

CONSTITUTION AND BY-LAWS

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STANDING RULES

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OF

THE AMERICAN LEGION

**DEPARTMENT OF MISSOURI,
INCORPORATED**

WITH AMENDMENTS AS APPROVED
AT JULY, 2014, DEPARTMENT CONVENTION

CONSTITUTION AND BY-LAWS
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;
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.
- Section 2. The Department Headquarters of The American Legion, Department of Missouri, Incorporated shall be located at Jefferson City, State of Missouri.
- Section 3. The Headquarters of the American Legion Department of Missouri, Incorporated shall be established and maintained under the direction of the Department Executive Committee.
- Section 4. The terms, "he", "his", "chairman", and other such gender based terms used in this Constitution and By-laws shall be understood to include both the male and female genders.

ARTICLE II OBJECT

- Section 1. The object and purposes of The American Legion Department of Missouri, Incorporated are as herein before set out in the Preamble.

ARTICLE III NATURE

- Section 1. The American Legion Department of Missouri, Incorporated is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Legion; no member shall be addressed by his military or naval title in any convention or meeting of the Legion.
- Section 2. The American Legion Department of Missouri, Incorporated shall be absolutely non-political and 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. Freedom of Conscience; each member shall perform his full duty as a citizen according to his own conscience and understanding.

ARTICLE IV ELIGIBILITY FOR MEMBERSHIP

- Section 1. Eligibility for membership shall be as prescribed by the National Constitution and By-Laws of The American Legion.
- Section 2. There shall be no form or class of membership except an active membership. National and Department dues shall be paid annually or 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. Minimum Post dues may be prescribed by the Post By-Laws.

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 ADMINISTRATION

Section 1. The legislative body of The American Legion Department of Missouri, Incorporated shall be an annual Department Convention to be held 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 same 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. The Department Convention shall be composed of delegates from each POST.

Section 3. The Administrative power of The American Legion Department of Missouri, Incorporated shall be vested in the Department Executive Committee, which shall be composed of the Department Commander, Department Senior Vice Commander, and four (4) Department Zone Vice Commanders, the Immediate Past Department Commander, the National Executive Committeeman, the Alternate National Executive Committeeman, the Department Judge Advocate, the Department Finance Officer, the Department Chaplain, the Department Historian, the Department Sergeant-at-Arms, and the District Commander of each Department District. Any member of The American Legion Department of Missouri, Incorporated who holds an elective National office in The American Legion shall be a member of the Department Executive Committee during his tenure of office. All Past National Commanders who shall have been elected to that office from the Department of Missouri shall be members of the Department Executive Committee.

Section 4. All Past Department Commanders of The American Legion Department of Missouri shall be a member of the Department Executive Committee, with voice and no vote and without compensation.

ARTICLE VI ORGANIZATION

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

Section 2. Districts:

(a) The District, next to the Department, is the major administrative unit in the Department. It shall include such area as may be prescribed by the Constitution and By-Laws of the Department.

(b) Each District, except as otherwise provided herein, 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.

(c) Each District shall adopt a Constitution and By-laws and rules for its government, not inconsistent with the National and Department Constitution and By-Laws, and shall file a copy of same with the Department Adjutant.

ARTICLE VII DEPARTMENT CONVENTIONS

Section 1. Delegates:

(a) In the Department Convention, each Post shall be entitled to one vote, and in addition thereto, one vote for each fifty 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 the Department Convention.

(b) Absent delegates: In the Department Conventions, the vote of any absent delegate not represented by any alternate, shall be cast by a majority of the delegates present from his post. If no delegate or alternate from any 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.

(c) Members of the Department Executive Committee and the Department Adjutant shall be members of the Department Convention, but, as such, shall have no vote in the convention. All Past National or Past Department Commanders in good standing in their respective Post in this Department shall be Delegates-at-Large to the Department convention and shall be entitled to one vote each when present.

