

CONSTITUTION AND BYLAWS

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STANDING RULES

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OF

THE AMERICAN LEGION

**DEPARTMENT OF MISSOURI,
INCORPORATED**

REVISED

AT THE JULY 2017 DEPARTMENT CONVENTION
INCLUDES 7-11-21 AMENDMENTS

CONSTITUTION AND BYLAWS OF THE AMERICAN LEGION
DEPARTMENT OF MISSOURI, INCORPORATED

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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 promote peace and good will on earth;
To safeguard and transmit to posterity the principles of justice, freedom and democracy; and
To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I
NAME

- Section 1. The name of this organization shall be The American Legion Department of Missouri, Incorporated, hereinafter referred to as the Department, incorporated under the laws of Missouri, dated January 14, 1952.
- Section 2. Department Headquarters shall be located at Jefferson City, State of Missouri, or such other location as may be determined by the Department Executive Committee.
- Section 3. Department Headquarters shall be established and maintained under the direction of the Department Executive Committee.

ARTICLE II
NATURE

- Section 1. The Department is a civilian organization. Membership therein does not affect liability for military or police service. Rank does not exist in the Legion. Members shall not be addressed by military or naval titles in any convention or meeting of the Legion.
- Section 2. The Department may participate in bringing about the correct solution of public policies in a non-political manner but shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.
- Section 3. The names and addresses of members of the Department, any subdivision thereof, or its Post members and Officers SHALL NOT BE USED for other than official business of The American Legion without specific authorization of the Department Executive Committee.
- Section 4. Freedom of Conscience - each member shall fully perform all duties as a citizen according to each member's own conscience and understanding.

ARTICLE III
ORGANIZATION

- Section 1. The Department is that jurisdiction of The American Legion lying within the State of

Missouri.

Section 2. **Districts:**

- (a) The District is the major administrative unit in the Department. It shall include such area as may be prescribed by the Constitution and Bylaws of the Department.
- (b) District 11/12 constitutes a single District for the purposes of this Constitution and Bylaws.
- (c) Each District shall elect a District Commander who will be the District representative on the Department Executive Committee, a District Vice-Commander who will be an Alternate representative on the Department Executive Committee, and such other officers as the District may require.
- (d) Each District shall adopt a Constitution and Bylaws and rules for its government consistent with the National and Department Constitution and Bylaws and shall file a copy of same with the Department Adjutant.

Section 3. **Zones:** The Department shall be divided into four (4) Zones for the purpose of effectively operating various programs of the organization and to provide a liaison between the Department and the Posts. The four (4) Zones shall include the following Districts:

- (a) Zone One (1) - Districts One, Two, Eight, and Nine;
- (b) Zone Two (2) - Districts Three, Four, Five and Seven;
- (c) Zone Three (3) - Districts Six, Fifteen, Sixteen, and Seventeen, and
- (d) Zone Four (4) - Districts Ten, Eleven/Twelve, Thirteen, and Fourteen.

ARTICLE IV
ELIGIBILITY FOR MEMBERSHIP

Section 1. Eligibility for membership shall be as prescribed by the National Constitution of The American Legion and in accordance with 36 U.S.C. section 21703.

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

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

Section 4. Each Post shall be the judge of the qualifications of its members.

Section 5. All Department, District, and Post Officers shall, at all times while in office, be members in good standing of The American Legion.

ARTICLE V
DEPARTMENT CONVENTION

Section 1. The legislative body of the Department shall be the Department Convention to be held annually at such time and place as may be determined by the preceding convention. If any Department Convention fails to fix the time and place for holding the next convention, or if conditions should make a change in time or place necessary, the time and place shall be fixed or changed by the Department Executive Committee at least ninety (90) days in advance of the convening of the Department Convention.

Section 2. **Post and Delegate Voting:** The Department Convention shall be composed of delegates from each Post. Each Post shall be minimally entitled to one vote. Additionally, a Post may

elect one delegate for each 50 members, or major portion thereof, whose current National and Department dues have been received by the Department Adjutant not later than ten days before the convening of Department Convention. Each delegate has one vote. Each Post may designate alternate delegates to serve as delegates in the event an elected delegate is absent at the Convention.

Section 3. **Absent Delegate Voting:** The vote of any absent delegate not represented by an alternate shall be cast by a majority of the delegates present from the absent delegate's Post. If no delegate or alternate from a Post is present, the vote of such Post may be cast by a majority of the delegates from its District. Proxies are not recognized in the Department Convention and shall not be used.

Section 4: **Past Commander Voting:** All Past National or Past Department Commanders in good standing in their respective Posts in this Department shall be Delegates-at-Large to the Department Convention and shall be entitled to one vote each when present.

Section 5. Department Executive Committee members and the Department Adjutant shall have no vote in the Convention as a result of their Department positions.

