

CONSTITUTION OF THE AMERICAN LEGION
DEPARTMENT OF IDAHO, INC.

REVISED – 2024

PREAMBLE

The Department of Idaho Constitution Preamble shall be the same as that of the National Organization.

ARTICLE I – NAME

Section 1. The name of this organization shall be The American Legion Department of Idaho, Inc.

Section 2. The Headquarters of The American Legion Department of Idaho, Inc. shall be Boise, Idaho.

ARTICLE II – NATURE

Section 1. The American Legion Department of Idaho, Inc. is a civilian organization; membership therein does not affect or increase liability for military or police service. Rank does not exist in the American Legion; no member shall be addressed by his or her 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 – ORGANIZATION

Section 1. The American Legion Department of Idaho, Inc. shall be organized into Posts.

Section 2. The said Posts shall be organized into Districts, the boundaries of which shall be determined and fixed by the Department Executive Committee. Each District organization shall have advisory and supervisory powers over the Posts included within its District under a District Constitution and By-Laws to be prescribed by the District, subject to the approval of the Department Executive Committee.

Section 3. The said Districts shall be organized into Areas, the boundaries of which shall be determined and fixed by the Department Executive Committee. Each Area Department Vice Commander shall have advisory and supervisory powers over the Districts and Posts within their Area.

ARTICLE IV – ELIGIBILITY

Section 1. Any person shall be eligible for membership in The American Legion Department of Idaho, Inc. who meets the eligibility requirements as set forth in Article IV of the National Constitution of The American Legion.

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

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

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

ARTICLE V – DEPARTMENT CONVENTION

Section 1. The Legislative body of The American Legion Department of Idaho, Inc. shall be the Department Convention, to be held annually at a place to be fixed at the preceding Department Convention; and between conventions the legislative power shall be vested in the Department Executive Committee, provided, however, that said Department Executive Committee may not reverse, modify, or change the expressed will or action of the Department Convention.

Section 2. In the Department Convention each Post shall be entitled to one delegate and one additional delegate for each fifty members or fraction thereof, whose Department and National dues have been received by the Department's Finance Officer, at least fifteen days prior to the meeting of said Convention. Each Post shall be entitled to one alternate for each delegate. The delegates shall be chosen at the Post meeting not less than fifteen days before the Department Convention.

Section 3. Each Post is entitled to a number of votes equal to the number of delegates to which it is entitled and shall be represented at conventions by those delegates or official alternates in person. Consistent with this section no Post shall be permitted to grant, hold or exercise any proxy votes at any convention. An official alternate shall have all the privileges of a delegate in the absence of a delegate. The vote of any delegate absent and not represented by an alternate shall be cast by the majority of the delegates present from his or her Post.

Section 4. The last Past Department Commander shall have all the privileges as a delegate-at-large to the Department Convention, including the right to vote, and all other Past Department Commanders shall have only the privilege of the floor.

Section 5. A quorum shall exist at a Department Convention when there are represented twenty (20) percent of the total of all votes as defined in Section 3 of this article, to which all of the Posts of the Department are entitled.

Section 6. It shall be the responsibility of the host Post to supply and assume the financial obligations for routine operation of the Department Adjutant's convention activities. The host Post will provide facilities to include office or hotel space and essential equipment for efficient function of the Department Adjutant's responsibilities.

Section 7. The Post delegate names, and Post delegate fees shall be received in the Department Headquarters no later than fifteen (15) days prior to the Department Annual convention.

ARTICLE VI – OFFICERS

Section 1. The officers of the Department shall be as follows: Department Commander, three (3) Department Vice Commanders, a District Commander from each District, Adjutant/Finance Officer, Chaplain, Historian, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Judge Advocate, National Executive Committee Member, Service Officer, and Alternate National Executive Committee Member.

