

THE AMERICAN LEGION

DEPARTMENT OF ARIZONA



CONSTITUTION AND BYLAWS

Revised 26 June, 2022

CONSTITUTION AND BYLAWS OF
THE AMERICAN LEGION DEPARTMENT OF ARIZONA
(REVISED June 26, 2022)

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

To form and organize a subsidiary branch of The American Legion for the State of Arizona; to uphold, defend and carry out the constitution, rules and regulations of the National Organization of The American Legion; to uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a 100% Americanism; to preserve the memories and incidents of our associations in all 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; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I – NAME AND ELIGIBILITY

Section 1: The name of this organization shall be The American Legion, Department of Arizona.

Section 2: Any person may become a member of The American Legion, Department of Arizona, who is eligible to membership in The American Legion (a corporation organized under an Act of Congress) and no person not so eligible shall become, remain or be considered a member.

Section 3: There shall be no form or class of membership except an active membership with a recognized Post within the Department.

Section 4: No person may be a member at any one time of more than one Post.

ARTICLE II – NATURE

Section 1: The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in The American Legion; no member shall be addressed by his military or naval title in any convention or meeting of The American Legion.

Section 2: The American Legion shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

ARTICLE III – EXECUTIVE AUTHORITY

Section 1: The Executive power shall be vested in a Department Executive Committee, which shall be composed of the Department Commander, Department Vice Commanders, District Commanders, or, in their absence, the District Vice Commanders, immediate Past Department Commander, immediate Past Department Vice Commanders, Department Finance Officer without a vote, Department Adjutant without a vote, Department Service Officer without a vote, Department Judge Advocate without a vote, all Department Past Commanders while in good standing in a Post in the Department shall be ex-officio members of said Committee and one Representative of the American Legion Auxiliary, Department of Arizona, appointed by the Department President and confirmed by the Department Commander, shall

meet with the Executive Committee, provided however, that the expenses of the Past Department Commanders shall not be paid by the Department, and provided further, that ex-officio members shall be entitled to a vote in the Committee. The Department Adjutant shall be Secretary of said Committee.

(Amended 20 June 1999)

Section 2: The Department Executive Committee shall have authority to appoint such Department Committees and Sub-Committees as it sees fit and adopt rules and regulations for their operation.

Section 3: The Department Executive Committee shall have the power to remove from office any District Commander or Department Officer who, after full investigation, shall be considered as not properly fulfilling the duties of his office.

Section 4: The Department Executive Committee shall have power to divide the Department into no less than five (5) Districts, and no less than three (3) Areas for the purpose of administration. However, the Executive Committee may divide the Department into as many Districts and Areas as they deem necessary for effective administration. The number and boundaries of said Districts and Areas may be increased or decreased within these limits by a majority vote of the Executive Committee, but no such changes shall be made without notice to the Posts concerned nor without affording such Posts an opportunity to be heard; nor shall such changes be made less than thirty (30) days immediately preceding the time for the holding of the Department Convention. (Amended 22 June 2004)

Section 5: The Department Executive Committee shall, as soon as practicable after the National Convention, meet in order to carry out the mandates of the National and Department Convention, and to outline, establish, order, direct and promulgate the work policies, objectives, endeavors and undertakings of the Department for the coming year.

Section 6: The Department Executive Committee shall have the authority to reduce or eliminate any specified expenditures authorized by this Constitution and Bylaws or by Convention action in any year if the income of the Department by June of the year under consideration is less than the budgeted Department Expense.

ARTICLE IV – QUORUM

Section 1: A quorum shall exist at the Department Convention when there are present registered Delegates from one-third of the active posts. A quorum shall exist at a meeting of the Department Executive Committee when a majority of the voting members are present, however, Past Department Commanders shall not be considered part of the quorum. A quorum of a Convention Committee shall exist only when a majority of the members of such committees are present. (Amended 20 June 1999)

ARTICLE V – LEGISLATIVE, DEPARTMENT CONVENTION AND CONFERENCES

Section 1: The legislative body of this Organization shall be a Department Convention, to be held annually on a date which shall not be less than two weeks before the National Convention, and at a place to be fixed by the Department Convention. In the event that the Department Convention does not determine the time and/or place for such succeeding Annual Convention, the Department Executive Committee shall fix the time and/or place for such succeeding Annual Convention, either at its Post Convention Session or as soon thereafter as possible either by a Mail Poll or a Special Meeting of the

Department Executive Committee. In the event that the Department Commander subsequently determines that the time and/or place previously designated by the Department Convention should be changed, then the Department Commander shall furnish to each member of the Department Executive Committee the reasons for such determination with recommendations of a different time and/or place and the Department Executive Committee shall, by mail ballot or at a special meeting, either concur with or reject the recommendations of the Department Commander. Notice of such new selection, or change, must be given to each Post in the Department at least three months prior to the convening of the next Department Convention.