Section 6. **Election of National Delegates:**

(a) The Department Convention shall choose the delegates and alternates to the National Convention, pursuant to the National Constitution and Bylaws, and, in so doing, each District shall be entitled to a minimum of one delegate and one alternate for each complete 1,000 members thereof, whose current dues have been received by the Department Adjutant not later than ten days prior to the convening of such Convention. Upon roll call, each District, shall be permitted to place in nomination candidates for its representation on the National Delegation. All remaining delegates authorized will be elected at large by the Department Convention. Districts shall have the exclusive right to name the delegates to which they are entitled by reason of each complete 1,000 members. After being nominated by the District and approved at the Department Convention, no changes shall be made in the list of District delegates without the written approval of the District Commander concerned; except that the District Commander may delegate this power of approval in writing. The person or persons so named must give approval, in writing, of any changes to the District list of the District concerned.

(b) The Department Commander shall serve as Chair of the delegation to the National Convention immediately following the Commander's term of office, and the incoming Department Commander Elect shall serve as Vice Chair of said delegation. The Department Adjutant shall serve as secretary of the delegation.

Section 7. **Quorum:** A quorum shall exist at a Department Convention when fifty percent or more of the Districts of the Department are represented by duly elected delegates or alternates.

Section 8. **Convention Committees:** Department Convention Committees shall consist of: (a) Credentials, (b) Resolutions, (c) Constitution and Bylaws, and (d) such other committees as the delegates to the convention may deem necessary. Each Convention Committee shall be composed of one representative from each District. Each district shall elect at its annual convention the representatives for the district for the Department Convention Committees. The Department Commander shall appoint the chair of each Convention Committee with the advice and consent of the Department Executive Committee.

Section 9. **Registration Fee:** The Department Executive Committee is authorized to levy a registration fee to assist in defraying the cost of the annual Department Convention. No delegate present in person shall be entitled to vote until the registration fee, if levied, is paid.

ARTICLE VI
DEPARTMENT EXECUTIVE COMMITTEE

Section 1. The Administrative power of the Department shall be vested in the Department Executive Committee which shall be composed of the Department Commander, Department Senior Vice Commander, four (4) Department Zone Vice Commanders, the Immediate Past Department Commander, the National Executive Committeeperson, the Alternate National Executive Committeeperson, the Department Judge Advocate, the Department Finance Officer, the Department Chaplain, the Department Historian, the Department Sergeant-at-Arms, the District Commander of each Department District, and any National Commander, National Officer, and Department Commander as defined in Sections 2 and 3 of this Article.

Section 2. **Current National Officers:** Any member of the Department who holds an elective National office in The American Legion shall be a member of the Department Executive Committee during the tenure of that office.

Section 3. **Past National Officers:** All Past National Commanders who shall have been elected to that office from the Department of Missouri and Past Department Commanders shall be non-voting members of the Department Executive Committee with voice and without compensation.

Section 4. **Meetings:** The Department Executive Committee shall meet at such place as the Department Commander shall designate and at the following times:
(a) the day preceding each regular annual Department Convention;
(b) the day of and immediately following the close of each regular annual Department Convention;
(c) on or before the first Sunday in April;
(d) on or before the first Sunday in November;
(e) at such other times as a majority of the Department Executive Committee shall request the Department Commander to call such Committee Meeting, or as many as three of the Districts of the Department by resolution passed at their District meeting duly convened shall request the Department Commander to call such Committee meeting; and
(f) at the call of the Department Commander.

Section 5. **Minutes:** Typed Minutes of every meeting of the Committee are to be distributed to the Members of the Committee within a reasonable time after each meeting. Distribution of Minutes may be made by e-mail.

Section 6. **Quorum:** A majority of the members of the Committee shall constitute a quorum to transact business.

Section 7. **Executive Committee Subcommittee:** The Department Commander shall appoint a Subcommittee composed of three members of the Executive Committee and the Department Commander which shall be empowered to exercise the authority of the Department Executive Committee between meetings provided that all acts of the Subcommittee be ratified by the Department Executive Committee at its next meeting. The said Subcommittee appointments shall be subject to the approval of the Department Executive Committee. The charge of the

Subcommittee shall include consideration, study, review, and a report of a recommended action to the Executive Committee on all matters to be submitted to the Executive Committee. Any member in good standing may submit a matter to be considered by the Executive Committee directly to the Subcommittee in writing. The privilege of speaking before the Subcommittee shall be granted or refused by the Subcommittee at its discretion.

Section 8. **Open Sessions:** All sessions of the Department Executive Committee shall be open to every member of the Department excepting that closed sessions may be held for the purpose of discussing matters dealing with personnel, property, or awards. Meetings shall be held in such places as shall reasonably accommodate those who desire to be present. The privilege of speaking before the Executive Committee is within the discretion of the Department Commander, or designee.

Section 9. **Meeting Notice:** Notice of the time and place of each regular Department Executive Committee meeting shall be published by the Department Adjutant in a prominent place in the last preceding issue of the Missouri Legionnaire, if any, and in case of a special meeting, notice thereof by email shall be given by the Department Adjutant, to each District Adjutant, to each Member of the Department Executive Committee, to each Commission of the department, and to each Officer of the Department, at least ten days in advance of any meeting.

Section 10. **Expenditures of Funds:** The Department Executive Committee shall control all expenditures of funds of the Department, approve or disapprove the action of the Finance Commission, allocate and earmark funds for all committees, and approve or disapprove all salaries of persons employed by the Department, as long as no action is taken in conflict with Department Convention action.