- a) All said officers, with the exception of the District Commanders, the Adjutant/Finance Officer, Service Officer, and the Judge Advocate, shall be elected at the Department Convention. The District Commanders shall be elected, one by each District not later than the 15 days prior to the Department Convention each year and said District Officers shall also be the Commanders of the respective District from which they are elected and are to be sworn into office the last day of the Department Convention, with the other Department Officers, and at that time assume District Commanders responsibilities. The Judge Advocate shall be appointed by the Department Commander and with the advice and consent of the Department Executive Committee.
- b) The Department Commander shall appoint the Adjutant/Finance Officer. All Department Officers shall hold office for a period of one year, or until such time as their successors are duly elected or appointed and qualified. The National Executive Committee Member and the Alternate National Executive Committee Member shall hold office for a period of two-years, or such time as their successors are duly elected and qualified.
- c) One Department Vice Commander's Area shall compose Districts 1 and 2 and be known as Area "A"; one Department Vice Commander's Area shall compose Districts 3, 4, 5, and 9, and shall be known as Area "B"; one Department Vice Commander's Area shall compose Districts 6, 7, and 8 and be known as Area "C".
- d) When a vacancy occurs in the office of Department Adjutant, the Department Commander shall activate a screening committee to select a candidate for the office. The committee shall be composed of the Department Commander, the Chairperson of the Finance Commission and the immediate last three available Past Department Commanders, and they shall submit their choice to the Department Executive Committee for action. A two-thirds (2/3rds) vote of the Department Executive Committee shall be required for approval of appointment.

- e) Each Department Vice Commander Area shall nominate its candidate or candidates for Department Vice Commander. The candidate's membership shall be from the Area they will be representing. Voting for Department Vice Commanders shall be on a Department-wide basis.

Section 2. The executive power shall be vested in the Department Commander acting with the advice and counsel of the Department Executive Committee. The Department Executive Committee shall be composed of the following officers: Department Commander, the Immediate Past Department Commander, three Department Vice Commanders, all District Commanders, National Executive Committee Member, Department Adjutant/Finance Officer, Judge Advocate and Finance Commission Chairperson. The Department Commander and Department Adjutant/Finance Officer shall be Chairperson and secretary respectively of the Department Executive Committee. Any vacancies occurring at the Department Executive Committee shall be filled by the said committee except vacancies of the office of the District Commanders, which shall be filled by the District in which the vacancies occurred.

Section 3. The Department Executive Committee shall meet at the place of the Department Convention within 24 hours after the final adjournment of the Department Convention and thereafter, at the call of the Department Commander, or a majority of its members. The Department Commander shall call a meeting upon the written request of three or more members of the Department Executive Committee.

Section 4A Department Service Officer may be appointed assistant to and under the direction of the Department Adjutant. The Service Officer may be appointed by the Department Executive Committee at their first meeting following the Department Convention.

Section 5. The Department Judge Advocate is appointed by the Commander, and works with the Department Commander and Department Adjutant, to review Post, District and Department Constitution and Bylaws, and advise on any other legal matters that may arise.

Section 6. Any elected or appointed Department Officer or Post Officer of The American Legion Department of Idaho, Inc. may be removed from office for inefficiency, conduct unbecoming an officer of The American Legion, or for failure to work for the best interest of The American Legion by the Department Executive Committee after a proper hearing and by two-thirds (2/3rds) of the members of the Department Executive Committee voting in favor of dismissal following the procedure set by the National Organization.

ARTICLE VII – NATIONAL CONVENTION

Section 1. The representation of The American Legion Department of Idaho, Inc. to the National Convention of The American Legion shall be vested in a Board of Delegates which shall consist of at least five members and one additional member for each one thousand members of said Department or major fraction thereof, whose current dues have been received by the National treasurer thirty (30) days prior to the meeting of said National Convention, further, that when the number of delegates to the said National convention is an even one, one-half thereof shall be elected from each of the Congressional Districts of the state of Idaho. If an odd number, the remainder will be elected by the Department of Idaho at large.