Section 2. Election of National Delegates:

(a) The Department Convention shall choose the delegates and alternates to the National Convention, pursuant to the National Constitution, and in so doing each District shall be entitled to a minimum of one delegate and one alternate from 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. Each District, upon roll call, shall be permitted to place in nomination candidates for its representation on the National delegation. District 11/12 shall be considered as one District. 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 by 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, in writing, delegate this power of approval. 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 Chairman of the delegation to the National Convention immediately following his term of office, and the incoming Department Commander elect shall serve as Vice Chairman of said delegation. The Department Adjutant shall serve as secretary of the delegation.

Section 3. 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 same is levied, is paid.

Section 4. 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. District 11/12 shall constitute a single District.

Section 5. Convention Committees shall consist of: (a) Credentials; (b) Resolutions; (c) Constitution and By-Laws; (d) such other committees as the convention may deem necessary.

Section 6. 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, with the advice and consent of the Department Executive Committee, the chairman of each convention committee. District 11/12 shall constitute a single District.

ARTICLE VIII DEPARTMENT EXECUTIVE COMMITTEE

Section 1. The Department Executive Committee shall meet at such place as the Department Commander shall designate and at the following times: (a) On the day of and immediately following the close of each regular annual Department Convention; (b) On or before the first Sunday in November; (c) On or before the first Sunday in April; (d) On the day preceding each regular annual Department Convention; (e) and 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 Legion Districts of the Department (by resolution passed at their District meeting duly convened) request the Department Commander to call such Committee meeting; and (f) at the call of the Department Commander.

Section 2. A majority of the members of the Committee shall constitute a quorum to transact business. 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.

Section 3. The Department Commander shall appoint, subject to approval of the Department Executive Committee, a Sub-Committee of three of its members, which Sub-Committee may be empowered to exercise the authority of the Department Executive Committee between meetings; provided that all acts of the Sub-committee be subject to ratification of the Department Executive Committee at its next meeting. The function of the Sub-Committee shall also include consideration, study and review of matters to be submitted to the Department Executive Committee, prior to consideration of these matters at the meetings of the Department Executive Committee, and the Sub-Committee shall report to the Department Executive Committee its recommendations in regard to the matters submitted. Any member in good standing may submit a matter to the Sub-Committee in writing. The privilege of speaking before the Sub-Committee shall be granted or refused by the Sub-Committee at its discretion.

Section 4. All sessions of the Department Executive Committee shall be open to every member of The American Legion, Department of Missouri, 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 appear before such Committee. The privilege of speaking before the Committee shall be granted or refused by the presiding officer of the Department Executive Committee at his discretion.

Section 5. 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 mail 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 such meeting.

Section 6. 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 7. Notwithstanding any provisions of the Constitution and By-Laws 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 American Legion, Department of Missouri; to be edited by the Department Adjutant or other person designated by him under the supervision and direction of the Department Publications Committee..

ARTICLE IX COMMISSIONS AND COMMITTEES

Section 1. Each activity of The American Legion Department of Missouri, Incorporated, authorized by the Department Convention or by the Department Executive Committee, 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. Those designated as Commissions to carry out the major activities of the department shall have six (6) or nine (9) members; with the exception of the membership Commission which will have eleven (11) members as outlined in Section 2 of this Article. 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. All terms on regular commissions or Committees, except as noted below in this Article IX, shall be for three (3) years, with the exception of the Membership Commission which will have the members stated in Section 2 of this article.

Section 2. 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 Chairman. 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 DEC, shall, by virtue of their office, serve as ex-officio members without vote on the commission. The Department membership 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. (a) Each year the Department Commander shall appoint the Chairmen of the Department Commissions and Committees. Except as noted below, these Chairmen will be appointed at the meeting of the Department Executive committee which follows the Annual convention Meeting.

(b) 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 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.

Section 4. Three members of the Department Baseball Commission shall be appointed each year at the

meeting of the Department Executive Committee on or before the first Sunday in November (See Article VIII, Section 1.) The Commission shall consist of nine (9) members, two from each of the four zones into which the Department is divided (Section 9) for the conduct of the program, and a Chairman. The chairman will be appointed annually at the Fall meeting and shall serve until the conclusion of the following annual baseball program.