Section 11. **Newspaper:** Notwithstanding any provisions of the Constitution and Bylaws of the Department to the contrary, there shall be published a Department newspaper, to be known as the Missouri Legionnaire (or some other appropriate name) and furnished to each member of the Department. The newspaper shall be edited by the Department Adjutant or designee under the supervision and direction of the Department Media and Communications Committee.

ARTICLE VII COMMISSIONS AND COMMITTEES

Section 1. The Department's activities and business shall be carried out by the medium of Commissions or Committees. Members of each Commission or Committee shall be appointed by the Department Commander, by and with the advice and consent of the Department Executive Committee. Except as set out in Sections 2 through 5, of this Article, all Commissions and Committees shall follow the provisions of this Section. A list of current Commissions and Committees is maintained in Appendix 2 to this Constitution and Bylaws. Appendix 2 will be updated after the Department Convention without requiring Amendment in accordance with Article XIX.

(a) **Commissions** carry out the major activities of the Department. Commissions shall have six (6) or nine (9) members; with the exception of the Membership Commission which shall have eleven (11) members as outlined in Section 2 of this Article.

(b) **Committees** shall have three (3) or six (6) members; except that Ad Hoc Committees shall be of a size deemed necessary by the Department Commander.

(c) **Chairs:** Each year the Department Commander shall appoint the Chairs of the Department Commissions and Committees. Except as noted below, these Chairs will be appointed from the Commission or Committee members during the meeting of the Department Executive Committee which follows the Annual Department Convention.

(d) **Terms:** Except as set out in Sections 2 through 5, of this Article, all appointed terms on regular Commissions or Committees, shall be for three (3) years. Terms based on position in the Department are effective as long as the member holds the position.

(e) **Staggered Terms:** In the case of new Commissions or Committees, starting appointments will be made for staggered terms so that in following years only one-third of the members of the Commissions and Committees are newly (re)appointed each year. When an adjustment is made in the size of Commissions or Committees, they shall be considered new Commissions or Committees for the purpose of staggering the terms of the appointees.

(f) **Vacancies:** In case of a vacancy on any Commission or Committee, the Department Commander shall make an appointment thereto to fill the un-expired term with the advice and consent of the Department Executive Committee at the first meeting after notice of such vacancy. If the consent of the Department Executive Committee is not given to any appointment by the Department Commander, a vacancy shall be held to exist. If there is an incumbent, the incumbent shall continue in office until a successor is duly appointed and qualified.

Section 2. **Membership Commission:** The Department Membership Commission shall consist of eleven (11) members. The Department Senior Vice Commander and the four Department Zone Vice Commanders by virtue of their offices shall be members of the Commission with the Department Senior Vice Commander serving as Chair. Six members of the Commission will serve for three-year terms, as established in Section 1 of this Article. The Vice Commanders of the 16 Districts (District 11/12 shall constitute a single district), also designated as alternate delegates of the Department Executive Committee, shall, by virtue of their office, serve as ex-officio members without vote on the Commission. The Commission shall work on the current year membership and develop plans for the following year to be announced at the Department Convention each year.

Section 3. **Baseball Commission:** Three members of the Department Baseball Committee shall be appointed each year at the Department Executive Committee meeting on or before the first Sunday in November. The Commission shall consist of nine (9) members, two from each of the four Zones into which the Department is divided for the conduct of the program and a Chair. The Sons of the American Legion may be members of the Baseball Commission but may not exceed three (3) members of the Commission. The Chair shall be an American Legion member.

Section 4. **Oratorical Commission:** Members of the Department Oratorical Commission shall be appointed each year at the Department Executive Committee meeting scheduled on or before the first Sunday in April. The commission shall consist of nine (9) members, two from each of the four Zones into which the department is divided for the conduct of the program and a Chair. The Chair will be appointed annually immediately upon the conclusion of the

Department Oratorical contest and shall serve until the conclusion of the following oratorical contest.

- Section 5: **Finance Commission:** The commission shall consist of nine (9) members including a Chair. Members of the Finance Commission shall not be members of the Department Executive Committee. The Department Finance Officer, the Department Commander, and the Department Adjutant are ex-officio, nonvoting members. Members are appointed at the Department Convention.
- Section 6. **Distinguished Legionnaire Committee:** The Distinguished Legionnaire Committee consists of six past Department Commanders including the Chair.
- Section 7. **Other Committees and Commissions:** Other Committees and Commissions may be established, as needed, in accordance with this Article.

ARTICLE VIII DISTRICTS

- Section 1. The Department shall be divided into sixteen (16) Districts which shall include the following territories:

First District-the Counties of Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Scotland, Shelby, and Schuyler;

Second District-the Counties of Carroll, Chariton, Grundy, Linn, Livingston, Mercer, Putnam, Randolph, and Sullivan;

Third District-the Counties of Caldwell, Clay, Clinton, Daviess, DeKalb, Gentry, Harrison, Ray, and Worth;

Fourth District-the Counties of Andrew, Atchison, Buchanan, Holt, Nodaway, and Platte;

Fifth District-the County of Jackson;

Sixth District-the Counties of Bates, Cass, Cedar, Henry, Johnson, St. Clair, and Vernon;

Seventh District-the Counties of Benton, Hickory, Howard, Lafayette, Pettis, and Saline;

