THE AMERICAN LEGION
DEPARTMENT OF IDAHO

2026
CONSTITUTION AND BYLAWS

The Mission of The American Legion, Department of Idaho is to provide service to veterans, their families, and their communities.

Approve by:

Deanna K. Sasse
Department Commander

Voted + approved:
10 July 2026
Date

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Voted + approved on:
10 July 2026
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"The American Legion, Still Serving America"

CONSTITUTION OF THE AMERICAN LEGION DEPARTMENT OF IDAHO

PREAMBLE

The Department of Idaho Constitution Preamble shall be identical to 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 located in Boise, Idaho.

ARTICLE II

Nature

SECTION 1. The American Legion is a civilian organization - membership therein does not affect or increase liability for military or police service. Rank does not exist in the Legion: no member shall be addressed by their military 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, is a constituent part of and subordinate to The American Legion, a Federal Corporation organized by Act of Congress. The Department organization shall consist of the following:

SECTION 2. **Department**

(a) The Officers of the Department shall be as follows:
One Department Commander
One Immediate Past Department Commander
Three Department Vice Commanders: Area A, Area B, and Area C
All District Commanders
One Department National Executive Committee Person
One Department Alternate National Executive Committee Person
One Finance Commission Chair
One Department Adjutant/Finance Officer
One Department Service Officer
One Department Judge Advocate
One Department Chaplain
One Department Training Officer
One Department Historian
One Department Sergeant-at-Arms
One Department Assistant Sergeant-at-Arms
and such other officers as the Department Convention shall determine

(b) The Department officers shall be elected by the delegates present at the Department Convention, except for the Adjutant, Judge Advocate, and Service Officer, who shall be appointed by the Department Commander and approved by the DEC. The election shall be conducted with the Post's delegate chairperson announcing the Post's vote. The election of Department officers may be conducted by a standing vote: when the authorized delegates in favor of the motion stand and are counted; or by secret ballot: when delegates are permitted to vote anonymously, such as writing down their vote, which is then collected with all other votes to be read aloud without identification to posts. Electronic voting is permitted in accordance with this Constitution and By-Laws. The Department officers shall be elected by a majority vote. The manner and form of such election shall be as outlined in the By-Laws of The American Legion, Department of Idaho. The term of each officer shall begin immediately after the adjournment of the Department Convention and shall end upon the adjournment of the next Department Convention.

(c) All Department officers must be bondable, which includes passing an FBI background check to qualify for their respective offices. If an officer cannot be bonded, the Department Judge Advocate shall meet with that individual to assess their qualifications for office. The Department Judge Advocate shall review a DD-214 for all officers of the Department and keep these records on file at the Department of Idaho Headquarters in a secure location for the duration of their term.

(d) All other Department Officers not otherwise provided for shall be appointed by the Department Commander, subject to the approval of the Department Executive Committee. They shall hold office for one (1) year or until their successors are installed.

(e) When a vacancy occurs in the office of Department Adjutant, the Department Commander shall form a screening committee to select a candidate for the position. The committee shall include the Department Commander, the Chairperson of the Finance Commission, the Judge Advocate, and the last three available Department Commanders. They shall submit their recommendations to the Department Executive Committee for approval. A two-thirds (2/3) majority vote of the Department Executive Committee shall be required for the appointment to be approved.

(f) Any elected or appointed officer of the Department, District, or Post of the American Legion Department of Idaho, Inc., may be removed from office by the Department Executive Committee for inefficiency, conduct unbecoming of an officer of The American Legion, or for failure to serve the best interests of The American Legion. Dismissal will occur after a proper hearing, and a two-thirds (2/3) majority vote of the Department Executive Committee shall be required for dismissal. Refer to the Procedure Governing Discipline of Members that conform with Article XI of the Bylaws of The American Legion.

(g) All employees and officers who handle the Department of Idaho funds shall be bonded.

SECTION 3. **Department Executive Committee**

(a) The Department Executive Committee (DEC) shall consist of the following: Officers who are elected shall be voting members. Officers appointed by the Department Commander shall be non-voting members.

(b) Department Executive Committee will be structured as follows:

Department Commander
The immediate Past Department Commander
The three (3) Department Area Vice-Commanders
The District Commander from each District
The Department National Executive Committee (NEC) and
The Alternate NEC (see (c))
Finance Commission Chair
Department Service Officer (Non-Voting)
Department Adjutant/Finance Officer (Non-Voting)
Department Judge Advocate (Non-Voting)

Department Chaplain
Department Training Officer
Department Historian
Department Sergeant-at-Arms
Department Assistant Sergeant-at-Arms (see (d))

(c) The National Executive Committee Member (NEC). If the NEC cannot attend the National or Department conventions or meetings, the Alternate National Executive Committee Member shall attend with voting rights.

(d) The Sergeant-at-Arms (SAA). If the SAA is unable to attend the Department conventions or meetings, the Assistant Sergeant-at-Arms shall attend with voting privileges.

(e) Department employees serving as Department Officers shall be non-voting members of the Executive Committee.

(f) The Chair of the Department Finance Commission shall work directly with the Department Adjutant/Finance Officer to review a monthly Profit & Loss Report and other financial documents. They will also be responsible for coordinating an annual review by an external accounting firm, which will occur concurrently with the filing of the annual taxes and must be approved by the DEC.

(g) The annual review conducted by an outside source will be evaluated by the Finance Commission and the Department Adjutant, then presented to the Department Executive Committee for approval at the Department Convention. Additionally, the annual budget will be finalized and presented to the Department Executive Committee for approval during the Department Convention. The Finance Commission will perform an internal review of all funds and report at the Midwinter Conference.

SECTION 4. **Areas**

(a) The Department shall be divided into three (3) Areas, with each area composed as follows:

Area A – District 1 and District 2

Area B - District 3, District 4, District 5, and District 9

Area C – District 6, District 7, District 8

(b) An Area Vice Commander shall be elected at the Convention for each Area to support the Districts within their jurisdiction and serve as the representative of

their Districts for the Department.