Section 1 a: A Post desiring to entertain the Department Convention or Fall Conference shall, not later than April 1, submit to the Department Convention Committee an application on an official form obtained from the Department Convention Committee, outlining the facilities, accommodations, and ability to properly accommodate the Department Convention for the year designated. Only those applicants considered to be qualified by The Department Convention Committee to host a Department Convention or Fall Conference will be reported to the General Membership at Convention to be voted on and approved separately.

Section 1 b: The Annual Convention shall be composed of Delegates and Alternates from each Post in the Department. Each of said Posts shall be entitled to three Delegates and three Alternates and to one additional Delegate and Alternate for each fifty members or major fraction thereof paid thirty days prior to the date of said Department Convention. Provided, however, that each Post may send Delegates with fractional votes. The vote of each Post shall be equal to the total number of full Delegates to which the Post is entitled; and provided further that each Past Department Commander, while in good standing in a Post in the Department, the Department Commander, each Department Vice Commander, the Department Finance Officer, and each District Commander shall be an ex-officio delegate, with the power of a regularly elected delegate, with one full vote, without power of proxy.

Section 2: In addition to the Registration fee allowed to the Convention Host Post, a \$1.00 fee will be assessed to go to the Department to defray Convention expenses. Such \$1.00 fee for each vote the Post is entitled to cast at the Convention shall, not later than ten days prior to the opening date of the Department Convention, be forwarded to the Department. Failure to comply therewith shall result in denial of voting rights at the Department Convention, subject to appeal to the Department Executive Committee.

Section 3: A Post hosting a Department Conference shall pay one dollar (\$1.00) of the amount allowed for registration of each member attending said Conference to the Department of Arizona to help defray the cost of the Conference expenses of the Department. The one dollar (\$1.00) fee for each member shall be paid to the Department at the close of said Conference.

Section 4: Proxies must be in writing and shall be recognized only when presented by members in good standing of the Post which they are representing.

Section 5: A Fall Conference may be held between Conventions at a site to be selected by the Department Convention assembled. Only such site or sites as are approved and recommended in its report to the Convention by the Department Convention Committee may be voted upon by the Delegates to the Department Convention.

ARTICLE VI – DEPARTMENT OFFICERS

Section 1: All Department Officers elected at any Department Convention shall take office immediately upon adjournment of the Convention. The Officers shall be the Department Commander and a Department Vice Commander representing each of the Areas as established by the Executive Committee, all Department Vice Commanders being of equal rank.

The existing Areas being:

AREA A composed of the present Districts 2, 3, 4 and 5

AREA B composed of the present Districts 1, 11 and 12

AREA C composed of the present Districts 6, 7 and 8 (Amended 22 June 2004)

Section 1 a: In the event there are declared candidates, each undeclared candidate seeking a nomination from the floor must notify, in writing, the Area Vice Commander and each Post in the Area of their intentions of seeking the office of Area Vice Commander, no later than 100 days prior to the first day of the Department Convention. This would give the membership of each Post the opportunity to provide the Post Delegate direction on whom to cast their vote. (Amended 6 November 2016)

Section 1 b: The Vice Commander in each area shall preside as Chairman for their Area Caucus at the Department Convention. Each Area shall nominate one Department Vice Commander from among its member Districts at this caucus to be held the day before the election of officers at the Annual Department Convention. At such caucus each Post shall have one vote and that each currently elected Post Commander cast the vote for their Post. In the event that the Commander is not in attendance, the Commander may appoint a member of their Post to be a voting representative and shall provide a letter to the Area Vice Commander prior to the beginning of the caucus, stating who is authorized to cast a vote for the Post. After two votes in the caucus if there is still a tie, the nominees will select a card from a deck of standard playing cards with the LOWEST card being declared the nominee from the Area. (Amended 26 June 2015)

The names of the nominees so selected at the various caucuses shall be presented to the floor of the Convention for ratification at the normal time and place of election of Department Officers.

Section 1 c: The term of office for the Department Commander and the Department Vice Commanders shall be for one year or until the next election of Department Officers.