Section 2. The respective members of the Board of Delegates of the Idaho Department to the National convention shall be required to perform their duties as members of committees to which they are appointed to the satisfaction of the Chairperson of the Board of Delegates, and to be present at all sessions of the committee of which they are members unless excused for reasonable cause by the Chairperson of the Board of Delegates.

ARTICLE VIII – POST ORGANIZATION

Section 1. Those who desire to form a Post shall make an application for a charter to the Department Commander. The charter will be issued by the National Commander and the National Adjutant upon receipt of the application properly executed by the charter members of the projected Post, but only when such application is approved by the commander of the Department Executive Committee. Post charters shall be countersigned by the Commander and the Adjutant of the Department.

Section 2. The minimum membership to establish and maintain a Post shall be ten (10) members.

Section 3. Post charters may be canceled or revoked by the Department Executive Committee with the approval of the National Executive Committee. Post charters may be suspended, as provided in the By-Laws.

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

Section 5. No Post shall publish any resolution, memorial or statement, or circulate any bulletin or writing, regarding or pertaining to any action or procedure of any other Post.

Section 6. An up-to-date slate of Post Officers; Commander, Adjutant, Vice Commander, and Service Officer must be submitted to Department Headquarters fifteen (15) days prior to Department Convention for that Post to be eligible to vote at said Convention. Furthermore, all duly elected Post Commanders shall, upon their election, be automatically elected as a delegate to the Department Convention occurring during said commander's term of office.

Section 7. No Post shall have a Trustee or Corporation Board that dictates activities, operation, or any other financial liabilities to the Post. Such Boards are in violation of Resolution #37 of the National Organization. The Membership of the Post runs and is responsible for all operations of the Post.

ARTICLE IX – FINANCE

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

Section 2. The amount of the annual dues shall be determined by the Department Convention for the ensuing year and shall be payable beginning July 1st of each year. These dues will include Department and National dues.

ARTICLE X – CHANGE OF RESIDENCE

Section 1. Any member in good standing in a Post moving from his/her Post shall be entitled to verification from the member's Post stating membership and duration thereof.

ARTICLE XI – AUXILIARIES

Section 1. The American Legion Department of Idaho recognizes all Auxiliaries as currently recognized by the National Organization.

ARTICLE XII – DISCIPLINE

Section 1. Posts

- a) The Department Executive Committee after notice and hearing, if requested, may suspend, cancel or revoke the charter of a Post failing to meet the obligation imposed upon it by the Constitution and Bylaws for ceasing to function for six (6) months as an American Legion Post, or voluntarily ceasing to function as a Post or merging one or more Posts or refusing to pay the Department and National per capita dues or under such other conditions as might make such action necessary or fails adequately to discipline any of its members. The Department Commander or Department Adjutant may provide for the government or administration of such Post during suspension or upon revocation.
- b) Upon revocation, cancellation or suspension of a charter of a Post, said Post shall immediately cease operations and upon revocation or cancellation shall surrender its charter to the Department Commander or the Department Executive Committee. The Department Commander or Department Executive Committee is authorized, empowered and directed by and through its duly authorized agents to take possession, custody and control of all records, property and assets of said Post; provided, however, that nothing herein shall be construed as requiring the Department of Idaho to assume any financial responsibility as to such property. Said Department Commander or Department Executive Committee may provide for the transfer of the members of said Post to other Posts of their choice, subject to approval of such other Post and shall take all necessary and proper steps and proceedings to wind up and close the affairs of such Post.
- c) Should any Post, as a result of internal problems, fail to have a minimum complement of officers either by resignation, neglect or refusal to serve, for carrying on the Post's business, the Department Commander or the Department Adjutant shall be authorized to appoint, temporarily, the necessary officers for the purposes of operation and conduction the affairs of the Post until such time as officers may be

duly elected. The Department Commander, subject to the approval of Department Executive Committee shall have the power to remove for cause any officer from office; removal of any officer must be approved by a two-thirds vote of the members of the Department Executive Committee.