(c) Each Department Area shall nominate its candidate or candidates for Department Vice-Commander. The candidate's membership must be from the area they will represent. Voting for Department Vice-Commanders shall be conducted on a department-wide basis at the convention.

SECTION 5. **Districts**

(a) The Department shall be divided into nine (9) Districts, the areas of which shall be composed as follows:

(1) District 1 - Coeur d'Alene Tribe (5), Coeur d'Alene (14), Sandpoint (15), Saint Maries (25), Kellogg (36), Bonners Ferry (55), Plummer (69), Post Falls (143), Priest River (147), Athol (149), Rathdrum (154), Oldtown (155)

(2) District 2 - Moscow (6), Nezperce (8), Lewiston (13), Grangeville (37), Craigmont (38), Cottonwood (40), Orofino (53), Genesee (58), Kamiah (75), Potlatch (81), Whitebird (152), Elk City (153), Riggins (130), Prison Post (203)

(3) District 3 - Boise (2), Nampa (18), Homedale (32), Caldwell (35), Star/Middleton (39), Parma (48), Meridian (113), Melba (126), Eagle (127), Marsing (128), Boise (136), Kuna (142), Boise (151), Prison Post (201)

(4) District 4 - Richfield (1), Shoshone (11), Fairfield (19), Hailey (24), Mountain Home (26), Gooding (30), Hagerman (31), Wendell (41), Jerome (46), Glenns Ferry (57), Bruneau (83), Mountain Home (101), Ketchum (115)

(5) District 5 - Twin Falls (7), Rupert (10), Burley (17), Buhl (43), Filer (47), Kimberly (76), Paul (77), Eden (82), Albion (124), Declo (144)

(6) District 6 - American Falls (3), Pocatello (4), Downey (21), Blackfoot (23), Grace (50), Aberdeen (59), Soda Springs (62), Malad City (65), Paris (84), Lava Hot Springs (88)

(7) District 7 - Rigby (20), St. Anthony (22), Idaho Falls (56), Ashton (89), Shelley (93), Driggs (95), Swan Valley (97)

(8) District 8 - Mackay (16), Salmon (67), Challis (109)

(9) District 9 - Midvale (9), Placerville (12), Payette (33), Weiser (42), Emmett (49), Cascade (60), Council (72), New Plymouth (107), McCall (119), Horseshoe Bend (137)

(b) This District list will be updated annually.

(c) There are two Prison Posts (201 and 203) within the Department of Idaho. Each Prison Post has a designated liaison between their Districts and the Department Adjutant. For further reference, see The Prison Post Standard Operating Procedure.

(d) The composition of the District Executive Committee should be as follows:
District Commander
District Vice-Commanders as needed
Finance Committee Officer
District Service Officer/Resource Officer
District Adjutant
District Chaplain
District Historian
District Training Officer
District Judge Advocate
District Sergeant-at-Arms
Post Commanders

(e) Each District shall have a District organization, composed of delegates from each Post within the District. Alternates for each delegate may also be elected by each Post to serve in the absence or disability of a delegate. Membership in such a District organization shall be mandatory for all Posts within the District.

(f) Each District shall adopt a written Constitution and Bylaws to govern its operation and functioning. These shall be approved by the Department Judge Advocate and adopted by the Department Executive Committee. A copy shall be filed with the Department Adjutant.

(g) Each District shall elect one District Commander and may select or appoint one or more District Vice-Commanders from among the active Legionnaires of that District. The term of office for District Commanders shall begin immediately after the Department Convention adjourns, once they are sworn in on the last day of the Department Convention, and shall conclude at the adjournment of the next Department Convention. Their election or appointment shall be subject to ratification by the Department Convention. The District Constitution may provide for the election or appointment of additional District officers, except that the District Adjutant shall be appointed by and serve at the discretion of the District Commander.

(h) The District Commander, District Vice Commanders, and other elective District Officers as outlined in the District Constitution shall be elected at a District Spring meeting. The District Commander shall notify each Post Commander within the

District through Department Headquarters by approved correspondence at least thirty (30) days before the election meeting. Each member in good standing, certified by the Sergeant at Arms, can vote.

(i) The District organization shall hold at least two meetings per year, which shall take the place of, and be known as, the District Spring Convention and the District Fall Conference. Elections shall be held at the District Spring Convention. The District organization shall hold any additional meetings as required by its Constitution and Bylaws.

(j) The District Commander, or the District Vice Commander designated by the Commander, shall preside over all meetings of the District organization. The responsibilities of the District Commander and District Vice-Commanders shall be as outlined in the Department Constitution and Bylaws, and further detailed in the District Constitution and Bylaws. The duties of other District officers and committees shall be as specified in the District Constitution and Bylaws.

(k) The District shall have the power to levy and collect such per capita and assessments from the Posts within the District as outlined by its Constitution and Bylaws.

(l) Each District shall have an Employer Identification Number (EIN), which is also known as a federal tax identification number and is used to identify a business entity. If applicable, the district shall file and pay any state taxes due.

(m) There shall be a District Executive Committee of which the District Commander shall be the chair and presiding officer. Such District Executive Committee shall be composed of and shall have such powers as shall be defined by the District Bylaws.

SECTION 6. **Posts**

(a) The Officers of the Post should be as follows:

Post Commander
One or more Post Vice-Commanders
Post Adjutant
Post Service Officer/Resource Officer
Post Finance Officer
Post Judge Advocate
Post Historian
Post Chaplain
Post Sergeant-at-Arms
Post Training Officer

Other officers, as the Post shall authorize.

(b) The local unit of the Department shall be the Post, with a minimum membership requirement to be determined by the Department Executive Committee. Those wishing to establish a Post shall, in accordance with this Constitution and Bylaws, submit an application for a charter to the Department Adjutant. Once approved by the Department Commander or the Department Executive Committee, the application shall be forwarded to the National Adjutant in accordance with the National Constitution.

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

(d) Each Post shall have an Employer Identification Number (EIN), also known as a federal tax identification number, which is used to identify a business entity.