Eighth District-the Counties of Boone, Callaway, Camden, Cole, Cooper, Miller, Moniteau, Morgan, and Osage;

Ninth District-the Counties of Audrain, Franklin, Gasconade, Lincoln, Montgomery, Pike, St. Charles, and Warren;

Tenth District-the County of St. Louis;

Eleventh/Twelfth Districts-the City of St. Louis;

Thirteenth District-the Counties of Iron, Jefferson, Madison, Perry, Reynolds, St. Francois, Ste. Genevieve, Washington, and Wayne;

Fourteenth District-the Counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, and Stoddard;

Fifteenth District-the Counties of Barry, Barton, Jasper, Dade, Lawrence, McDonald, and Newton;

Sixteenth District-the Counties of Crawford, Dent, Laclede, Howell, Maries, Oregon, Phelps, Pulaski, Shannon, Texas, and Wright; and

Seventeenth District-the Counties of Christian, Webster, Douglas, Green, Ozark, Polk, Stone, Taney, and Dallas.

- Section 2. **Officer Election:** Each District shall elect one slate of officers, a District Commander, a District Vice Commander, who shall be the Alternate Delegate to the Department Executive Committee, such other Vice Commanders as they may deem necessary, and such other

officers as may be deemed advisable at the District Convention to be held at least thirty days but not more than sixty days prior to the Department Convention. The names of such duly elected Commanders, Vice Commanders, and other officers shall be forwarded forthwith to Department Headquarters.

Section 3. **Terms:** The term of office of the District Commander and District Vice Commander shall be two years, or at the option of the District, may be for one year, and shall begin upon the adjournment of the annual Department Convention at which announced. Each shall serve until successors are elected and qualified. If elected for two years, the odd numbered Districts shall elect members of the Executive Committee in odd numbered calendar years and the even numbered Districts in even numbered calendar years.

Section 4. **Vacancies:** If a vacancy should occur in the office of District Commander, the District shall fill the vacancy in such manner as the District may prescribe.

Section 5. Any District may raise revenue by imposing an assessment/dues on its members or by such other methods as may be adopted consistent with the National and Department Constitution and Bylaws.

Section 6. If any Post fails to fulfill any legal obligations imposed pursuant to the Constitution and Bylaws adopted by the District, then upon the recommendation of the District, it shall be the duty of the Department Executive Committee to institute proceedings to revoke the charter of such Post.

ARTICLE IX POSTS

Section 1. The Department shall be composed of all American Legion Posts located within the boundaries of the State of Missouri.

Section 2. **Officers:** Each Post in the Department shall have a Commander, one or more Vice Commanders, an Adjutant, a Finance Officer, a Chaplain, a Historian, a Sergeant-at-Arms, and such other officers as may be provided by the Constitution and Bylaws of the Post. In addition to the duties of the Post Officers as prescribed by the National and Department Constitution and Bylaws, Post officers shall perform such other duties as may be prescribed by the respective Post, and the duties of such Post officers shall conform as nearly as may be to the duties imposed on similar officers of the Department.

Section 3. **Elections:** The election of Post officers for the ensuing year shall be held at least thirty days but not more than sixty days prior to the Department Convention, and officers elected shall be installed after the Department Convention but no later than October 20 after the adjournment of the Department Convention.

Section 4. **Convention Voting:** No Post shall be allowed a vote in the Department Convention that shall not have certified to the Department Headquarters on or before November 1, preceding such convention, a bona fide list of its Post officers for the year beginning October 1, preceding said November 1. On October 1, the Department Adjutant shall notify each District Commander which Posts in the District Commander's District have not furnished such lists and the District Commander shall give notice to such delinquent Posts regarding their delinquencies and the penalty thereof. Any new Post organized during any fiscal year shall have thirty days from the date of its charter in which to certify its officers to Department

Headquarters. The Department Adjutant shall furnish to the Convention Credentials Committee of each Department Convention a list of Posts failing to make such certification.

- Section 5. Each Post shall subscribe to the National and Department Constitution and Bylaws and shall not incur any obligations in the name of any other Post, subdivision, organization, branch, committee or group of members of The American Legion.
- Section 6. Each Post shall adopt its own Constitution and Bylaws and Rules and Regulations consistent with the National and Department Constitutions and Bylaws, and shall provide a copy to the Department, including any amendments.
- Section 7. **Transfer of Membership:** A member of the Department in good standing in his/her Post may transfer membership to another Post upon complying with that Post's membership requirements. For this purpose the member shall be entitled to a certificate from the member's Post stating his/her membership and the duration thereof. The transfer shall be valid only when registered with the Department Adjutant.
- Section 8. **Consolidation:** Two or more Posts in any city, county, or subdivision thereof, upon an affirmative vote of two-thirds of the current paid-up membership of each Post, may consolidate upon obtaining the approval of the Department Executive Committee.

ARTICLE X POST CHARTERS

Section 1. **New Post Charter Applications:**

(a) All applications for Post Charters shall bear the signatures of a minimum of fifteen (15) Charter members (members who wish to establish a new Post) and shall be forwarded to the Department Headquarters. Such applications must be approved either by the Department Commander or by the Department Executive Committee. Such application must first be approved by the District Commander in which the post is located.