Section 2. Members

- a) Suspension or expulsion of members for cause shall be conducted in accordance with procedures set forth in the National Constitution, Bylaws and procedures.
- b) Any member who has been suspended or expelled has the right of appeal to the Department Executive Committee; the decision of the Department Executive Committee shall be final.

Section 3. Disposal of Property

- a) No Post shall dispose, mortgage, rent or lease real property without prior approval of the Department Executive Committee.
- b) Any individual that violates Article XII Section 3 para (a) shall be held liable for such expenses and/or losses.
- c) Daily rentals are authorized to provide income for the Post; however total control of the Post and/or property cannot transfer unless approved by the Department Executive Committee.

ARTICLE XIII – AMENDMENTS

Section 1. This constitution may be amended at any Department Convention by a vote of two-thirds of the total authorized representation thereat, provided that the proposed amendment shall have been submitted by the Department Adjutant to the Posts and members of the Department Executive Committee by mailing or by electronic means the same to them at least thirty days prior to the convening of the next Department Convention. The Constitution may also be amended by unanimous vote at any Department Convention without notice.

Section 2. Any Article or Section of the Constitution that is in conflict with the National Constitution shall be null and void, and the Department shall automatically change any article or section to conform to the National Constitution.

THE AMERICAN LEGION DEPARTMENT OF IDAHO, INC. BY-LAWS

Revised

ARTICLE I – NAME

Section 1. The name of the organization shall be The American Legion Department of Idaho, Inc.

ARTICLE II – DEPARTMENT EXECUTIVE COMMITTEE

Section 1. It shall be the duty of the Department Executive Committee to pass upon all matters relating to the administration of the affairs of the organization, to review, pass upon, accept or review, all audits or reports of the business or accounts of the Department Adjutant/Finance Officer and may, at any time during the term of office, call upon said Adjutant/Finance Officer for a report of accounts of business transacted in the execution of duties during the year.

Section 2. The Department Executive Committee shall authorize the hiring of such employees as may be necessary, shall authorize and approve all expenditures, except as otherwise herein provided; shall require bonds of all persons having custody of Department funds, and all contracts, agreements or obligations assumed by said Department Executive Committee must be approved by a majority vote.

Section 3. A majority of the members of the Department Executive Committee shall constitute a quorum.

Section 4. In addition to the revocation as provided in the constitution, charters may be canceled or suspended. The Department Executive Committee may order suspension of the charter for a period not to extend beyond the closing of the next succeeding Department Convention, as a disciplinary measure, or pending action relative to that revocation. The cancellation of a charter is a matter of business wholly in the jurisdiction of the Department Executive Committee for final action. A cancellation shall be in order where two or more Posts merge, where a Post voluntarily ceases to function, or under such conditions as might make such action necessary within the Department.

Section 5. Any Post failing to meet the obligations imposed upon it by the Constitution and By-Laws or ceasing to function for six months as an American Legion Post, or refusing to pay the per capita due to State and National, shall, upon order of the Department Commander, surrender its charter. Upon failure to surrender such charter, immediate steps may be taken for its revocation.

Section 6. American Legion Posts, suffering the revocation of their charters may appeal the decision of the Department Commander to the Department Executive Committee.

Section 7. Upon revocation, cancellation, or suspension, of the charter of a Post, said Post should immediately cease operations and turn over its charter to the Department Commander or the Department Executive Committee. The Department Executive Committee is authorized, empowered, and directed by and through its duly authorized agent to take possession, provided, however that nothing herein shall be construed as requiring the Department to take over or assume any financial responsibility as to such property. The Department Executive Committee may provide for the transfer of the members to another Post of their choice, subject to the approval of such other Post.

Section 8. A member may be suspended or expelled from the Legion only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, and conduct unbecoming a member of the American Legion. All Charges must be made under oath, in writing by the accusers and in such manner and form as the Department By-Laws and Department Executive Committee shall prescribe.