(e) Each Post shall be incorporated by the State of Idaho, Secretary of State. Such actions help protect their individual members from liability and generally make holding real estate much easier. The incorporation of a post is a straightforward process, and the cost is minimal. The department can assist the Post in its desire to incorporate by offering guidance on preparing the necessary application. Typically, a post incorporates after it receives its permanent charter and its EIN.

(f) The Posts within the Department of Idaho shall be designated as 501(c)(19) organizations.

(g) Each Post within The American Legion, Department of Idaho, shall adopt a Constitution and Bylaws, subject to the review and approval of the Department Judge Advocate and the Department Executive Committee. Each Post shall have on file the current Constitution and Bylaws at the Department of Idaho Headquarters and with its District Commander.

(h) All Posts should review the Constitution and Bylaws every three (3) years. After review, the Post will inform the Department Adjutant that the Constitution and Bylaws have been reviewed and approved by the Department Judge Advocate, and will keep a copy on file in the Department.

(i) All Post Constitutions shall include Rules of Procedure Governing the Discipline of Members that conform to Article XI of the Bylaws of The American Legion, Department of Idaho. All Post Constitutions shall include the following provisions:

No real estate owned by this Post will be sold, disposed of, or have its title encumbered without prior approval from the Department. Once the Department approves, a majority vote of the members present at a regular

Post meeting will be required, after written notice has been given to members at least thirty (30) days before the meeting where a vote to sell, dispose of, or encumber the real estate will take place.

ARTICLE IV

Eligibility And Membership

SECTION 1. Eligibility Dates and Discharge shall be identical to those of the National Organization.

(a) Military Discharge Documents are numerous. The best way to ensure the applicant is acceptable for membership in The American Legion is to review the qualifying documents: Statement of Service DD-13(Before 1950); Certificate of Release or Discharge from Active-duty DD-214; Discharge Certificate DD-217; Honorable Discharge Certificate DD-256 (service designation) A is for Army, etc.... If further clarification is needed, contact the Department Judge Advocate.

(b) The National Guard's equivalent of DD Form 214 is the NGB Form 22, which is the Report of Separation and Record of Service.

(c) An active-duty military ID, or a retired military ID card, can also be used to show membership qualifications.

SECTION 2. One Class of Membership: There shall be only one type of membership: active membership. Dues shall be paid annually, paid-up-for-life (PUFL), or when the National Organization oversees a special continuous year's program for renewal.

SECTION 3. Membership in Only One Post: No person may be a member at any time of more than one Post.

SECTION 4. Rights of expelled member: No individual expelled from The American Legion, Department of Idaho, by a Post, and whose expulsion is reported by the Department to National Headquarters within 30 days of receiving the report, shall be admitted to membership in another Post without the consent of the expelling Post. However, if such consent has been requested and denied, the individual may appeal to the Department Executive Committee for permission to apply for membership in another Post and will remain ineligible for membership until such permission is granted.

SECTION 5. Admitting an Expelled Member: No individual who has been expelled by a Post shall be allowed to join another Post without the approval of the expelling Post. If such approval is denied, the individual may appeal to the Department's Executive Committee of the expelling Post for permission to join another Post and shall remain ineligible for membership until that permission is granted.

SECTION 6. Post Sole Judge of Membership: Each Post shall be the judge of its own membership, subject only to the restrictions of the National and Department Constitution and By-Laws.

SECTION 7. Transfers: Any member in good standing, including members of Post 85, who move or transfer to another Post, shall do so using the American Legion Member Data Form, completed by the new Post, without paying additional dues. The new Post shall determine its own membership eligibility in accordance with Article IV, Section 1, of the Department of Idaho Constitution and Bylaws. No member may transfer to another Post after an Affidavit of Charges has been filed with the Post Adjutant initiating a disciplinary proceeding. Dues already paid shall stay with the original Post, and the transfer shall be considered complete upon issuance of a new membership card.

SECTION 8. Members Found to be Ineligible: If a Post determines one of its members is not eligible for membership, the Post shall notify the Department Adjutant at once in writing so that his name can be forwarded to the National Headquarters for removal from the membership rolls. It shall be presumed that a member who will not furnish proof of eligibility within ninety (90) days of a written request, certified mail, return receipt requested, is not eligible for membership in The American Legion.

SECTION 9. Acceptance of Dues:

(a) Delinquent: A member whose dues for the current year have not been paid by January 1st shall be considered delinquent. If his dues are paid on or before February 1st, he shall be automatically reinstated. If a member pays his dues after February 1st, the Post shall vote to accept the dues.

(b) Suspension and Forfeiture: If he is still delinquent after February 1st, he shall be suspended from all privileges. He shall have no right to serve as an officer, be elected to office, or vote. If he is still under such suspension on June 30th of such year, his membership in THE AMERICAN LEGION shall be forfeited.

(c) Reinstatement: A member who is suspended or whose membership has been forfeited may be reinstated to active membership in good standing by a majority vote of the Post and by paying the current dues for the year of reinstatement. However, the Posts, Department, or the National Organization may waive these requirements upon payment of dues for the year of reinstatement, especially for former members who have been unable to pay dues due to active military service.

(d) Establishing Dues: Each local Post may charge a membership fee. Annual dues for Department purposes shall be determined at each Department Convention for the upcoming year. If the Convention does not act, the previous year's dues and charges shall remain in effect. The Department Executive Committee shall set the dues for the following year at the Midwinter Conference. Each Post shall decide the amount

of its local dues.

SECTION 10. National Dues: The annual national dues, as determined by the National Convention, shall be paid by 1. Collected by the Post and paid through the Department to the National Treasurer, 2. Paid by the member to the National Treasurer using the mylegion.org pay dues online module, 3. Collected by the Posts and paid to the National Treasurer using the mylegion.org Process Membership module.

SECTION 11. Member in Good Standing: A member in good standing in the Department of Idaho is one whose Post has remitted their membership card, department, and National dues.