(b) Post Charters shall be issued by the National Commander and National Adjutant and shall be countersigned by the Department Commander and Department Adjutant.

(c) No Post shall be named after any living person. Each Post shall bear a name and number. No two posts in this Department shall bear the same name and number. The name and/or number of a Post may be changed on application to and approval of the Department Executive Committee.

(d) Applications for Post Charters shall be received by the Department Executive Committee in accordance with the National Constitution and Bylaws of The American Legion.

Section 2. **Suspension, Cancellation (Amended 7-11-21) and Revocation of Post Charters:**

(a) The Department Executive Committee shall revoke the charter of any Post whose membership dues (either of the Post, of the Department, or of National) or as much as fifty percent thereof shall have been paid by any one person or a group of persons.

(b) The Department Executive Committee may suspend, **cancel** or revoke the charter of any Post after notice and hearing, and upon the recommendation of the respective District, for any of the following causes: (A) violation of the National or Department Constitution and Bylaws or (B) failure of a Post to adequately discipline its members after notice of the

violation(s) or (C) ceasing to function for at least one year as an American Legion Post or (D) voluntarily ceasing to function as a Post or merging with one or more Posts. (Amended 7-11-21)

Section 3. **Temporary Suspension:**

As a disciplinary measure or pending action relative to final revocation, the Department Executive Committee may suspend the charter of any Post within the Department for a period not to extend beyond the closing of the next succeeding Department Convention.

Section 4. **Appeal of Revocation:** Any Post suffering the revocation of its charter may appeal from the decision of Department Commander and the Department Executive Committee to the National Executive Committee as may be prescribed by the National Constitution and Bylaws.

Section 5. **Surrender of Legion Property:** Any Post whose charter is revoked shall cease functioning as a Post and shall surrender to Department Headquarters its charter and all American Legion records and properties in its possession.

ARTICLE XI
AUXILIARY

Section 1. The Department recognizes an Auxiliary organization known as the “American Legion Auxiliary”.

Section 2. The Auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved at the Department Convention.

ARTICLE XII
DEPARTMENT OFFICERS AND EMPLOYEES

Section 1. **Department Officers:** The Department Convention shall elect a Department Commander, a Department Senior Vice Commander, four (4) Department Zone Vice Commanders, a Judge Advocate, a Finance Officer, a Chaplain, a Historian, and a Sergeant-at-Arms. Officers shall assume the duties of their respective offices upon adjournment of such convention and shall serve until their successor is elected. The Judge Advocate and the Finance Officer shall be elected in even numbered years for a term of two (2) years each and the Sergeant-at-Arms and Historian shall be elected in odd-numbered years for a term of two (2) years each. Vacancies in Department elective officers occurring between Conventions shall be filled by the Department Executive Committee. Should a vacancy occur in the office of Commander, the Department Senior Vice Commander shall serve as Department Commander.

Section 2. **National Executive Committee:** In even-numbered years, the Department Convention shall elect a National Executive Committee representative and an Alternate National Executive Committee representative for a term of two (2) years each. If a vacancy should occur, the Alternate National Executive Committee representative shall serve as National Executive Committee representative for the remaining period of the un-expired term. If a vacancy occurs in the office of Alternate National Executive Committee representative, the vacancy shall be filled by an appointment by the Department Executive Committee.

Section 3. **Department Adjutant:** A Department Adjutant and such other employees as the Department Executive Committee shall authorize, shall be appointed by the Department

Commander subject to approval of the Department Executive Committee. All such appointed officers and employees shall serve without fixed terms and be subject to removal by a majority vote of the Department Executive Committee

ARTICLE XIII

ELECTION, TERMS, POWERS, AND DUTIES OF OFFICERS

- Section 1. All officers elected or appointed under the provisions of Article XII of the Constitution and Bylaws shall assume their respective duties immediately upon adjournment of the Department Convention at which elected and shall hold their respective offices until their successors are elected or appointed and qualified.
- Section 2. No Department Commander shall be eligible to succeed him/herself in office, unless the prior term was to fill the unexpired term of a predecessor Department Commander. No other officer elected by the Department, excluding the Finance Officer, shall be elected to more than two consecutive terms.
- Section 3. **Commander:** The Department Commander shall be the Executive head of the Department with full power to enforce the provisions of the National and Department Constitutions and Bylaws as well as the will of the Department Convention and the Department Executive Committee. The Department Commander shall appoint all necessary Commissions, and Committees, subject to the advice and consent of the Department Executive Committee, and employees subject to the approval of the Department Executive Committee. The Department Commander shall represent the Department in its relations with the Federal, State, and other governmental bodies. The Department Commander shall have the power to select any other Department, District, or Post Officer to represent the Department Commander at public ceremonies and meetings. The Department Commander shall exercise general supervision over the Department.
- Section 4. **Vice Commanders:** The Department Senior Vice Commander shall serve with seniority, and the four Department Zone Vice Commanders shall serve without seniority. They shall act as representatives of the Department Commander in all matters that the Department Commander may refer to them; they shall represent the Department Commander on all occasions to which they may be assigned by the Department Commander; and they shall perform such other duties as may be assigned to them by the Department Commander.
- Section 5. **Zone Vice Commanders:** The four (4) Department Zone Vice Commanders shall serve without seniority. They shall be elected by the Department Convention from their respective Zones. None of the Department Zone Vice Commanders herein provided for may be elected from the same District for consecutive terms. When there is no other candidate for the office of Zone Vice Commander from any of the other Districts within the Zone, a District may repeat.
- Section 6. **Adjutant:** The Department Adjutant is an employee who shall devote full-time efforts to the duties of the office for which work the Department Adjutant shall be paid an annual salary in amounts to be agreed between the Department Executive Committee and the Department Adjutant. The Department Adjutant shall be Executive Director of the Department and shall have supervision over all Department employees. The Department Adjutant shall act as secretary of the Department Convention and of the meetings of the Department Executive Committee; but shall have no vote. The Department Adjutant shall keep a record of all Department Posts and their personnel; shall receive from the Posts all National and Department dues and assessments and shall deposit all monies in a depository account in a

