of Dues: A member whose dues for the current year have not been paid by January 1<sup>st</sup> shall be classed as delinquent. If the dues are paid on or before February 1<sup>st</sup>, the member shall be automatically reinstated. If still delinquent after February 1<sup>st</sup>, the member shall be suspended from all privileges. If still under suspension on June 30<sup>th</sup> of such year, membership in THE AMERICAN LEGION shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs. Provided, however, that the Posts, Department and National Organization may waive the provisions hereof in reference to former members who have been prevented the payment of dues by reason of active military service. Payment of dues to be made for year of reinstatement.

Section 7. All membership cards or money shall be accounted for to the Department office no later than June 30<sup>th</sup> of the current year.

## ARTICLE VI TRANSFER OF MEMBERSHIP

Section 1. Transfer from one post to another is a privilege granted to any paid-up Legionnaire ONLY with the approval of the post to which the transfer is desired.

Section 2. Transfer Regulations:

- (a) No transfer shall be made unless the member requesting he transfer has a current membership card at the time transfer is requested. Members whose dues for the current calendar year are not paid by February 1<sup>st</sup> of that year are suspended, are not in good standing, and are not eligible to transfer.
- (b) No charge shall be made to the member for the privilege of transfer and no dues shall be transferred from one post to another. The accepting Post may require payment of difference in dues on a pro-rate basis if dues are higher than transferring member's former post.
- (c) A Legionnaire desiring transfer of membership must first secure approval from the post to which transfer is desired. This may be done orally or by letter. The Adjutant of the new post will then complete and route the four parts of the transfer (Member Data Form) as follows: PART 1 - 3: Mail to Department Headquarters. (Department will forward part 1 to National, retain part 2, and mail part 3 to Post that loses member who transfers). PART 4: Retain in Post files.
- (d) National Headquarters will carry through necessary procedures to transfer member's record to a new post, provided the member's current record is on file and provided information on transfer certificate is complete.

## ARTICLE VII CHARTERS AND CONSTITUTIONS

- Section 1. Those who desire to form an American Legion Post shall make application for a temporary charter to the Commander of the Department.
- Section 2. The number required to form a new post shall be prescribed by the National Constitution and the Department Constitution.
- Section 3. The Department Adjutant shall furnish to proper applicants, the necessary forms of application for the formation of a Post and when completed forward the request for temporary or permanent charter to the National Organization.
- Section 4. Those desiring to form a post shall proceed as follows:
- (a) Applying in writing to department Headquarters or to the District Commander of the district in which the post is to be situated, for a form of application for temporary charter. The Department Adjutant upon receipt of such request shall supply the necessary forms in triplicate.
  - (b) Upon receipt of the forms, the group will meet to discuss the terms of the application and in good faith shall complete the forms and return in triplicate direct to the Department Adjutant for referral to the Department Executive Committee.
  - (c) Submit to the Department Adjutant, for review by the Department Judge Advocate, a provisional Constitution and temporary By-Laws within a period of thirty days of the application forms for temporary charter.
  - (d) Upon receipt of a temporary charter, organize within a period of twenty days and adopt a Constitution and By-Laws as submitted or with the necessary changes as designated by the Department Judge Advocate, and immediately file a copy of the Constitution and By-Laws as finally adopted with the Department Adjutant.
- Section 5. Upon receipt of the temporary charter, the Post Commandeer-elect shall request the District Commander to install the officers of the Post.
- Section 6. New Posts as formed shall be designated as Posts within the District in which the Post is to be located geographically.
- Section 7. A temporary charter shall be granted and shall state that it is granted on the recommendation of the Department on the following terms and conditions:
1. All acts heretofore duly and properly taken for the formation of the above named Posts are recognized and confirmed by the National Executive Committee.
  2. The above named Post shall uphold the declared principle of THE AMERICAN LEGION and shall conform to and abide by the regulations and decisions of the Department and of the National Executive Committee, or other duly constituted national governing body of THE AMERICAN LEGION.
  3. This Charter is subject to revocation by the National Executive Committee on the recommendation of the Department, or by such authority that may hereafter be established by the National Convention.