(Amended 25 June 2000)

Section 1 d: In the event of a vacancy in the office of Department Commander, such vacancy shall be filled by the Department Executive Committee by elevating one of the Department Vice Commanders to that office for the remainder of the term. In the event of a vacancy in the office of Department Vice Commander, either by elevation to Commander or any other contingency, such vacancy shall be filled by election at a meeting of the Districts of that Area upon call by the Department Commander, such meeting to be presided over by the Department Commander.

Section 1 e: The Department Commander may, during temporary absence, designate any one of the Department Vice Commanders to act in his/her place.

Section 1 f: The Department Adjutant, Finance Officer, Historian, Sergeant At Arms, Chaplain, Judge Advocate, and Service Officer shall be nominated by the Department Commander and confirmed by the Department Executive Committee at its first meeting held after each Convention. All other officers shall hold office until their successors have been elected or qualified.

Section 2: A vacancy shall exist in the office of National Executive Committeeman, the Alternate National Executive Committeeman, any Department Office and any District Office, when such Officer has been absent from the state on non-Legion business for a period of thirty consecutive days without the consent of a majority of the Department Executive Committee.

Section 2 a: In the event of a vacancy in the office of Department Commander for any reason whatsoever, the Department Adjutant shall forthwith call a meeting of the Department Executive Committee for the purpose of filling such vacancy. The Department Adjutant shall act as a temporary Chairman at such meeting until a Chairman is elected at which time the Commander shall be elected to act until a successor is elected at the next Department Convention. Should a vacancy occur simultaneously in the offices of both the Department Commander and the Department Adjutant for any reason whatsoever, then the Department Vice Commander residing nearest to Department Headquarters shall forthwith call a meeting of the Department Executive Committee for the purpose of filling the vacancy of the office of Department Commander. At such meeting such Department Vice Commander shall act as Temporary Chairman until a Chairman is elected, at which time the Commander shall be elected to act until a successor is elected at the next Department Convention.

Section 3: The Department Commander shall preside at all Conventions and all meetings of the Department Executive Committee; shall supervise generally all the affairs of The American Legion, Department of Arizona; and shall do and perform all the duties that are properly required of him/her by the Department Executive Committee.

Section 3 a: Department Vice Commanders shall be responsible for conducting visitations to Posts and Districts within their respective Areas to insure that the aims and programs of The American Legion are being properly carried out and to act as liaison with District Commanders within their respective Areas regarding all matters pertaining to The American Legion.

Section 3 b: Only as directed by the Department Commander, Department Vice Commanders will make official visitations within their respective Areas in place of the Department Commander.

Section 3 c: Department Vice Commanders shall also be responsible for all other duties as directed by the Department Commander.

Section 4: The Department Adjutant shall keep a record of all the proceedings of the Department Conventions and the Executive Committee and shall have general charge of all books and accounts of The American Legion, Department of Arizona, save those in custody of the Finance Officer; shall collect all funds and dues and deposit them with the Department Finance Officer; shall conduct official correspondence, shall render accounts and perform such duties as may properly be required of him/her by the Department Executive Committee or the Department Commander.

Section 5: The Department Finance Officer shall have the custody of the funds of The American Legion, Department of Arizona, and he/she shall deposit said funds in established financial institutions which have been approved by the Department Finance Committee in accordance with the Department of Arizona Finance Procedures Manual and shall disburse them only upon such conditions and in such manner as shall be designated by the Department Finance Committee.

Section 6: The Department Adjutant and the Department Finance Officer shall each give bond to be approved by the Department Finance Committee for the faithful discharge of his/her duties in such amounts as the Department Finance Committee may determine.

Section 7: The Department Historian shall preserve and maintain all records, annuals and history of The American Legion, Department of Arizona, and shall have charge of all literary work and shall perform such duties as shall properly be required of him/her by the Department.

Section 8: The Department Sergeant at Arms shall preserve order at all Conventions and meetings of the Department Executive Committee and shall do and perform all other duties as may be required of him/her by the Department Commander or Executive Committee.

Section 9: 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 Department and National Headquarters from time to time.

Section 10: The Department Judge Advocate shall be the legal advisor of all officers and committees of the Department of Arizona, The American Legion.

Section 11: The Department Service Officer shall be an accredited and recognized representative in the prosecution of claims before the Veterans Administration, and shall aid and assist Legionnaires or their dependents and other worthy veterans and their dependents, as his/her time and resources allow.