Section 9. Any member who has been suspended or expelled has the right to appeal to the Department Executive Committee or to the Department Convention. The decision shall be final.

Section 10. A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent. If dues are paid on or before February 1st, the member shall be automatically reinstated. If the member is still delinquent after February 1st, the member shall be suspended from all privileges. If the member is still under such suspension on June 30th of such year, membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which reinstatement occurs. The Post, at its option, may also require a member whose membership has been forfeited to pay one year's arrears in dues as a condition precedent to reinstatement.

Section 11. In transacting business, the Department may use mail, electronic mail, virtual meetings, or any other means to affect the operation of The American Legion Department of Idaho. Two weeks must transpire between disseminating the proposal to the members of the Department Executive Committee and counting the votes of the members unless the action of the Department Executive Committee is unanimous.

Section 12. The Department Executive Committee shall have supervision over all standing Department Committees, Commissions, Boards, and separate corporations operating within, through, in the name of, or as a part of The American Legion Department of Idaho, Inc. In case any act, program or proposed program of any such committee, commission, board or separate corporation shall be disapproved by the Department Executive Committee, no Department Funds, or other funds held by such committee, commission, board or separate corporation may thereafter be disbursed by the Department Adjutant or by any officer of any committee, commission, board, or separate corporation in furtherance of such disapproved act, program, or proposed program without an approval by two-thirds majority vote of the Department Executive Committee.

Section 13. It is expressly provided that within the Department Committee organization that the Department Executive Committee shall have the power, upon a two-thirds vote thereof, to reject the nomination or appointment of any member of any Department appointive standing committee and shall have equal power by the same majority vote to remove any member of any Department appointive standing committee. A motion for removal of any such Department appointive standing committee member may be made by any member of the Department Executive Committee or by any duly elected committee member at any Department committee meeting or by any duly elected Department Officer at any Department Executive Committee meeting by email, virtual meeting platforms or any other way deemed necessary as permitted under Section 11 of this article.

ARTICLE III – OFFICER POWERS AND DUTIES

Section 1. The Department Commander shall preside at all Department Conventions and all meetings of the Department Executive Committee and shall be an ex-officio member of all Department commissions, boards, committees, and other subsidiary organizations. The Department Commander shall exercise the executive authority in the administration of the affairs of the organization committee. The Department Commander shall issue all necessary travel orders directing the Department Officers to proceed to any destination upon official business and approve the necessary expenses. Such orders shall bear the signature of the Department Commander.

The Department Commander shall prepare and present to each Department Convention a completed typewritten report of the business and transactions during the term of office. Said report shall contain such suggestions and recommendations relative to matters or things of interest to the Legion as the Department Commander may see fit to incorporate therein.

Section 2. The Department Vice Commander, from the Area in which the Department Commander resides, in the absence of the Department Commander shall perform duties of the office of Department Commander, and in the absence of the said Department Vice Commander, one of the other Department Vice Commanders shall be chosen by the Department Executive Committee to perform such duties.

Section 3. The Department Adjutant/Finance Officer shall be charged with administration of the policies and mandates of the Department Convention, Department Executive Committee and Department Commander. The Department Adjutant/Finance Officer shall keep a record of all meetings of the Department Convention and the Department Executive Committee and prepare the same for permanent record.

- a) The Department Adjutant/Finance Officer shall keep a record of all receipts and expenditures made and shall further keep all records in readiness for auditing of this account by the Department Executive Committee, at all times.
- b) Prior to assuming the duties as such officer, the Department Adjutant/Finance officer shall first execute and deliver to the Department Executive Committee for their approval and acceptance a surety bond in the penal sum of not less than **twenty-five** thousand dollars (**\$25,000**) payable to The American Legion Department of Idaho, Inc., for the faithful performance of duties as such officer premium on said bond to be paid out of the Treasury of the Department.