4. There shall be no class Posts.
5. There shall be no Post named after a living person.

Section 8. After a temporary charter has been in effect for a probationary period of at least ninety days, application for a permanent charter may be made. Such probationary period shall not exceed one year upon the termination of which Department shall determine whether or not a permanent charter shall be issued or denied and the action of the Department Executive Committee shall be final.

## ARTICLE VIII AMENDMENTS TO THE DEPARTMENT BY-LAWS

Section 1. Amendments to these By-Laws may be proposed by any Post, District or Department Standing Committee, or by any member, at any time not later than forty days prior to the Annual Convention and shall be forwarded to the Department Adjutant, who shall give notice thereof to all Posts in the Department at least thirty days prior to said Convention. The Department Executive Committee shall have the authority to propose amendments to these By-Laws upon notice to all Posts in the Department, given at least thirty days prior to said Convention. Such amendments shall be considered adopted upon a two-thirds affirmative vote of the delegates present at any session of any annual convention.

Section 2. Amendments to these By-Laws as proposed by any individual member, Post, District or Department Standing Committee, may be presented to a Special Convention called for such purpose in conformity with the provisions of the By-Laws provided that thirty days notice of such amendments shall be duly given to every Post. Such Amendments shall be considered adopted upon a two-thirds affirmative vote of the delegates present at any session of such Special Convention.

Section 3. These By-Laws may be amended by any Department Convention by a two-thirds vote of the delegates present and voting, provided the proposed amendments shall have been read at said Convention on the prior day.

## ARTICLE IX

The rules contained in Robert's Rules of Order, Revised shall govern the Department and Posts thereof in all cases to which they are applicable and not inconsistent with the Constitution and/or By-Laws and/or Special Rules.

Respectfully submitted,  
Leslie J McKittrick Jr  
Department Adjutant

**RULES AND REGULATIONS  
TO GOVERN THE CONDUCT OF  
ELECTIONS AT DEPARTMENT ELECTIONS**

1. There shall be appointed by the Department Commander an election Committee, the Chairman of which shall be the Department Chaplain.
2. No member shall be eligible to serve on the election Committee who is a candidate for office, or who holds a salaried office or salaried position in the Department.
3. All members of the election Committee with the exception of the Chairman, before proceeding to serve at Department Election, shall be duly sworn.
4. The Election of Officers shall take place on the second day of the Convention. The polls shall be open from 5:00 PM to 7:00 PM for the purpose of voting. All Members of the Election Committee shall report to the Chairman of said Committee at the place where the election is to be held at a time to be determined by the Chairman. Alternate Delegate shall not be able to vote until 6:30 PM.
- 4a. All Candidates for Department Office shall be nominated at the Convention on the first day thereof in such manner and at such a time as may be determined by the Delegates to the Convention.
5. The ballot shall contain only the names of all Candidates duly nominated for the Election, with designation of Post number when names are similar.
6. The names of the Candidates shall be arranged under the designation of the office to which they are nominated, in alphabetical order, according to surname.
7. Ballots shall be so printed as to give each voter an opportunity to designate his choice by a cross (X) in a square at the right of the name and designation of each candidate and at the right of each question. Upon the ballot may be printed such directions as will aid the voter, for example - "Vote for one" "Vote for two" and the like.
8. The tally sheet shall be prepared for use prior to the day of the election by printing or writing thereon the names and officers as printed on the official ballot.
9. The envelope and tally sheet for each block of ballots shall be numbered one upwards, VIZ: one envelope and tally sheet to be marked 1, the next envelope and tally sheet to be marked 2, etc..
10. Before opening the ballot box for removal of ballots, the chairman of the Election Committee shall divide his committee into groups as hereinafter specified and designated those who are to separate, count and record the ballots in blocks of fifty.
11. When all the ballots in a block have been counted, the vote for each elective office shall be proved by adding the total vote for each candidate to the total number of blanks. If this work does not prove the ballots and tally sheets shall be examined and errors corrected.
12. When the count of a block of ballots is completed and proved the ballots shall be replaced in the envelope with the flap of the envelope turned in on the ballots. The tally sheet shall be signed by the group of Election Officers counting the particular block, inserted in the right envelope and the block of votes and tally sheets inserted in the envelope, shall immediately turned over to the chairman, who shall cause result to be recorded on total vote sheet.