Section 12: No elective Department Officer shall be eligible for election to succeed himself/herself, unless no candidate for Area Vice Commander has announced pursuant to Section 1a above. (Amended 26 June 2022)

Section 13: Any person holding an executive office in the Department, or in a District or Post thereof, shall not be eligible to hold any other executive office at the same time in the Department or in any District or Post thereof. An executive officer is defined as a Commander or Vice Commander.

Section 14: The Department Commander, Area Vice Commanders and District Commanders are required to complete the Department of Arizona American Legion College at the next offering within their area after announcing their candidacy, unless said officer has previously completed the course or completed the National American Legion College. This Resolution is to take effect immediately following the adjournment of the 2018 Department Convention. (Amended 24 June 2018)

ARTICLE VII – DISTRICT COMMANDERS

Section 1: District Commanders and District Vice Commanders shall be elected by the various Posts in each District at a District Conference called by the District Commander to be held at the same time and place as the Department Convention, or at a District Conference to be designated by the District Commander on a day designated not more than sixty days before the Department Convention at which Conference each Post in the District shall be entitled to one vote for the office of District Commander.

Section 2: In the event of a vacancy in the office of District Commander, the District Vice Commander shall automatically succeed as District Commander.

Section 3: A District Vice Commander shall not be elected from the same Post as the District Commander unless no other candidate can be found and with the approval of the Department Commander and the Area Vice-Commander. (Amended 18 June 2005)

Section 4: All District Commanders shall hold office until their successors shall have been duly elected or appointed and qualified, and all vacancies (EXCEPT FOR THE AUTOMATIC SUCCESSION PROVIDED FOR IN SECTION 2 HEREOF) shall be filled by appointment by the Department Executive Committee until the time specified in Section 1 of this Article, at which time the Posts of the District or Districts concerned fill such vacancies for the succeeding or unexpired term as the case may be.

Section 5: The District Commander shall preside at all District Conferences, shall supervise in a general way all American Legion affairs within the District over which he/she has supervision, and shall do and perform all the duties that may be properly required of him/her by the Department Commander, the Department Executive Committee, or by the Posts within the District over which he/she has supervision. In addition, each District Commander shall make one official visit each year to each Post within his/her District with additional visits as may be deemed advisable by the Commander.

ARTICLE VIII – COMMITTEES

Section 1: Department Convention Committee shall be comprised of five members, but not more than nine, each serving a three year term, the Department Commander and the Department Adjutant; all to be voting members. The members will be appointed by the Department Commander, subject to the approval of the Department Executive Committee. As vacancies occur upon expiration of terms, the newly appointed members will serve three years. In the event of a vacancy or vacancies through any other cause than expiration of term the vacancy or vacancies shall be filled only for the unexpired term. At least one member shall be from each Department Area.

Section 1 a: The Department Convention Committee shall have full control of arrangements, plans and details pertaining to Department Convention. It shall confer with the Convention Chairman of the Convention City not less than 120 days prior to the date of the Convention and all plans for the Convention must meet with the approval of the Department Convention Committee.

Section 1 b: The Department Convention Committee shall, not less than 90 days prior to the date of the Convention, prepare and file with Department Headquarters a written report and recommendations.

Section 2: Department Finance Committee. In addition to the Committees provided for in the Constitution of this Department, the Department Commander shall appoint, subject to ratification by the Department Executive Committee, a Department Finance Committee to be composed of five members. Of the five members appointed following Department Convention of 1990, at least one and not more than three shall be from one area in the Department of Arizona, and further, that two shall be appointed to serve for a term of one year, two shall be appointed to serve for a term of two years, and one shall be appointed to serve a term of three years; thereafter each succeeding appointee shall serve for a term of three years or until removed by the Department Commander, the Department Executive Committee concurring. The Department Commander and Department Finance Officer shall be ex-officio

members of said Committee without vote and the Department Adjutant shall be ex-officio secretary of said Committee without vote. (Amended 24 June 1990)

Section 2 a: The Department Finance Committee shall prepare the annual budget; shall have supervision and control of the funds of the Department; shall designate the depository where all funds of the Department shall be placed; shall direct that an audit of the books of the Department be made annually thirty days prior to Department Convention; or at a date set by the Department Finance Committee; shall be custodian of Fidelity Bonds given by other Department Officers and shall meet at least twice annually for the purpose of examining and reporting to the Department Commander and Executive committee the financial condition of the Department.