- c) Should the Department Adjutant/Finance Officer become incapacitated or unavailable, the Department Commander shall appoint the two (2) Finance Commission members from AREA "B" to sign on the accounts, which they shall be responsible for. A surety bond shall be provided in the penal sum of not less than **twenty-five** thousand dollars **(\$25,000)**, payable to The American Legion Department of Idaho, Inc., for the faithful performance of duties as such officers, with premium of said bond to be paid out of the Treasury of the Department.
- d) The Department Adjutant/Finance Officer shall prepare and present to each Department Convention a complete typewritten report of the business and transactions office during the term of office. Said report shall contain suggestions and recommendations relative to matters of things of interest to the Legion as The Department Adjutant/Finance Officer may see fit to incorporate therein.
- e) The Department Adjutant/Finance Officer shall prepare and maintain a file of all Department of Idaho Financial Accounts, including checking, Certificates of Deposits, and Savings Accounts. The file will list Account Numbers and Signatory on each Account.
- f) The Department Adjutant/Finance Officer will prepare and maintain a file for current Surety Bonds and Insurance Policies required to support Department of Idaho Programs and Operations.
- g) The Department of Idaho Finance Commission shall meet prior to Department of Idaho Convention and Mid-Winter Conference to review Financial Institution records of all Department of Idaho financial Accounts using Financial Institutions reports for each account. The Finance Commission will confirm finances agree with the required Financial Report presented to the Department of Idaho Convention and Mid-Winter Conference. A minimum of three (3) Finance Commission Members are required for the financial records review.

Section 4. The duties of the Department Historian shall be to keep a complete history of The American Legion Department of Idaho, Inc., from its inception of such. The Department Historian shall make an annual report to the Department Convention, of such organization's progress during the preceding year.

Section 5. The duties of the Department Service Officer shall be to act as liaison between American Legion members and the VA Regional Office. The Department Service Officer may submit and develop claims on behalf of American Legion members. The Department Service Officer will report regularly to the Department Executive Committee and the Convention as to the activities of the State Division of Veterans Services, resolution, and residual results of veterans' claims.

Section 6. The duties of the Department Sergeant-at-Arms and Assistant Sergeant-at-Arms shall be to preserve order at meetings and shall perform such other duties as may be assigned by the Department Commander and Department Executive Committee.

Section 7. The duties of the Department Chaplain shall be such as are usual in all matters consistent with the office of the Department Chaplain.

Section 8. The District Commander shall preside at all District Meetings of their District. The District Commander shall visit all posts within the District and shall be available upon timely notice to assist any post within the District. The District Commander shall submit to the Department Finance Committee a report of visits and miles traveled at the Department Executive Committee meeting prior to the Department Convention.

ARTICLE IV – DEPARTMENT COMMITTEE ORGANIZATION

Section 1. There shall be elected by the Department Convention a Finance Commission.

Section 2. The Finance Commission shall consist of six (6) members, two of whom shall serve for one (1) year, two for two (2) years, and two for three (3) years; and their successors shall be elected for a full term of three years. Not more than two members of this Commission may serve at one time from each Department Vice Commander's Area. Each year immediately after the installation of the Department of Idaho officers at the Department Convention, the Finance Commission shall meet for the purpose of electing a Chairperson and secretary for a term of one year. Members of this Commission may not hold offices as District Commanders or Department officers simultaneously, unless in an ex-officio capacity.

- a) The Finance Commission shall have the books and records of the Department reviewed at least once a year, make a report of such review and financial report to the convention and to report to the Mid-Winter Conference, Department, all committees, boards, commissions, and/or separate corporations of the Department.
- b) Provided, however, that nothing in this section shall deny to the Department Convention the prerogative of setting up the individual budget for officers, committees, activities, administration, and employees of the Department subject to the approval by two-thirds majority vote following regular presentation and motion.