Section 5. 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. (As set forth in Section 1, Article VIII).. 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 chairman. The Chairman 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 6. Members of said Commissions or Committees shall be subject to removal or discipline for cause in the same way as provided by Article XVI of The American Legion, Department of Missouri By-Laws for Discipline of the Officers and Members of the Executive Committee.

Section 7. In case of vacancy on any Commission, the Department Commander shall make an appointment thereto to fill the un-expired term.

Section 8. All appointments by the Department Commander shall be submitted for the advice and consent of the Department Executive Committee at its first meeting after each appointment is made. If the consent of the Department Executive Committee be not given to any appointment by the Department Commander, a vacancy shall be held to exist and if there be an incumbent, he shall continue in office until his successor is duly appointed and qualified

Section 9. Zones: The American Legion Department of Missouri, Incorporated, shall be divided into four (4) zones for the purpose of effectively operating various programs of the organization. The four (4) zones shall include the following territories: Zone One (1) - Districts One, Two, Eight, and Nine; Zone Two - (2) Districts Three, Four, Five and Seven; Zone Three (3) - Districts Six, Fifteen, Sixteen, and Seventeen and Zone Four (4) - Districts Ten, Eleven/Twelve, Thirteen, and Fourteen.

ARTICLE X DISTRICTS

Section 1. The American Legion Department of Missouri, Incorporated 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. 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. 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 his 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. If a vacancy should occur in the office of District Commander, the District shall fill such vacancy in such manner as the District may prescribe.
- Section 5. Any District may raise revenue by imposing a Per Capita Tax or such other methods as may be adopted not inconsistent with the National and Department By-Laws.
- Section 6. If any Post fails to fulfill any legal obligations imposed pursuant to the Constitution and By-Laws 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 XI POSTS

- Section 1. The American Legion Department of Missouri, Incorporated shall be composed of all American Legion Posts located within the boundaries of the State of Missouri.
- Section 2. All applications for Post Charters shall bear the signatures of a minimum number of Charter members as prescribed by the By-Laws, 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.
- Section 3. Post Charters shall be issued by the National Commander and National Adjutant and shall be countersigned by the Department Commander and Department Adjutant.
- Section 4. No Post shall be named after any living person. Each Post shall bear a name and number and 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.
- Section 5. Applications for Post Charters shall be received by the Department Executive Committee in accordance with the National Constitution and By-Laws of The American Legion.
- Section 6. There shall be 15 signatures of Charter members on all applications for Post Charters forwarded to the Department Headquarters.
- Section 7. 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 By-Laws of the Post. In addition to the duties of the Post Officers as prescribed by the National and Department Constitution and By-Laws, 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 8. 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 Annual Department Convention.

Section 9. 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 his district have not furnished such lists at that date 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 10. Each Post shall subscribe to the National and Department Constitution and By-Laws 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 11. Each Post shall adopt its own Constitution, By-Laws, Rules and Regulations, not inconsistent with the National and Department Constitutions and By-Laws, and shall provide a copy, and amendments, to the Department.

Section 12. 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.

Section 13. Any member of The American Legion Department of Missouri, Incorporated, in good standing in his Post, may transfer his membership to another Post upon complying with the membership requirements of the Post to which he desires to transfer, and for this purpose he shall be entitled to a certificate from his Post stating his membership and the duration thereof. The transfer shall be valid only when registered with the Department Adjutant.

Section 14. 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 XII AUXILIARY

Section 1. The American Legion Department of Missouri, Incorporated 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 by the Annual Conventions of this Department.