Section 3: Department Club Committee. In addition to other standing Committees, there shall be a Department Club Committee, to be composed of five members. At least one member from each Area in the Department shall be appointed by the Department Commander, subject to confirmation by the Department Executive Committee. All members shall serve until removed by the Department Commander, the Department Executive Committee concurring. At least two members of the Department Club Committee shall be members of Posts which have operated Post Clubs for at least two years previous to their appointment. Not more than one appointed member of the Department Club Committee shall belong to the same Post. The Department Commander and Department Adjutant shall be ex-officio members of the Committee. (Amended 24 June 2018)

Section 3 a: The Department Club Committee shall act on applications for permits to operate Post Clubs; shall maintain a roster of Posts which are authorized to operate Post Clubs; and shall require annual reports of their operations. It shall approve Post Club operations or management contracts before they become effective. Club Rules while effective upon adoption by the Post, shall be subject to modifications by the Department Club Committee.

Section 3 b: The Department Club Committee shall be authorized to cancel permits to operate Post Clubs when, in its judgment, such clubs are operated in a manner that might bring The American Legion into bad repute.

Section 3 c: The Department Club Committee shall take such steps as it deems necessary to enforce the provision of this section.

Section 3 d: A Post Club whose permit has been canceled by the Department Club Committee shall immediately cease operation under the name of The American Legion.

Section 4: Legislative Committee. In addition to other standing Committees, there shall be a Department Legislative Committee to be composed of seven or more members. The Department Commander shall be a member of the Committee and the other members shall be appointed by the Department Commander, subject to confirmation by the Department Executive Committee. The Department Commander shall name the Chairman and fill all vacancies. Following each Convention, the Department Commander shall name successors for the full three year term of those whose term has expired.

Section 4 a: The Department Legislative Committee shall be responsible for the carrying out of the Legislative Program as determined by the Department Conventions. It may give priority to the objectives which it deems most important. It shall determine the stand of The American Legion on matters which could not be anticipated at the time of the last Department Convention. On a two-thirds vote of the

Committee, it may suspend action on matters which in its judgment require a further study. It shall submit to each Department Convention a report of the activities during the preceding year. The Commander may appoint official non-voting members.

Section 5: Committee on Committees. The Department Commander shall, not later than the Fall of each year, appoint the immediate past five (5) Commanders to serve on a Committee on Committees to meet at the Department Convention which shall make recommendations to the newly appointed Department Commander for members to serve on the various Committees and make recommendations to the incoming Department Commander of Legionnaires to be added to the Committees and Legionnaires to be deleted from the various Committees. After recommendations are agreed upon a list of those members recommended to include full name, post number, Department Committee recommended for, and mailing address shall be turned into the Department Adjutant, prior to the close of Convention. The recommended list shall be given to the new Commander by the Department Adjutant prior to the Post Executive Committee meeting at the Department Convention for the new Department Commander to consider for membership on the various Committees of The American Legion Department of Arizona.

(Amended 24 June 1990)

Section 6: The Membership Committee will be comprised of a Department Membership Director, the three Area Vice Commanders, and twelve Members, one appointed from each district and additional members appointed from the two Districts that have the largest membership. Each year the Department Commander will appoint four members to serve a three year term. The Department Commander will recommend to the Department Executive Committee the appointment of a Department Membership Director to serve for a 1 year term and he/she will be in a "White Cap" status. The Director will coordinate the membership efforts of the Department in renewing, reinstating, and recruiting members. The three Area Vice Commanders will work with the Director in their respective Area in achieving the membership goals of the Department.

Section 7: Trophies and Awards Committee. In addition to other standing Committees there shall be a Department Trophies and Awards Committee to be composed of three members. The Committee is to serve in the capacity of supervising the activities of the awarding of Trophies and Awards, supervising the judging of entries for the purpose of awarding Trophies and Awards, and supervising the delivery of such Trophies and Awards subsequent to the close of the Convention. This Committee is not meant to replace or supersede the activities of the Convention Trophies and Awards Committee, but is for the purpose of correlating and assisting that Committee in its convention activities.

Section 7 a: One member on the Trophies and Awards Committee shall be appointed by the Department Commander for a three year term, subject to approval by the Department Executive Committee. Each of the Areas of the Department shall be represented on the Committee.

ARTICLE IX – CONDUCT OF LEGION PROGRAMS

Section 1: All Posts and Districts or individual Legionnaires acting as their agents conducting programs extending into the service areas or geographic limits of neighboring Posts and Districts must apply for and receive approval of their neighbors, Post or District before engaging in such programs, except Post sponsored funding activities.