Section 3. No funds can be expended by the Department Adjutant, other officers, committees, or commissions in excess of the total budget approved by the convention. In case of emergency conditions, approval for expenditures in excess of budgeted amounts can be permitted only with the two-thirds approval of the Department Executive Committee. Transfer of funds between budget items may be made with approval of the Department Commander and Department Vice Commanders and the Committee Chairperson whose funds are involved. At the expiration of the fiscal year, any funds set up in the budget which have not been entirely exhausted shall revert to and become a part of the general funds of The Department, except the Rehabilitation, Children and Youth, Americanism, Emergency Relief Funds, Scholarship Funds, and Department Building funds shall be excepted from the operation force and effect of this provision.

Section 4. There shall be appointed by the Department Commander within thirty (30) days after the Department Convention, a VA & R Commission, a Commission on Children and Youth, an Americanism Commission, a Scholarship Commission, the Commission of The American Legion Trust Fund and the Building Commission.

Section 5. VA& R Commission. The VA & R Commission shall consist of three members, one of whom shall serve for a period of three years, one for two years, and one for one

year; and their successors shall be appointed for a full term of three years. The VA & R Commission shall be charged with the supervision of all Department VA & R activities and with the management of the VA & R fund and the distribution and expenditure of all monies placed under its control.

Section 6. The Commission of Children & Youth shall consist of three members, one of whom shall serve for a period of three years, one for two years, and one for one year; and their successors shall be appointed for a full term of three years. The Children & Youth Commission shall be charged with the supervision of all Department Children & Youth activities and with the management of the Children & Youth fund and the distribution and expenditure of all monies placed under its control.

Section 7. The Americanism Commission shall consist of three members, one of whom shall serve for a period of three years; one for two years, and one for one year; and their successors shall be appointed for a full term of three years. The Americanism Commission shall be charged with the supervision of all Department Americanism Commission activities and with the management of Americanism funds and the distribution and expenditure of all monies placed under its control.

Section 8. The Scholarship Commission shall consist of three members of whom shall serve for a period of three years; one for two years and one for one year; and their successors shall be appointed for a full term of three years. The Scholarship Commission shall be charged with the supervision of all Department Scholarship activities and with the management of scholarship funds and the distribution and expenditure of all monies placed under its control, provided that only interest from the fund may be spent.

Section 9. The Commission of The American Legion Trust Fund shall consist of seven (7) members as follows: the Department Commander, the Department Adjutant, the Rehabilitation Commission Chairperson, the Finance Commission Chairperson and three (3) members, one of whom shall serve for a period of three (3) years, one for two (2) years and one for one (1) year, and their successors shall be appointed for a full term of three (3) years.

The American Legion Trust Fund Commission shall be charged with the supervision and distribution of all monies placed under its control, provided that only interest monies earned by the Trust Fund may be expended.

Section 10. The Department Building Commission shall be comprised of the Department Adjutant, the Chairperson of the Department Finance Commission, and three (3) individual members appointed by the Commander with the advice and consent of the Department Executive Committee, each to serve for a term of three (3) years.

Section 11. The Department Adjutant, in addition to the appointed members of the Rehabilitation Commission, The Commission on Children and Youth, and the Americanism Commission, shall be an ex-officio member of each said commission.

Section 12. Committees. The Commander shall appoint such standing or special committees as may be deemed desirable.

Section 13. All tenders of trophies shall be referred to the trophies and awards committee, and it shall be the duty of the committee to recommend the acceptance or the rejection of such tender, stating their reason therefore, to the Department Executive Committee. The committee shall be in direct charge of all contests for trophies and shall decide all disputes relative to same. The committee shall also recommend subject to the approval of the Department Executive Committee such special rules or conditions of awards as may be necessary in connection with trophies accepted by the Department Executive Committee between Department Conventions.

Section 14. As a prerequisite for appointment to serve on or have membership on any Department Commission, board, or committee, it shall be required that the members thereof shall be members in good standing in The American Legion Department of Idaho, Inc.