ARTICLE XIII OFFICERS AND EMPLOYEES

Section 1. The department convention shall elect a Department Commander, a Department Senior Vice Commander, 4 Department Zone Vice Commanders, a Judge Advocate, a Finance Officer, a Chaplain, a Historian and a Sergeant-at-Arms, who shall assume the duties of their respective

offices upon adjournment of such convention and who shall serve until their successor is elected, provided that the Judge Advocate and the Finance Officer shall be elected in even numbered years for a term of two (2) years and the Sergeant-at-arms and Historian shall be elected in odd-numbered years for a term of two (2) years. 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. The Department Convention, in even-numbered years, shall elect a National Executive Committeeman and an Alternate National Executive Committeeman for a term of two (2) years each. If a vacancy should occur in the office of National Executive Committeeman, the Alternate National Executive Committeeman shall serve as National Executive Committeeman for the remaining period of the un-expired term. If a vacancy occurs in the office of Alternate National Executive Committeeman, the vacancy shall be filled by an appointment by the Department Executive Committee.

Section 3. 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 XIV ELECTION, TERMS, POWERS, AND DUTIES OF OFFICERS

Section 1. All officers elected or appointed under the provisions of Article XIII, Sections 1 and 2, of the Constitution and By-Laws shall assume their respective duties immediately upon adjournment of the 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 himself in office, unless his prior term was to fill the unexpired term of a predecessor Department Commander. No other officer elected by the Department of Missouri, excluding the Finance Officer, shall be elected to more than two consecutive terms.

COMMANDER

Section 3. The Department Commander shall be the Executive head of The American Legion Department of Missouri, Incorporated with full power to enforce the provisions of the National and Department Constitutions and By-Laws and the will of the Department Convention and the Department Executive Committee. He 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. He shall represent the Department in its relations with the Federal, State, and other governmental bodies. He shall have the power to select any other Department, District or Post Officer to represent him at public ceremonies and meetings. He shall exercise general supervision of the Department.

VICE-COMMANDERS

Section 4. (a) 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 he may refer to them; they shall represent the Department Commander on all occasions to which they may be assigned by him; and they shall perform such other duties as may be assigned to them by the Department Commander.

(b) The four (4) Department Zone Vice Commanders shall serve without seniority. They shall be

elected by the Department Convention as follows: one Department Zone Vice Commander, (Zone 1) shall be elected by and from District 1, 2, 8, and 9, one Department Zone Vice Commander, (Zone 2), shall be elected by and from districts 3, 4, 5, and 7, one Department Zone Vice Commander (Zone 3) shall be elected by and from Districts 6, 15, 16, and 17, one Department Zone Vice Commander (Zone 4) shall be elected by and from districts 10, 11/12, 13 and 14 . None of the Department Zone Vice Commanders herein provided for may be elected from the same district for consecutive terms except when there is no candidate for the office of Zone Vice Commander from any of the other Districts within the Zone, a District may repeat.

ADJUTANT

Section 5. The Department Adjutant shall devote his efforts on a full time basis to the duties of his office for which he shall be paid an annual salary, payable in monthly or semi-monthly installments, in amounts to be fixed by the Department Executive Committee. He shall be Executive Director of the Department and the Executive Secretary and shall have supervision over all Department employees. He shall act as secretary of the Department Convention and of the meetings of the Department Executive Committee, but as such, shall have no vote. He shall keep a record of all Department Posts and their personnel; he shall receive from the Posts all National and Department dues and assessments and shall forthwith deposit all monies in a depository account in a bank of record; he shall draw vouchers on the funds of the Department in a manner and for the purposes authorized by the Department Executive Committee, which vouchers shall be itemized and approved by the Department Commander. He 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 his duties, he 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.

JUDGE ADVOCATE

Section 6. The Department Judge Advocate shall advise the Department Officers, the Department Executive Committee, and the Annual Department Convention on all legal matters, including the construction and interpretation of the Department Constitution and By-Laws, and resolutions and proceedings of the Department Convention and the Department Executive Committee.

FINANCE OFFICER

Section 7. The Department Finance Officer shall be the custodian of the funds of the Department. He shall transfer all funds in the name of "The American Legion Department of Missouri, Incorporated" to such bank or banks as may be selected by him and approved by 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 his 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 his office, he 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.