Section 2: ~~Programs of such a magnitude as to exceed \$100.00 value in promised awards, prizes or gratuities shall require the approval of the Department Headquarters and shall require evidence of sufficient funds on deposit specifically earmarked to meet all obligations of the proposed program prior to initiation of any program activity in the community at large. (Repealed 26 June 2022)~~

ARTICLE X – NATIONAL REPRESENTATION

Section 1: The National Executive Committeeman of this Department and the Alternate National Executive Committeeman shall be elected at the Annual Department Convention, held on even numbered years, to serve for terms of two years. In the event of a vacancy in the office of National Executive Committeeman, the Alternate National Executive Committeeman shall succeed to the office of National Executive Committeeman, to serve for the unexpired term. In the event of a vacancy in the office of Alternate National Executive Committeeman, such vacancy shall be filled by appointment by the Department Commander with the consent of the Department Executive Committee and such appointee shall serve until the election of a successor at the next Department Convention either for the expired term or for the regular term in the event that the term of the elected Alternate National Executive Committeeman would have expired at the close of the Department Convention.

Section 1 a: A member of The American Legion, Department of Arizona, elected to represent the Department of Arizona as National Executive Committeeman or Alternate National Executive Committeeman shall be eligible for election to succeed himself/herself. (Amended 23 June 2013)

Section 1 b: The National Executive Committeeman and Alternate National Executive Committeeman shall not be members of the same Post within the Department of Arizona. (Amended 24 June, 2016)

Section 2: Delegates and Alternates from the Department of Arizona to the National Convention shall be appointed by the Department Commander, from among those attending.

Section 3: The newly elected Department Commander shall always be a duly accredited Delegate to the National Convention. The immediate Past Department Commander shall be designated as the Chairman of the delegation.

ARTICLE XI – APPEALS

Section 1: When a trial conducted at Post level results in a verdict that is unfair or prejudiced, the accused or the accuser may appeal to the Department.

Section 2: Upon receiving such appeal, the Department Commander shall direct the Department Judge Advocate to select six Jurors that will constitute a Department Tribunal. The Jurors shall not be members of the Post from which the appeal originates.

Section 3: The Department Tribunal shall consider and review the appeal and render a decision thereon. The Decision of the Department Tribunal shall be final and conclusive.

ARTICLE XII – LOCAL POSTS

Section 1: The Application for granting or revocation of Post Charters shall be as prescribed in the National Constitution of The American Legion.

Section 2: Those who desire to form a Post shall make application for a Temporary Charter to the Department Commander. The Temporary Charter shall be issued by the National Commander and National Adjutant upon receipt of the application properly executed by the Charter members of the projected Post when such application is approved by the Department Commander, Department Adjutant, and Department Judge Advocate and will be ratified by the Department Executive Committee at the next meeting.

Section 3: The minimum membership of a Post shall be determined by the Department Executive Committee.

Section 4: No Post shall be named after any living person.

Section 5: After a Temporary Charter has been in effect for a probationary period of not less than 90 days or more than one year, application for Permanent Charter may be made. A Permanent Charter shall be issued by the National Commander upon recommendation of the Department Executive Committee.

Section 6: Post Charters may be revoked by the National Executive Committee, on the recommendation of the Department Executive Committee, for failure to pay dues or for any violations of the provisions of the Department or National Constitution and By-Laws.

Section 7: Each Post shall hold its Post election at least 31 days prior to the Commencement of the Department Annual Convention.

Section 8: Any two or more Posts of The American Legion, Department of Arizona, may form an American Legion Council and adopt such rules and regulations for their Government and welfare as are not inconsistent with the Constitution and By-Laws of the Department of Arizona.

Section 9: Post Clubs, dugouts, homes and similar activities, when operated under the name of The American Legion, shall be under the bona fide direct ownership, control and management of the Post, through its duly elected Committee. Operation of Post Clubs in conjunction with other nationally recognized non-profit, civic, charitable, patriotic or religious organizations will be permissible when such joint operation shall have received the approval of the Department Club Committee.

Section 9 a: Post Clubs may operate only after receipt of a permit issued by the Department Club Committee and subject to control as appears in Section 3 a of Article VIII.

ARTICLE XIII – DISCIPLINE

Section 1: The Department Executive Committee, after notice and a hearing before a subcommittee as hereinafter provided, may cancel, suspend or revoke the Charter of a Post for any good and sufficient cause to its appearing.