SECTION 12. Voting on New Members: All applications for membership and transfers in a Post shall be considered at the next Post General Membership Meeting following the submission of such application or transfer. During that meeting, they shall be accepted, rejected, or referred for further investigation and review. If a majority of the members present at the meeting vote against acceptance, then the application shall be recorded as rejected.

SECTION 13. Notice of Expelled Members: The Department Adjutant shall send written notice to all Posts within the Department of Idaho and to the National Headquarters regarding any members expelled by Posts within the Department.

SECTION 14. Certificate of Good Standing: Any member in good standing in a Post who is moving out of the State of Idaho is entitled, upon request, to receive a certificate from their Post indicating the inclusive dates of their membership.

SECTION 15. Eligibility to Hold Office:

(a) Dues Paid: Any member in good standing who is current on dues of a Post in the Department of Idaho may be elected or appointed to any office within the Department of Idaho, unless otherwise specified herein.

(b) Documentation of Honorable Service: No person shall be eligible for any office, commission, committee, or board in The American Legion, Department of Idaho, or any District or Post thereof, nor shall a person, if elected or appointed, continue to hold such office, position, or appointment unless, within thirty (30) days after the election or appointment, they furnish proper and satisfactory evidence of honorable service, complying with Article IV, Section 1 of the Constitution, to the Department Adjutant in the case of Department and District Officers, and to the Post in the case of Post Officers.

ARTICLE V

Administration - Department Convention

SECTION 1. The legislative body of The American Legion Department of Idaho shall be the Department Convention, held annually at a location determined at the previous Department Convention. Between conventions, legislative authority shall rest with the Department Executive Committee, provided, however, that said Committee may not overturn, alter, or change the expressed will or actions of the Department Convention.

SECTION 2. In the Department Convention, each Post is entitled to one delegate and one additional delegate for every fifty members or fraction thereof, provided that the Department and National dues have been received by the Department's Adjutant at least fifteen days before the Convention. Each Post is also entitled to one alternate for each delegate. Delegates shall be elected at the Post meeting, no less than fifteen (15) days prior to the Department Convention. In line with this section, no Post may grant, hold, or exercise any proxy votes at any convention.

SECTION 3. At least twenty-eight (28) days before the annual Department Convention, the Department shall send each Post a certificate indicating the number of delegates and alternates that Post is entitled to under this Constitution. The Post Adjutant shall certify the names of the elected delegates and alternates on the certificate and shall mail it to the Department at least fifteen (15) days before the Convention.

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

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

SECTION 6. A Credential Verifier composed of the Department Administrative Assistant or a person designated by the Convention Chairman shall serve on the day before and the first day of the Convention. This individual will be responsible for inspecting current membership cards and confirming the eligibility of delegates and alternates.

SECTION 7. The Post delegate names and delegate fees must be received at the Department Headquarters no later than fifteen (15) days before the Department Convention. No delegate shall be eligible to hold a seat or vote in the Department Convention unless the Post they represent has settled all financial obligations owed to the Department.

SECTION 8. (a) The Resolution committee, as established by the Department Bylaws and the Department of Idaho's Committee Guidebook, shall meet no more than thirty (30)

days before the Department Convention to review all resolutions submitted or presented to the Convention. It shall consolidate resolutions with similar content, indicate the source of the consolidated resolutions, assign them to the appropriate committee with recommendations, and submit the Resolving Clause of proposed resolutions to all Posts in the Department through Department Headquarters no later than fifteen (15) days prior to the Convention.

(b) All resolutions must originate from a Post to the District after favorable action at any authorized meeting, or from the Department Executive Committee, and must pass unanimously, or originate from the floor of the Convention, subject to Convention rules, unless otherwise specified.

(c) No resolution shall be considered at any Department Convention unless it has been submitted to the Department Headquarters at least forty-five (45) days prior to the first day of the Convention. No exception to this rule shall be permitted unless the resolution is presented to the Convention by or with the consent of the Department Executive Committee, or if unanimous consent of all delegates present is obtained from the floor of the Convention.

SECTION 9. Department Procedure Rules

(a) The Department Convention may establish its own rules of procedure, but if no such rules are adopted, the procedures shall follow the current version of "Roberts Rules of Order." The Uniform Code of Procedures for the Organization of the Department Convention of the American Legion, Department of Idaho, and any rules established at each Convention shall also apply.

(b) The Department Executive Committee shall provide a Uniform Code of Procedure for the orderly organization and operation of Department Conventions, with continuing power of revision, and said Code shall apply to all Department Conventions unless it is amended, suspended, or repealed by a majority vote of the total authorized representation at a Department Convention.

SECTION 10. The location of the Department of Idaho Convention shall be in the state of Idaho.

ARTICLE VI

Delegates to National Convention

SECTION 1. National Delegate strength is partially based on membership in the hands of the National Treasurer at the close of business 30 days prior to the National Convention.

SECTION 2. The total number of delegates for the Department is based on the following: five delegates at large; one delegate for every 1,000 members or a major fraction thereof; and each elected National Executive Committee person.

SECTION 3. The delegates-at-large to the National Convention include three (3): the outgoing Department Commander, the elected Department Commander, and the Department Adjutant, who shall serve as the Delegation Secretary. The Alternate National Executive Committee Member becomes an alternate delegate to the National Convention if not chosen as a delegate by the district. Any remaining vacancies among the five (5) delegates-at-large and an alternate for each of these five delegates-at-large shall be filled by appointments made by the newly elected Department Commander.

SECTION 4. The additional delegates shall be selected at the Department Convention for the National Convention by the respective Legislative voting districts of the State of Idaho from among those members of The American Legion whose dues are paid at the time of their selection and who are currently in good standing. Each district shall, according to the method outlined in their respective Constitution and Bylaws, select one delegate for every one thousand members or a major fraction of that number in the district, if the Department quota allows. Each District shall also select the same number of alternates as its delegates to the National Convention. The Department shall notify each District as soon as possible of the number of delegates it is entitled to.

