

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 their 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, nine 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 three (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 or she 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 or she shall review and approve all proper expense vouchers prior to payment by the Treasurer. He or she 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 working under the direction of the Department Adjutant, the Department Treasurer with the assistance of a staff person 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 or she 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 Department 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 or her 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.

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. Department Executive Committee Members:

- (a) A Department Executive Committee Member 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 Department Executive Committee Member 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 nine (9) District Commanders the authority to perform installations in the Department Commanders absence. When neither the District, Department Commander, nor a Department Vice-Commander is available to perform, installation the Department Executive Committee Member 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 Department Executive Committee Member or his or her designee shall make an annual inspection of each Post in the District.
- (d) The Department Executive Committee Member shall stimulate growth of THE AMERICAN LEGION and active participation in THE AMERICAN LEGION programs.

- (e) The Department Executive Committee Member shall investigate all applications for Post Charters within his/her District and shall make a recommendation of approval or disapproval to the Department Adjutant for referral to the Department Executive Committee.
- (f) The Department Executive Committee Member shall for good and sufficient reason to recommend the suspension revocation or cancellation of existing charters.
- (g) The Department Executive Committee Member 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 and other employee 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, Chairperson, Vice Chairperson 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, Chairperson, Vice Chairperson 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 districts by the District Commander shall also be covered by this section, as well as, the makeup of the Department Finance Committee as is provided for in Article IV of this Constitution and By-Laws. 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 Baseball
  - D Boys State
  - E Scholarships
  - F Scouting

- 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 Conventional 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
  
  - 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 Veterans Home in Chelsea
      - 7 Veterans Home in Holyoke
    - E Rehabilitation Fund
  
  - 7 Finance Division
    - A Finance Committee
    - B Leo F Malloy Trust Fund
    - C Marketing
    - D 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 Consolidated Post Report
  - K Information Technology
  - L Department Commander's Banquet
  - M Legion Riders
  - N Gaming Committee (5 members)
9. Veterans Employment & Education Division
  - A Employment & Veterans Preference
  - B Veterans Education, other Benefits and Homelessness
  - C Agriculture
10. Personnel Committee
11. Legionnaire of the Year
12. Department Convention
- (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 three (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 or her tenure in Office; and an Elected Member of the Department Executive Committee who shall serve co-terminus with the Department Commander who appoints him or her.

The Incoming Department Commander will appoint three (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) The Baseball Committee shall consist of a Chairman, a Vice chairman and five (5) at large members. Upon appointment by the Department Commander, The Baseball Chairman will submit recommendations to the Department Commander for appointment of a Vice Chairman and five (5) at large members.
- (b) The Baseball Committee Chairman may form as many subcommittees as he/she deems necessary to administer the Baseball Program and may appoint as many administrators/consultants to the subcommittees as necessary. The members of the subcommittees will not be required to be Legionnaires, however all determinations made by the subcommittees will be subject to ratification by the Baseball Committee.
- (c) 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 Chairperson of this Board; (2) two members appointed by the Chairperson of the Baseball Committee, and (2) two members appointed annually by the Department Commander. The Chairperson 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 Baseball Committee.
- (d) Final Authority. This Board shall have sole authority to consider appeals filed by Post Commanders from decisions of the Department Baseball 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.
- (e) 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 Baseball 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 baseball Committee have been exhausted as Certified by the Chairperson of the Department Baseball Committee.

## ARTICLE IV FINANCE COMMITTEE

### Section 1.

The Department Commander shall appoint seven (7) members-at-large from the membership. No more than one (1) member from same District to serve one (1) year. At least one (1) member will be from the West (Districts 1 & 3) one (1) member from the Central (Districts 4, 5, 6 & 7) and one member from the East District 8, 9 & 10). The Chairperson, Vice Chairperson and secretary of this committee shall be elected annually from within the membership of said committee. Employees of the Department of Massachusetts, Inc. shall not serve on this committee. The Department Adjutant and Treasurer shall be ex-officio with voice but no vote.

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 Chairperson 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 or her 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,  
Lisa McPhee  
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 Chairperson 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 Chairperson, 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 6:00 PM for the purpose of voting. All Members of the Election Committee shall report to the Chairperson of said Committee at the place where the election is to be held at a time to be determined by the Chairperson. Alternate Delegate shall not be able to vote until 6:00 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 Chairperson 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 Chairperson shall make the final report of the election to the Convention.
15. The Chairperson 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 voting.
18. The Chairperson 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 Chairperson, as enumerated in Rule 18, shall leave said table without consent and permission of the Chairperson.
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 Chairperson for the purpose of keeping order and enforcing the rules and regulations herein.
22. The Chairperson 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 Chairperson 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 Chairperson 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 Chairperson, and the Department Judge Advocate.

24. The Chairperson 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 Chairperson of the Election Committee. The concerned contestant, whose surname proceeds 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.