Section 2: The Department Executive Committee may designate, appoint and authorize a subcommittee to hear and try and make written findings of fact and recommendations with reference to the matter of the cancellation, suspension or revocation of the Charter of any Post in THE AMERICAN LEGION after said Post shall have received due and proper notice of said hearing and trial. Said subcommittee shall make its written findings of fact and recommendations to the Department Executive Committee for its

approval or rejection, and the action of said Department Executive Committee upon such findings and recommendations shall be final and conclusive.

Section 3: The hearing and trial of any cause involving the cancellation, suspension, or revocation of the Charter of any Post in THE AMERICAN LEGION shall be had and held under the rules of procedure by the National Executive Committee.

Section 4: Upon suspension of the Charter of any Post of THE AMERICAN LEGION the Department Executive Committee is authorized, empowered and directed, by and through its duly authorized agents, to take possession, custody and control of all the records, property and assets of and belonging to such Post, and to provide for the government and administration of such Post during said suspension.

Section 5: Upon cancellation or revocation of the Charter of any Post of THE AMERICAN LEGION the Department Executive Committee is authorized, empowered and directed, by and through its duly authorized agents, to take possession, custody and control of all the records, property and assets of such Post, and to take all necessary and proper steps and proceedings to wind up and close the affairs of such Post.

ARTICLE XIV – DUES

Section 1: Effective January 1, 2016, for the Membership year 2016 and each year thereafter, each Post shall pay the sum of \$27.00 to the Department Adjutant for dues for each individual member of the Post. Such amount to include \$1.50 per member for subscription to the Arizona Legionnaire. Provided, however, that the Department Executive Committee may levy such dues and assessments in the event of an emergency, which shall remain in force and effect until the Department Convention next following such action and provided further that no assessments whatsoever shall be levied upon said Post to cover current expenses of the Department including expenses in connection with the Department Conference, save and except upon the approval of the Department Convention. (Amended 26 June 2015)

Section 2: Failure of any Post to pay the Department Adjutant by thirty days prior to any Annual Department Convention dues for membership or such other dues and assessments as a Convention may levy against it, shall prohibit such Post from proportionate additional representation at such Department Convention.

Section 3: The Department is authorized through its proper officers to elect to participate in the Paid Up For Life membership Plan in accordance with the Plan as adopted by the National American Legion. Such participation shall not affect any present or future individual Post Membership Plan.

ARTICLE XV – RULES

Section 1: The rules of procedure at Department Conventions or District Conferences shall be those set forth in Roberts Rules of Order when not in conflict with the Department Constitution, By-Laws and Rules adopted by the Convention or Conference in Session.

ARTICLE XVI – NATIONAL CONSTITUTION

Section 1: All provisions of the National Constitution, Rules and Regulations adopted by the National Organization of The American Legion shall be considered and become a part of this Constitution insofar as the same are applicable to the Department Organization.

ARTICLE XVII – AMENDMENT OF THIS DOCUMENT

Section 1: This Constitution shall be amended only by a majority of the votes present in a regularly called and held Department Convention.

BYLAWS

ARTICLE I – NAME

Section 1: The name of this organization shall be The American Legion Department of Arizona.

ARTICLE II – MEMBERSHIP

Section 1: Each Post shall be the judge of the qualifications of its own membership, subject to the limitations contained in the National and Department Constitutions.

Section 2: Any veteran eligible for membership, who is not satisfied with the actions of the local Post on his/her application, may appeal to the Department Executive Committee, who shall investigate the facts in connection with the case, and its decision shall be final.

ARTICLE III – DISTRICTS

Section 1: The Department Executive Committee shall determine Districts within the Department and define the limits thereof.

ARTICLE IV – COMMITTEES

Section 1: In addition to the Committees provided for in the Constitution of this Department, Committees and/or Commissions may be established from time to time by the Department Commander with the advice and consent of the Department Executive Committee.

Section 2: Any Committee vacancy or vacancies occurring in an operational Committee of a Department Convention or Conference Committee may be filled by the Department Commander during such Convention or Conference.

Section 3: All Committee appointments may be made by the Department Commander during the absence of the Department Executive Committee, subject however to subsequent approval.

ARTICLE V – FISCAL YEAR

Section 1: The Fiscal Year of the Department shall be from July First of one year through June Thirtieth of the succeeding Calendar year.

ARTICLE VI – EXPENSES

Section 1: The Department Executive Committee may reimburse the Department Commander reasonable expenses for which he/she is not otherwise reimbursed, incurred while traveling on Department business.