SECTION 5. If there is a vacancy in the Department delegation at any National Convention, the Department Commander is authorized to fill the vacancy by appointing an Idaho Legionnaire following this process and priority: A vacancy in a delegation from any District shall be filled by alternate delegates who are present and able to act from that District, in the order of priority in which they were elected. If a vacancy in a District delegation remains after all the eligible alternates from that District have been appointed, alternates from other Districts, who are present and able to act, may be appointed. However, all first alternates must be appointed before any second alternates, in order of priority. After all alternates are appointed, any Legionnaire may be appointed.

ARTICLE VII

National Officers

SECTION 1. Every two years at the Department Convention, there shall be an election by majority vote for the National Executive Committee Member who will represent The American Legion, Department of Idaho, on the National Executive Committee for a two-year term. The election shall be conducted by post, with the Post's delegate chairperson announcing the Post's vote. The election of Department officers may be conducted by standing vote, where authorized delegates stand and are counted; or by secret ballot, where delegates vote anonymously, such as writing down their choice, which is then

collected and read aloud without attachment to posts. Electronic voting, in accordance with this Constitution and Bylaws, is permitted. A candidate for the National Executive Committee should be a highly qualified member of the Department of Idaho, presenting their record of accomplishments to demonstrate their ability to serve in this position.

(a) While anyone in the Department of Idaho in good standing may run for any position, it is recommended that the candidate for NEC serve as the Department Commander and as an Alternate NEC before being elected.

SECTION 2. An alternate National Executive Committee Member shall be elected at the Department Convention every two years through the process described above, to serve only when the National Executive Committee Member is unavailable.

SECTION 3. The term of the National Executive Committee Member and the Alternate National Executive Committee Member shall commence immediately after the adjournment of the National American Legion Convention following their election and conclude at the adjournment of the second succeeding National Convention. The term of the Alternate National Executive Committee Member shall run concurrently with that of the National Executive Committee Member.

SECTION 4. All past National Commanders who served in that role while members of The American Legion, Department of Idaho, and in good standing with their respective Department, shall be members of the National Executive Committee without voting rights. They shall also be lifetime members of all National American Legion Conventions, with voting rights to be exercised by them through their respective Department.

ARTICLE VIII

Discipline

SECTION 1. Officers: For information on suspending a member, consult the latest edition of The American Legion Officers Guide and Manual of Ceremonies.

SECTION 2. (a) The Department Executive Committee, by majority vote, may suspend a Post Charter for a period not to exceed sixty (60) days; cancel or revoke a Post Charter for non-compliance with required Post, District, Department, and National organizational documents; State and Federal financial documents. The action of the Department Executive Committee shall be conclusive and final unless an appeal is taken to the National Executive within thirty (30) days from the date of the Department action to suspend, cancel, or revoke a Post Charter.

(b) Any Post failing to meet the obligations imposed upon it by the National or Department Constitution and Bylaws or ceasing to function for six months as an American Legion Post, or voluntarily ceasing to function as a Post, or merging with

one or more other Posts, or refusing to pay the National or Department per capita dues, shall, upon order of the Department Executive Committee, surrender its charter for cancellation. Upon failure to surrender the charter, immediate steps may be taken to revoke, cancel, or suspend it.

(c) Upon revocation, cancellation or suspension of the charter of a Post, such Post shall immediately cease operations, and upon revocation or cancellation, shall turn over its charter to the Department Commander or Department Executive Committee; and the Department Executive Committee is authorized, empowered and directed (by and through its duly authorized agent) to take possession, custody, and control of all the records, property and assets of and belonging to said Post, and to take all necessary and proper steps and proceedings to conclude and close the affairs of such Post. The Department Executive Committee may provide for the transfer of the members in said Post to other Posts of their choice, subject to the approval of such other Post.

(d) Disposal of Property: No Post shall dispose of, mortgage, rent, or lease real property without prior approval of the Department Executive Committee. Any individual who violates this article shall be held liable for such expenses and/or losses. 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.

(e) The procedure in an action involving the revocation, cancellation, or suspension of a Post's charter shall follow the "Rules of Procedure" outlined in the Code adopted by the National Executive Committee.

ARTICLE IX

OTHER DEPARTMENT ORGANIZATIONS AND PROGRAMS

SECTION 1 The American Legion Department of Idaho acknowledges the currently recognized National Organizations and Programs.

(a) This Department recognizes an auxiliary organization called The American Legion Auxiliary.

(b) Membership in the Auxiliary shall be governed according to the provisions set forth in the National Constitution of The American Legion.

SECTION 2. This Department also recognizes the organization known as The Sons of The American Legion as programs of The American Legion Posts that sponsor them.

(a) Membership in The Sons of The American Legion shall be governed according to the provisions set forth in the National Constitution of The Sons of The American Legion.

SECTION 3. This Department also recognizes The American Legion Riders as a program of the American Legion Posts that sponsor them.

ARTICLE X

ELECTRONIC MEETINGS, SOCIAL MEDIA, AND DEPARTMENT WEBSITES

SECTION 1. Meetings Held Electronically. Except as otherwise provided, meetings of the Department of Idaho including the spring and fall meetings, the Midwinter Conference and the Department Convention can be conducted through use of Internet meeting services designated by the Department Executive Committee that support anonymous voting and support visible displays identifying those participating, identifying those seeking recognition to speak, showing (or permitting the retrieval of) the text of pending motions, and showing the results of votes.

SECTION 2. (a) These electronic meetings of the Department of Idaho shall be subject to all rules adopted by the Department Executive Committee, or by the Constitution and Bylaws, to govern them, which may include any reasonable limitations on and requirements for members' participation. Any such rules adopted by the Department Executive Committee shall supersede any conflicting rules in the parliamentary authority but may not otherwise conflict with or alter any rule or decision of the Department of Idaho.

(b) An anonymous vote conducted through the designated Internet meeting service will be considered a ballot vote, satisfying any bylaws or rules that require voting by ballot. When using electronic voting, a program such as Election Buddy may be employed and paid for by the user.