ARTICLE V – ELECTIONS

Section 1. The annual election of officers shall be the first order of business on the last business day of the Department Convention; except the election of District Commanders, however, on those years when the Department of Idaho is permitted to choose a Candidate for National Vice Commander; that he or she shall be chosen by an election at the Department Convention and that all Rules and Procedures of a Department election of the National Vice Commander shall be (on that year only) the first order of business on the last business day of the Department Convention and that the annual election of officers (on that year only) shall be second order of business on the last business day of the Department Convention.

Section 2. Nomination and election of the elective officers, including the delegates to the National Convention, shall be held separately, as provided herein, in the order in which they appear in ARTICLE VI, Section 1 of the Constitution, except the District Commanders, which shall be elected as provided for in said ARTICLE VI, Section 1, of the Constitution. The election of officers shall be followed by the nomination and voting on the place of holding the next Department Convention. The Department Commander may limit nominating speeches.

Section 3. No Post shall be permitted to grant, hold, vote, or exercise any proxy vote at any Department Convention.

Section 4. The Department Commander shall appoint such election clerks and other assistants as he deems sufficient to properly conduct the elections.

Section 5. The polls shall remain open until all delegates present and tendering their ballots, shall have voted. After which the Department Commander shall have asked if all present have voted, and it appears that there are no others desiring to vote, he shall declare the ballot closed.

Section 6. The clerks of the election shall immediately proceed to count and record the votes and while this is being done the convention may proceed with other business. As soon as the count has been completed, the clerks shall report to the Department Commander the results of the election and the same shall be announced to the convention. The candidates for each office and the place for holding the next convention, receiving the majority of the votes shall be declared elected. When there are more than two candidates for an office and none receive a majority of the votes after the taking of the first ballot, then the candidate receiving the lowest number of votes on the first ballot will be withdrawn and the election continues with the candidate receiving the lowest number of votes being withdrawn until only two candidates remain or one receives a majority.

Section 7. If at any time of nomination there should be, but one name proposed for any office, the Department Commander may direct the Department Adjutant to cast the unanimous vote of the convention for such candidate.

Section 8. The installation of officers shall be the last order of business of the last day of the convention.

Section 9. If there is a circumstance where one member holds two seats on the Department Executive Committee, that member will only be allowed to exercise one vote at the Department Executive Committee meeting.

Section 10. All questions affecting the election, eligibility and conduct of the National Executive Committee Member and the Alternate National Executive Committee Member or of the Department Officers, or members of the Department Executive Committee, shall be referred to and determined by the Department Executive Committee, which shall be the final authority thereon.

ARTICLE VI – LIMITATION LIABILITIES

Section 1. This Department shall incur or cause to be incurred, no liability or obligation whatever, which shall subject to liability any other Department, subdivision, group of members of The American Legion, or other individuals, corporations, or organizations.

ARTICLE VII – RULES

Section 1. The rules set forth in this Constitution and its By-Laws shall take precedence at any function of The American Legion Department of Idaho, Inc.

Section 2. The National Organization of The American Legion Constitution and By-Laws or Roberts Rule of Order shall prevail in any business not covered herein.

Section 3. The convention rules of the Department of Idaho cannot be in conflict with the Department Constitution and By-Laws.

Section 4. Voting, meetings and other such business may be conducted by electronic means except for business and voting conducted at the Department Convention.

ARTICLE VIII – AMENDMENTS

Section 1. These By-Laws, may be amended at any Department Convention by a vote of two-thirds of the Delegates, provided the proposed amendments shall have been submitted by the Department Adjutant to the Posts and members of the Department Executive Committee by mailing same to them at least thirty days prior to the convening of the next Department Convention, and provided further, it may be amended by unanimous vote at any Department Convention without notice.

Section 2. Any Article or Section of these By-Laws that is in conflict with the National Constitution or By-Laws shall be null and void, and the Department shall automatically change any Article or Section to conform to the National Constitution and By-Laws and Uniform codes of procedure.

Approved At:

Signatures:


Department Adjutant


Department Commander


Department Judge Advocate