ARTICLE VII – REPRESENTATION

Section 1: Any member of The American Legion, Department of Arizona, who shall ever claim to represent the Department without previously securing specific authority of the Department Executive Committee or the Department Commander except where such action is in the course of his/her ordinary duties, may be subject to penalty of expulsion from the organization.

ARTICLE VIII – ORGANIZATION RELATIONSHIPS

Section 1: No Post in this Department shall enter into any agreement with any other organization outside The American Legion whereby it shall surrender any of its prerogatives of or independence of action as a part of The American Legion without first in each case securing prior written consent of a majority of the Department Executive Committee, which consent, in cases where National questions are involved, shall be subject to the action of the National Organization of The American Legion.

Section 2: Should any District or Post desire to engage the services of any individual, group of individuals or company other than its own members for the purpose of ticket sales or donations for any purpose, it shall have prior written consent therefore of the Department Executive Committee.

ARTICLE IX – RULES OF ORDER (Repeal of former Section 2(6) Approved 24 June 2018)

Section 1: Any and all matters properly coming before any Convention Committee or the subordinate organization shall be determined by a majority of the votes present and voting thereon.

Section 2: The following rules shall be known as the Standing Convention Rules and shall govern all Convention proceedings.

The program of the Convention shall be in accordance with the agenda of the Department Commander. Deviation there from may be made, if there is no objection. If objection is made, a majority vote of the accredited voting strength of the Convention shall be required in order to change the procedure under the said agenda.

Except as modified hereby, ROBERTS RULES OF ORDER AS REVISED, is adopted for the Convention.

A quorum shall exist when delegates from one-third of the Posts of the Department of Arizona are present. No vote shall be taken unless one-third of Posts have been cleared by the Credentials Committee and each Post in the Department of Arizona shall have paid all Department and District fees and assessments in order to be cleared by the Credentials Committee in order to vote during the Convention. (Amended 23 June 2008)

To secure the floor, a delegate of the Convention, on being recognized by the chair must give his/her name, the name and number of his/her Post, and official capacity, if any, he/she has at present in The American Legion; military titles will not be used.

The floor shall be permitted but twice, and limited to three minutes each time, to any individual delegate on any subject except by consent of two-thirds of the voting strength of the Convention.

Delegations shall vote in terms of full units and not as fractional parts of a vote. They may arrive at the vote in any manner that they see fit; the unit rule shall not control the vote of a delegation.

A majority of the votes is necessary for election or ratification of nomination and election of any officer or designation of the Conference City.

In event there are more than two nominees for any office, or Conference site, and only one is to be elected or selected, and no nominee or site receives a majority of the votes cast the nominee or site receiving the least number of votes shall be dropped from the list of nominees or sites and the roll called again; this procedure shall be repeated until one nominee or site receives a majority of the votes cast. Any nominees for Department office must be present at the Convention meeting when nominated.

Motions or resolutions involving expenditures of money or the incurrence of financial obligations by the Department SHALL NOT be in order UNTIL a report is presented by the Department Finance Committee.

The roll shall be called by Post for voting purpose starting with the lowest numbered Post and ending with the highest numbered Post on all even numbered years, followed by District Commanders, then by Past Department Commanders in the order of their service, Department Vice Commanders and Department Commander in the order named.

The roll shall be called by Post for voting purpose starting with the highest numbered Post and ending with the lowest numbered Post on all odd numbered years, followed by District Commanders, then by Past Department Commanders in the order of their service, Department Vice Commanders and Department Commander in the order named. (Amended 21 June 1998)

When a question presented to the Convention for its consideration has been indefinitely postponed, its subject matter shall not be presented again in ANY FORM, earlier than the NEXT ANNUAL CONVENTION.

The election and ratification of the Department Officers shall be as follows: Department

Commander, Department Vice Commander Area A, Department Vice Commander Area B, Department Vice Commander Area C, National Executive Committeeman, Alternate National Executive Committeeman.

ARTICLE X – RESOLUTIONS

Section 1: All Resolutions to be presented to the Annual Convention must be typewritten in triplicate. They shall be forwarded to Department Headquarters no later than 30 days prior to the opening of the Convention so that they can be numbered, recorded, and assigned to the proper Convention Committee. Resolutions originating in a Convention Committee may be presented to the floor. The Committee may consider other Resolutions if it desires. (Amended 24 June 2018)

ARTICLE XI – AMENDMENT TO THIS DOCUMENT

Article 1: These Bylaws may be amended only by a majority of the votes cast by those present and voting thereon in a regularly called and held Annual Department Convention.

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