SECTION 3. For further information concerning Electronic Meetings, see Electronic Meetings in the current edition of Robert's Rules of Order.

SECTION 4. (a)Website Guidelines: Posts and Districts are encouraged to set up and maintain Web pages promoting The American Legion and the American Legion Family, provided they follow a few simple guidelines.

(b) The person who places a home page on the web supporting and/or promoting The American Legion is responsible for notifying the Department of such page's existence and providing the new home page's URL.

(c) It's recommended that web pages related to the Sons of The American Legion, the American Legion Auxiliary, and any other Legion programs should contain a link to The American Legion's home page and the American Legion Department of Idaho home page.

(d) pages contain one or more links to other Posts' home pages (this is recommended as a courtesy, not a requirement).

(e) Web pages related to The American Legion must not contain any nude or pornographic images or otherwise objectionable material or links to pages containing such material.

(f) The American Legion home pages should contain information pertaining to local, state, and/or national programs and projects, as well as links to pages that give detailed information on the programs, goals, and ideals of The American Legion.

(g) The American Legion maintains a selection of web art for American Legion Family sites at http://www.legion.org/emblem/download

SECTION 5. Social Media Guidelines: The Department, Districts, and Posts are encouraged to set up and maintain Social Media pages promoting The American Legion and the American Legion Family, provided they follow a few simple guidelines. (See Section 4 above)

ARTICLE XI

Amendments

SECTION 1. (a) All proposed amendments to this Constitution and Bylaws shall be submitted in writing through Department Headquarters to each Post for study and discussion at least forty-five (45) days prior to the Department Convention. This constitution may be amended at any Department Convention by a vote of two-thirds of the total authorized representation thereat.

(b) Failure to submit within the time frame above will preclude consideration of the proposed amendment referred to in this section by the Convention, unless it is approved by a unanimous vote of those delegates present.

SECTION 2. Amendments to the National Constitution of The American Legion shall automatically operate to amend the Constitution and Bylaws of the Department of Idaho.

SECTION 3. Any Article or Section of the Constitution and Bylaws that conflicts 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.

SECTION 4. This Constitution and Bylaws shall be reviewed every three (3) years to ensure their accuracy and applicability. There shall be a review committee formed by the Department Commander, consisting of two (2) members from each Area and a Committee Chair.

BYLAWS

OF

THE AMERICAN LEGION
DEPARTMENT OF IDAHO

ARTICLE I

Department Executive Committee

SECTION 1. Between Department Conventions, the administrative power shall be vested in the Department Executive Committee. Said committee, in addition to the specific duties prescribed and defined in the Constitution and in these Bylaws, shall, with the Department Commander, exercise general supervision over the Department, Districts, and Posts.

SECTION 2. The Department Commander may call a meeting of the Department Executive Committee at any time and place selected by the Commander. The Commander shall call a meeting of the said committee within 10 business days when requested to do so in writing by five members of the Department Executive Committee. This meeting can be held via electronic media.

SECTION 3. The Department Executive Committee shall have the power to require any officer having possession or custody of any of the funds or property of the Department to give a bond in such sum as they shall fix with sureties as they shall approve. All expenses contracted with the giving of the bond required by the Constitution or these Bylaws, or by the Department Executive Committee, shall be paid out of Department funds.

SECTION 4. The Department Executive Committee shall have authority to appoint subcommittees from among its members for the performance of special duties and shall have the authority to delegate to them such functions and authority as it shall deem necessary.

SECTION 5. Any matter purporting to relate to the policy, business, or administration of the Department, and which is not regulated by specific provisions of the Constitution, a Department Convention or these Bylaws, shall be referred to the Department Executive Committee for determination and adjustment.

SECTION 6. The Department Executive Committee shall have the power to create such committees, boards, and commissions as it may determine in accordance with the Department Constitution and Bylaws.

SECTION 7. A majority of the voting members of the Department Executive Committee shall constitute a quorum. The Department Executive Committee may hold meetings and vote via electronic devices or forums.

SECTION 8. Any Past Department Commander who has served in that capacity as a member of The American Legion, Department of Idaho, and remains in good standing with their respective Post, shall be a non-voting member of the Department Executive Committee.

SECTION 9. 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 Surety 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. These surety bonds shall be individually contracted for the amount of funds each person handles.

SECTION 10. In transacting DEC business, the Department of Idaho may use mail, electronic mail, virtual meetings, or any other means to affect the operation of The American Legion Department of Idaho. When a new agenda item is proposed, two weeks must elapse between disseminating the proposal to the DEC members and counting the votes, unless the DEC's action is unanimous.

SECTION 11. The Department Executive Committee shall have supervision over any and all standing Department Committees, Commissions, Boards, and separate corporations operating within, though, 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.

ARTICLE II

Duties of Officers

Department Commander

SECTION 1. (a) The Department Commander shall serve as the Chief Executive of the Department. The Department Commander shall ensure that the provisions of the National and Department Constitutions and Bylaws, along with all laws, regulations, and policies established under them, are followed. The Department Commander shall preside over

Department Conventions and all other Department meetings and gatherings. Additionally, the Department Commander shall represent the Department in its dealings with the American Legion Auxiliaries, as well as federal, state, and other governmental bodies.

(b) The Department Commander shall have the authority to designate a Department Vice Commander to represent the Commander at public ceremonies and meetings. If the designated Vice Commander is unable to accept such an assignment, another representative shall be appointed. In cases of sickness, absence, or other temporary disability of the Department Commander, a Vice Commander shall be designated to act in the Commander's place, with approval from the Department Executive Committee. In the event of a permanent vacancy, the Department Executive Committee shall appoint a Department Vice Commander to fill the position until the Department convenes and a new election is held.

(c) When the Department Commander receives complaints from members, Posts, private citizens, or organizations that affect the conduct of members or the welfare of the Department, they shall present those complaints to the Internal Affairs and/or the DEC for appropriate action.