bank of record; and shall draw vouchers on the funds of the Department in a manner and for the purposes authorized by the Department Executive Committee. Said vouchers shall be itemized and approved by the Department Commander. The Department Adjutant shall perform such other duties as may be prescribed from time to time by the Department Commander and the Department Executive Committee. Prior to entering upon any duties, the Department Adjutant shall furnish bond at the Department's cost, in such sum as may be required by the Department Executive Committee, which bond shall be approved by the Department Judge Advocate and the Department Executive Committee and filed with the Department Commander.

- Section 7 **Judge Advocate:** The Department Judge Advocate shall advise the Department officers, the Department Executive Committee, and the Department Convention on all legal matters, including the construction and interpretation of the Department Constitution and Bylaws and resolutions and proceedings of the Department Convention and the Department Executive Committee.
- Section 8. **Finance Officer:** The Department Finance Officer shall be the custodian of the funds of the Department. The Department Finance Officer shall transfer all funds in the name of "The American Legion Department of Missouri, Incorporated" to such bank or banks as may be selected and then approved by the action of the Department Executive Committee. The Department Finance Officer shall pay out of the funds of the Department only upon vouchers duly drawn by the Department Adjutant and approved by the Department Adjutant or the Department Commander. The Department Finance Officer shall keep an accurate record of all receipts and disbursements, and the records shall at all times be open to inspection by any Department Officer or member of the Department Executive Committee. Prior to assuming the duties of the office, the Department Finance Officer shall furnish, at the Department's cost, a bond in such sum as may be fixed by the Department Executive Committee. The Department Finance Officer shall serve on the Finance Committee as an ex-officio member without vote.
- Section 9. **Chaplain:** The Department Chaplain shall perform such divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by the National and the Department.
- Section 10 **Historian:** The Department Historian shall collect and preserve a record of all historical matter[s] which may be of interest to the Department and report same to the Annual Convention.
- Section 11. **Sergeant-at-Arms:** The Department Sergeant-at-Arms shall have charge of the ceremony of advancing and retiring the Colors at the Annual Department Convention. The Department Sergeant-at-Arms shall be in charge of the ushering and seating of delegates and the keeping of order during the meetings of the Annual Convention, and Annual Conferences. The Department Sergeant-at-Arms shall be empowered, with the consent of the Department Executive Committee, to appoint one assistant from each of the Four Zones. The Department Commander may appoint additional assistants, if required, at a specific meeting.
- Section 12. **Compensation of Officers and Employees:**
(a) No officer or member of the Department except the Department Adjutant and the employees authorized by the Constitution and Bylaws shall receive any compensation. No expense incurred by any officer or member of the Department shall be paid, except in the discharge of the officer or member's official duty for the Department as such, and shall be

approved by the Department Executive Committee.

(b) The Department Executive Committee is authorized to establish a retirement system for the employees of the Department of Missouri, or participate in a system established by the National American Legion organization. Such retirement system must be actuarially sound and must meet the requirements set forth in The Employee Retirement Income Security Act of 1974 as amended, provided that nothing herein contained shall affect any pensions currently authorized and being paid to former officers or employees of the Department.

ARTICLE XIV AUDITS

- Section 1. **Department:** All financial accounts of the Department shall be audited annually by an outside auditor. Additional audits may be determined and directed by the Department Executive Committee.
- Section 2. **District or Post:** Upon just cause with written notice and the advice of the Department Judge Advocate, the Department Commander may direct the Department Finance Officer or any independent auditor to audit the books or accounts of any District, Post, affiliated unit, committee, commission or any subsidiary thereof, and upon completion of said audit the Department Finance Officer or independent auditor shall report the result thereof, with the recommendations to the Department Executive Committee for appropriate action. Prior to committing an expenditure of funds, the Finance Commission will establish a budget amount, unless already established. The Department Executive Committee must approve any additional budget amounts before the expenditure may be made.