CHAPLAIN

Section 8. 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.

HISTORIAN

Section 9. The Department Historian shall collect and preserve a record of all historical matter which may be of interest to the Department and report same to the Annual Convention.

SERGEANT-AT-ARMS

Section 10. The Sergeant-at-Arms shall have charge of the ceremony of advancing and retiring the Colors at the Annual Department Convention. He 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. He 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.

AUDITS

Section 11. The accounts of the Department Adjutant and the Department Finance Officer shall be audited by an outside auditor and at such time as may be determined and directed by the Department Executive Committee.

COMPENSATION

Section 12.

(a) No officer or member of the Department except the Department Adjutant and the employees authorized by the Constitution and By-Laws shall receive any compensation. No expense incurred by any officer or member of the Department shall be paid, except in the discharge of his 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 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. The Department Commander shall appoint a Finance Commission, in the manner prescribed in the Constitution and By-Laws, and such 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 printed 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.

Section 3. The Finance Commission shall prepare and present a proposed budget to the Department Executive

Committee prior to the start of each fiscal year and the proposed budget, once it has been prepared and published in the Department newspaper, 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. No person shall be appointed to the Finance Commission who, at the time of his appointment is a member of the Department Executive Committee.

Section 4. All Department and Post Officials handling American Legion moneys shall be properly bonded in a manner approved by the Department Executive Committee. In case of delinquencies due Department Headquarters, action shall be taken at once by the proper officials to bring about a speedy and complete settlement. 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.

Section 5. 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.

Section 6. 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.

ARTICLE XVI DISCIPLINE

Section 1. The Department Executive Committee may, by a three-fourths vote of its membership, 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. All charges shall be made under oath and in writing, and the accused shall be accorded a full and fair trial 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. The Department Executive Committee, after notice and hearing, may suspend or revoke the charter of any Post for any of the following causes: (a) violation of the National or Department Constitution and By-Laws. (b) failure of a Post to adequately discipline its members after notice of any of the above violations.

Section 3. The Department Executive Committee may, as a disciplinary measure or pending action relative to final revocation, 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. 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 By-Laws.

Section 5. 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.

Section 6. Any Post, by a two-thirds vote of the Post Executive Committee; or, if the Post Constitution & By-laws 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 trial, and

he shall have the right of appeal by filing his reason 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 meeting and convention or other meeting of The American Legion Department of Missouri, Incorporated 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 or any amendments which may be added hereafter.

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 By-Laws 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 By-Laws 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

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

STANDING RULES CONVENTIONS

1. When a delegate desires to make a motion or address the convention, he shall rise, address the Chair as "Mr. Commander" and state his 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 chairmen of convention committees may speak as frequently as may be necessary in connection with reports of their committee, and in event of controversy the presiding officer shall not entertain any motion which will curtail further debate without affording the chairman 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 calls THE CHAIRMAN OR ACTING CHAIRMAN OF EACH DELEGATION SHALL POLL HIS DELEGATION ON THE FLOOR and shall announce the vote of his delegation.
8. The vote of the past Department Commanders shall be cast with the vote of their delegations.
9. Delegates will arrive at a vote in accordance with the Department Constitution and By-Laws.
10. Nominations for Department Officers shall be from the floor on a roll call, 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 American Legion Department of Missouri, Incorporated.
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 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 By-Laws.
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 By-Laws.
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, may have District endorsement, and require the signatures of the Post Commander and the adjutant showing approval by the Post.
2. Resolutions to be considered at the Annual 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 by 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 his/her District Commander and the approval of the presiding officer.
5. To be eligible for awards, etc., qualifying membership applications must arrive at Department Headquarters on or before December 31 of the year. 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 three persons, in order of their preference, who they suggest be appointed to fill the vacancy. Should the Department Commander after consideration choose not to appoint from this list, the Department Commander will meet with the Baseball Commission and further discuss the vacancy appointment."