(d) The Department Commander shall appoint from time to time such committees, boards, and commissions as deemed necessary, or as shall be provided for by the Department Executive Committee or the Department Convention. The Department Commander shall serve as Ex-Officio to all committees, boards, and commissions.

(e) The Department Commander shall receive a personal expense allowance determined by the Department Executive Committee, not to exceed the budgeted amount for such expenses. A complete expense report, including all receipts, shall be submitted to the Department Adjutant for payment.

(f) The Department Commander, or their representative, shall attend all District Meetings, the Midwinter Conference, the Department Convention, and the National Convention to represent the Department of Idaho. They shall also attend call-ins from the National Organization.

(g) The term for the Department Commander is typically one year. Once they have finished their term, they become the Department's Immediate Past Commander.

Department Vice-Commanders

SECTION 2. (a) The Department Vice-Commanders shall serve as representatives of the Department Commander on all matters referred to them, and shall, upon request, preside over meetings of the Department Convention or Department Executive Committee. They shall also perform such other duties as are usually associated with the office.

(b) The Area Vice-Commander is the elected representative of the Posts and Districts

within their Area, but an obligation to provide guidance and supervision is also implied. Posts and Districts are responsible for carrying out the objectives and programs of the American Legion and must fully adhere to the obligations outlined in the Post, Department, and National Constitutions. However, if the Post or District begins to falter or needs assistance, the Area Vice-Commander shall support them as necessary.

(c) The Department Vice-Commanders should attend all District Meetings, the Midwinter Conference, and the Convention to represent their area. Special circumstances and weather will be considered for absences.

(d) The Department Area Vice-Commander shall receive a personal expense allowance, which will be determined by the Department Executive Committee, but not to exceed the amount budgeted for the expense. A complete expense report, including all receipts for payment, shall be filed with the Department Adjutant.

Department Adjutant/Finance Officer

SECTION 3. (a) The Department Adjutant is the Chief Administrative Officer of the American Legion, Department of Idaho. The Department Adjutant is responsible for the daily administration of policies, procedures, and mandates established by the Department Executive Committee and the Department Constitution and Bylaws. The Adjutant maintains accurate records of the department's business and upholds its fiduciary responsibilities. The Adjutant directly supervises the administrative assistant at Department Headquarters and is accountable for the diligent performance of this employee's duties. The position of Department Adjutant (a contracted employee) is an appointed office selected by the Department Commander and approved by the DEC. The Department Adjutant also acts as the Administrative Assistant to the DEC and other affiliated Corporations, such as Gem Boys State and American Legion Baseball, with a voice but no voting rights.

(b) The Department Adjutant reports directly to the Department Commander and DEC and is subject to the policies, rules, and guidelines as outlined in both the National and Department of Idaho Constitution and By-Laws.

(c) Occasional travel across the state and nationwide will be required.

(d) The Department Adjutant shall receive a personal expense allowance to be determined by the Department Executive Committee, but not to exceed what has been budgeted for the expense. A complete expense report shall be filed with the Department Adjutant with all receipts for payment.

Department Service Officer

SECTION 5. (a) The duties of the Department Service Officer (accredited) shall be to serve as a 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 only if certified by the Idaho Veterans Administration. The Department Service Officer will regularly report to the Department Executive Committee and the Convention regarding the activities of the State Division of Veterans Services, resolutions, and the outcomes of veterans' claims.

(b) The Department Service Officer shall oversee all service activities within the Department and serve as the official advisor to all District and Post Service/Resource Officers. The Department Service Officer shall also carry out such other duties as are typically associated with this office and as may be required by a Department Convention, the Department Executive Committee, or the Department Commander.

(c) The Department Service Officer shall receive a personal expense allowance to be determined by the Department Executive Committee, but not to exceed the amount budgeted for the expense. A complete expense report, along with all receipts, shall be filed with the Department Adjutant for reimbursement.

(d) A District/Post Resource Officer shall help veterans locate an accredited organization to assist them with filing their claims or addressing any questions they may have about the Idaho Veterans Administration.

Department Judge Advocate

SECTION 6. (a) The Department Judge Advocate shall be well versed in all aspects of the operation of the American Legion and shall assist the Department to retain legal assistance if needed for their services approved by the Department Executive Committee.

(b) The duties shall be to interpret the Constitution, Convention resolutions, procedures, and other Department regulations, and give an opinion.

(c) The Department Judge Advocate shall approve all Post and District Constitution and Bylaws. A copy of said Constitution and Bylaws shall be kept on record at the Department Headquarters.

(d) The Department Judge Advocate shall review and approve all contracts and contract requirements, bids, and proposals.

(e) The Department Judge Advocate shall be the Chair of the Internal Affairs Committee.

Department Chaplain

SECTION 7. (a) The Department Chaplain shall officiate as such at the Department Convention and all other meetings of a Departmental nature, and shall perform such other duties ordinarily incident to the office of Chaplain, or as shall be assigned by the Department Commander. Special Circumstances and weather will be considered for absence.

(b) The Department Chaplain shall receive a personal expense allowance to be determined by the Department Executive Committee, but not to exceed what has been budgeted for the expense. A complete expense report shall be filed with the Department Adjutant with all receipts for payment.

Department Training Officer

SECTION 8. (a) The Department Training Officer shall coordinate and facilitate the Department of Idaho's training as such at the Department Convention and all other meetings of Departmental nature and shall perform such other duties to assist the Department Posts and Districts to conduct training. Also, shall be in charge of the Idaho American Legion College.

(b) The Department Training Officer shall work with the Department Adjutant to search for viable candidates to attend the National American Legion College.

Department Historian

SECTION 9. (a) The Department Historian shall be responsible for compiling a complete historical record of the Department. The Department Historian shall have the authority to request from the officers or Committee Chairs of the Department, District, and Posts therein information necessary for the performance of their duties.

(b) The Department Historian may receive reimbursement for travel to be determined by the Department Executive Committee, but not to exceed what has been budgeted for the expense. A complete expense report shall be filed with the Department Adjutant with all receipts for payment.