ARTICLE XV FINANCES

- Section 1. The revenue of the Department shall be derived from annual dues, and such other sources as may be approved by the Department Executive Committee. Surplus funds of the Department shall be invested by the Department Finance Officer under the direction of the Department Finance Commission and as shall be approved by the Department Executive Committee.
- Section 2. **Dues:**
- (a) National and Department dues shall be paid annually or for life. Minimum Post dues may be prescribed by the Post Constitution and Bylaws.
- (b) The annual Department dues for each Post member shall be determined by a majority vote of the delegates to the annual Department Convention. Any change in dues amounts shall take effect for the calendar year following the calendar year in which the vote was taken.
- (c) The annual National and Department dues shall become due and payable on August 1 of each year and shall be collected by each Post from its members and transmitted forthwith to the Department Adjutant. . **In no event shall the period transpiring between the receipt of such annual dues by the Post and the remittance thereof to the Department of Missouri exceed 30 days. (Amended 7-11-21)**
- Section 3. **Budget:**
- (a) The Finance Commission shall prepare a proposed budget of anticipated income and proposed expenditures which will be printed in the Department newspaper, if any, at least 20 days prior to the Department Convention, and if there be no such newspaper, such

Commission shall furnish each Post Commander, each Post Adjutant, and each officer and each member of each Commission of the Department a copy of such proposed budget, which budget shall schedule anticipated income and proposed expenditures by the Department for the fiscal year beginning next after the close of such Department Convention. The proposed budget shall be as specific and as detailed as reasonably possible and shall be based upon anticipated income and proposed expenditures.

(b) The Finance Commission shall prepare and present a proposed budget to the Department Executive Committee prior to the start of each fiscal year. Once the proposed budget has been prepared and published, it shall not be changed or altered without the consent of the Finance Commission or, in the absence of such consent, by a two-thirds vote of the entire Department Executive Committee.

Section 4. **Bonding:** All Department and Post officers handling American Legion monies shall be properly bonded in a manner approved by the Department Executive Committee. The bonds of Department officers shall be approved by the Department Judge Advocate and Department Executive Committee. Bonds of Post Officers shall be approved by the Post.

ARTICLE XVI DISCIPLINE

Section 1. **Department:** The Department Executive Committee may suspend or remove from office any Department officer or member of the Executive Committee upon charges based upon disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of The American Legion by a three-fourths vote of its membership. All charges shall be made under oath and in writing, and the accused shall be accorded a full and fair hearing within thirty (30) days after the charges are filed with the Department Commander or Department Adjutant. The action of the Department Executive Committee shall be final and conclusive.

Section 2. **Post:** Any Post, by a two-thirds vote of the Post Executive Committee; or, if the Post Constitution and Bylaws provide otherwise, at a duly constituted Post meeting, by a two-thirds vote of the members present and voting, may remove any officer or suspend or expel any member upon charges based upon disloyalty, dishonesty or conduct unbecoming a member of The American Legion. All charges shall be under oath and in writing. The accused shall be accorded a full and fair hearing and shall have the right to appeal by filing the reason(s) thereof with the Department Adjutant within thirty (30) days following final action by the Post. The appeal shall be heard by the Department Executive Committee under such rules and regulations as it may prescribe, and its decision shall be final and conclusive.

ARTICLE XVII RITUAL

Section 1. Every Post, District and Department meeting and the Convention or other meeting should be opened and closed in accordance with the ritual adopted by The American Legion and as amended by the National Convention of The American Legion in 1931 and any amendments thereto.

ARTICLE XVIII RULES

Section 1. Robert's Rules of Order (revised edition) shall govern the procedure of the Department

Convention, all meetings of the Department Executive Committee, all Posts and other American Legion meetings held in this Department, unless superseded by special rules of order properly adopted by the body of the meeting.

ARTICLE XIX
AMENDMENTS

Section 1. This Constitution and Bylaws may be amended at any Department Convention by a two-thirds affirmative vote of the total authorized representation thereof; provided that such proposed amendments shall have been submitted by the Department Adjutant to the members of the Department Executive Committee by providing a copy of same to them at least fifteen (15) days prior to the convening of said convention or by publishing same in the Department newspaper at least once prior to the convening of said convention , however in cases of necessary expediency, the Department Executive Committee may present, through the Convention Constitution and Bylaws Committee, an amendment by a two-thirds vote at the meeting of said Department Executive Committee held immediately preceding the Convention. An amendment shall be in force upon adjournment of such Department Convention, unless a subsequent effective date is so designated therein.

ARTICLE XX
LITIGATION

Section 1. When a Post or District organization, or any official in his/her official capacity, contemplates or is involved in litigation in a court of record, the Department Judge Advocate shall be notified without delay before commencing any such proceedings or upon notice that any proceedings have been commenced against the organization or official in order that the Department may have an opportunity to protect the Legion's legal rights and policies at the Department level.

ARTICLE XXI
DEPARTMENT DISSOLUTION

Section 1. Upon dissolution or revocation of the Charter of the Department, or any successor body of such Department, all properties, net assets and all records shall revert to The American Legion national organization.