13. When all the totals have been entered on the total vote sheet, the figures in each column shall be added and the figures showing the entire vote for each candidate and the blanks for each office shall be added and the figures showing the entire vote for each candidate and the blanks for each office shall be entered in their appropriate places on said total sheet and the election returns.
14. The Chairman shall sign the certificate on the total vote sheet and he shall return said sheet and all the ballots and tally sheets to the Convention. The Chairman shall make the final report of the election to the Convention.
15. The Chairman of the Election Committee shall assign members of the Committee, so that no member thereof shall check delegates and alternates from his own District.
16. The credentials of all delegates and alternates voting shall be punched or plainly marked upon entering the polling place and shall be initialed by the checkers on the "in" and "out" lists. Those delegates holding P.U.F.L. cards may use them to establish proper credentials.
17. The Alternates may vote in place of Delegates not earlier than one half hour before closing of the polls. The name of each Alternate voting in place of a Delegate shall be recorded on both "in" and "out" lists opposite the name of the Delegate for whom he is noting.
18. The Chairman shall assign members from four different Districts for the counting of each block of ballots, or portion thereof. In all counting of ballots, one member shall read the ballot markings, one member shall record said markings on the tally sheet, and the third and fourth member shall sign the tally sheet after the completion of the count.
19. All counting of ballots shall be done at one central table and no members of the Committee, after being assigned to count ballots by the Chairman, as enumerated in Rule 18, shall leave said table without consent and permission of the Chairman.
20. Copies of these rules and regulations governing Department Elections shall be provided each member of the Committee.
21. No person except members of the Election Committee, the Department Commander, and voters admitted for the purpose of voting, shall during the progress of an election and until the public declaration of the vote, be permitted within the guard rail or similar confine unless so authorized by the Chairman for the purpose of keeping order and enforcing the rules and regulations herein.
22. The Chairman of the Election Committee shall have full authority to maintain order in and about the polling place and shall be entitled to the assistance of all Officers in maintaining proper order and decorum.
23. The ballots, tally sheets, total vote sheet and all other official papers incident to the Department election shall be sealed in the particular envelopes and retained by the Chairman for thirty days.  
  
Any aggrieved candidate for Department Office may request within ten days following the adjournment of the Convention, a recount of ballots cast at said election, and the Chairman of the Election Committee, after proper notice in writing to the interested parties, may set the time and place for such recount, Candidates being entitled to representation at said recount. The recount shall take place within thirty days after the adjournment of the Convention at which it is alleged said error occurred and shall be under the supervision of the Department Chaplain, as Chairman, and the Department Judge Advocate.
24. The Chairman of the Election Committee is authorized to use voting machines in the conduct of Department elections.

25. Disabled Delegates may go to the head of the line for voting at Department Conventions.
26. The Department Judge Advocate shall be present at the Department Election so as to answer any Question of eligibility of voters.
27. In the event of a tie vote for any Department Office, resolution shall be made by the toss of a coin by the Chairman of the Election Committee. The concerned contestant, whose surname precedes alphabetically, shall make the call.
28. A voter who states to the presiding officer that from blindness or other physical disability or inability to read is unable to prepare his/her ballot or register his/her vote upon a voting machine shall be assisted in such marking or registering by any person whom he/she may designate.