Appendix 1: STANDING RULES CONVENTIONS

1. When a delegate desires to make a motion or address the convention, the delegate shall rise, address the Chair as "Mr./Ms. Commander" and state the delegate's name, Post Number, and District before proceeding.
2. The debate is limited to five (5) minutes for each speaker.
3. Debate on any one subject presented to the Convention is limited to one hour.
4. The floor is permitted but once to an individual on ANY ONE SUBJECT, except by the consent of two-thirds of the voting strength of the Convention present, excepting that chair[s] of Commissions and Committees may speak as frequently as may be necessary in connection with reports of their Commission or Committee, and, in event of controversy, the presiding officer shall not entertain any motion which will curtail further debate without affording the chair or Commission or Committee representative an opportunity for rebuttal. The maker of a motion or resolution has the right to be the first and last speaker in the debate.
5. All resolutions originating on the floor of the Convention shall be in writing and, automatically and without reading, shall be referred to the Resolutions Committee.
6. When the poll of any District is demanded by a delegate of such District, the secretary of the Convention shall poll the votes in this District by Post without discussion of the question being voted upon. Unit rule is not allowed.
7. On roll call votes, the chair or acting chair of each delegation shall poll their delegation on the floor and shall announce the vote of their delegation.
8. The vote of the past Department Commanders shall be cast with the vote of their respective delegations.
9. Delegates will arrive at a vote in accordance with the Department Constitution and Bylaws.
10. Nominations for Department officers shall be from the floor on a roll call by the Districts numerically arranged. Each District may present as many candidates as it chooses.
11. Nominations for Department officers shall be LIMITED TO FIVE (5) MINUTES EACH. Not more than two seconding speeches shall be made for any candidate and shall be limited to THREE (3) MINUTES EACH.
12. In the event more than two candidates are nominated for any office and no candidate receives a majority of the votes on the first ballot, those candidates receiving the least number of votes will be deleted and the balloting shall continue between the two candidates who received the highest number of votes on the first ballot until a candidate shall have received a majority of the votes of the Convention.
13. Delegates and persons recognized by the chair shall be entitled to a respectful hearing, and the Chair shall have the authority to clear the gallery or the floor, or have the Sergeant-at-Arms escort from the auditorium any person, or persons who may create any disturbance which interferes with the orderly procedure of the Convention of the Department.

14. The consent of two-thirds of the voting strength of the Convention present is necessary for suspension of the rules of the Convention.

15. Each Convention Commission and Committee shall present its report to the Department Convention in such a manner that each subject to be acted upon is set out in a separate resolution.

16. The Committee on Credentials shall set forth the voting strength of the Convention in accordance with the provisions of the Department Constitution and Bylaws.

17. The order of business shall be that which has been agreed upon by the Department Commander and Department Adjutant in accordance with the Department Constitution and Bylaws.

18. In order to avoid confusion on the floor of the Convention, any amendment originating on the floor to any resolution or report shall be presented in writing and transmitted to the presiding officer at the time of the introduction of such amendment.

19. Seating at Conventions shall be established by membership accomplishment for the prior year stated as a percentage of membership attained over membership for the previous year.

STANDING RULES - OTHER

1. Resolutions submitted to the Department by a Post require the signatures of the Post Commander and the Adjutant showing approval by the Post and may have District endorsement.
2. Resolutions to be considered at the Convention must be received by Department by no later than June 15.
3. Resolutions concerning the nominations of persons for Department officers may be submitted to Department no later than June 1, and will be reported in the Missouri Legionnaire either verbatim or in appropriate report form.
4. All members have permission to address the Department Executive Committee but only after securing the permission of their District Commander and the approval of the presiding officer.
5. To be eligible for awards, qualifying membership applications must arrive at Department Headquarters on or before December 31. When December 31 falls on a Saturday or Sunday, the last business day before December 31 will be the recognized receipt date.
6. In the event of a vacancy on the Baseball Commission, the Baseball Commission will submit to the Department Commander a list of suggested names in order of their preference to be appointed to fill the vacancy. Should the Department Commander choose not to appoint from this list, the Department Commander will meet with the Baseball Commission and discuss the vacancy appointment.

Appendix 2: COMMISSIONS AND COMMITTEES

COMMISSIONS:

Baseball Commission

Boys State Commission

Children and Youth Commission

Economic Commission

Finance Commission

Home Commission

Media and Communications Commission

Membership Commission

Oratorical Commission

COMMITTEES:

Americanism Committee

American Legion Leadership Training Committee

Boy Scouts Committee

Cadet Patrol Committee

Contest Committee

Convention Committee

County Government Day Committee

Distinguished Guests Committee

Distinguished Legionnaire Committee

Distinguished Service Award Committee

Education and Scholarship Committee

Foreign Relations Committee

Homeland Security Committee

Junior Sports Shooting Committee

Law and Order Committee

POW-MIA Committee

Public Relations Committee

R.O.T.C. Awards Committee

State Youth Government Committee

VA&R Committee

OTHER:

Foundation of Missouri

Insurance

AD HOC COMMITTEES:

Color Guard Subcommittee

DEC Subcommittee

Assistants to the Sergeant-At-Arms

Board of Directors, The American Legion Boys State of Missouri, Inc.

Committee on Committee

POW-MIA Museum (JB) Delegates

American Legion Riders Liaison

Sons of the American Legion Liaison

Legionnaire Insurance Trust

MAVO Veterans Commission Advisory Committee

Commander's Advisory Committee

C&Y Members Background Check Committee

Constitution and Bylaws Review Committee

100th Anniversary Planning Committee

CONSTITUTION AND BYLAWS OF THE AMERICAN LEGION
DEPARTMENT OF MISSOURI, INCORPORATED

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