Department Sergeant-at-Arm and Assistant Sergeant-at-Arms

SECTION 10. (a) The Department Sergeant-at-Arms and Assistant Sergeant-at-Arms duties 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.

(b) The Department Sergeants-at-Arms shall attend the Department Midwinter

Conference and the Department Convention. Special Circumstances and weather will be considered for absence.

(c) The Department Sergeant-at-Arms and Assistant Sergeant-at-Arms may receive reimbursement for travel to be determined by the Department Executive Committee, but not to exceed what has been budgeted for the expense. A complete expense report shall be filed with the Department Adjutant with all receipts for payment.

District Commanders

SECTION 11. (a) The District Commander is the elected representative of the Posts in the District, but an obligation to provide guidance and advice is also implied. Posts are charged with carrying out the objectives and programs of the American Legion and comply fully with the obligations assumed under the Post, Department, and National Constitutions.

(b) The District Commander shall contact a Post when it becomes inactive or begins to falter and assist in a Post audit or a Post revitalization if requested. The District Commander shall assist as needed whenever possible.

(c) The District Commander should complete a Post Visitation Report when he/she visits a post. They will work with the Post Commander/Adjutant to answer all questions and work out a plan for any issues that need to be addressed.

(d) Duties of the District Commander:

i. The District Commanders should be the representative of the Department Commander on all matters referred to their District. It shall be the duty of the District Commander at all times to cooperate with officers of the Post in their District.
ii. Should visit each Post in his/her District at least twice a year.
iii. Lend his/her best efforts to stimulate Legion growth.
iv. Investigate all new applications for new Post Charters and recommend the granting or refusal of such application to the Department Executive Committee.
v. Should (if invited) install the Post Officers of all Posts in their District or assign a designee to do so.

ARTICLE III

Reports by Department Officers and District Commanders Committee Chairperson

SECTION 1. Each Department Officer, Committee, Board, or Commission Chair, and District Commander shall annually prepare a report of the activities of such office, committee, board, or commission, together with recommendations. Such a report will be submitted forty-five (45) days prior to the opening of the Department Convention each

year, and in time for printing in the annual Convention Publication. Printed copies shall also be distributed to the Department Executive Committee.

ARTICLE IV

Department Appointments, Standing and Special Committees

See the Standing Committee Guidebook

SECTION 1. The Department Commander, upon taking office, shall appoint a Department Adjutant, Department Judge Advocate, and Department Service Officers, subject to approval by the Department Executive Committee. The Commander shall appoint such standing or special committees at the organizational meeting or as may be deemed necessary.

SECTION 2. (a) The Department Commander will appoint the Chairperson of each Department Committee and the Baseball and Legion Riders Programs. The tenure of a Chair is one (1) year. The Americanism Committee will be composed of seven (7) members to be appointed by the Department Commander for a one (1) year term.

(b) The Internal Affairs committee will be made up of a Judge Advocate from each area, and the committee chair will be the Department Judge Advocate.

(c) A member shall only be on a maximum of five (5) committees.

(d) Other Standing Committees will be appointed as mandated by the Department Executive Committee. Standing Committees will consist of such Members, Program Chairs/Directors, Liaisons, Consultations, and Ex-Officio members as designated in the Department Constitution and By Laws. Program Chairs, Liaisons will serve a one (1) year term.

SECTION 3. If a member is absent for 2 consecutive meetings of the committee or commission to which they are appointed, the Department Commander may dismiss the member from such committee or commission and appoint another member in good standing of The American Legion, Department of Idaho, to serve out the remainder of the original term of appointment.

SECTION 4. 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.

SECTION 5. All Committees, Commissions, and Boards authorized by this Constitution and Bylaws are subject to the call of the Department Commander for all meetings, the Midwinter Conference, and the Department Convention.

SECTION 6. (a) The Department Select Committees are comprised of the Finance Commission and the Internal Affairs Committee. They are selected to perform a special function that is beyond the authority or capacity of the Standing Committees.

(b) Finance Commission

i. Purpose: The Department Finance Commission shall prepare the budget and conduct a full audit of the expenditures of the Department, its decisions being final unless overruled by a majority of the members present at a regular or special meeting of the DEC. The Department Finance Commission shall recommend to the DEC to engage an auditor for an audit or review of Department funds.

ii. The Finance Commission Chair shall be elected by the Department Finance Commission.

iii. 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. 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 the secretary for a term of one year. Members of this Commission may not hold offices as District Commanders or Department officers simultaneously.

iv. The Finance Commission shall have a Profit and Loss statement report review each month, and the financial books and records of the Department shall be examined at least quarterly. They will conduct a full audit or review once a year using an outside source that is qualified to conduct financial audits and deliver said report of such review and financial report to the Department Convention, and at the Mid-Winter Conference, they will deliver a report of review and the current status of the Department finances including all committees, boards, commissions, and/or separate corporations of the Department.

v. 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.

vi. Transfer of funds between budget items may be made with the approval of the Department Executive Committee, and the Committee Chairperson whose funds

are involved.

vii. 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.

(c) Internal Affairs Committee

i. The Internal Affairs Committee shall be chaired by the Department Judge Advocate, and composed of three (3) judge advocates (one (1) judge advocate from each area) and one (1) Judge Advocate from membership at large. They will be vetted and nominated by the Area Vice Commander and approved by the Department Executive Committee.

ii. All referrals to the Internal Affairs Committee shall be reviewed for findings of fact and generating a report to be submitted to the Department Executive Committee for remediated action, correction, and/or dismissal. All reviews should include compliance of the Department Constitution and Bylaws. All actions of department officers shall be in the best interest of the American Legion Department of Idaho.

iii. An Internal Affairs report shall detail the complaint filed against a member of the American Legion, including the alleged misconduct, investigative findings, witness statements, and a final conclusion regarding whether the member violated the Constitution and bylaws or policies, with specific sections for information like the member's name, date of incident, nature of complaint, investigative steps taken, and disciplinary action recommended.

iv. The Internal Affairs Committee shall complete an annual report to the book of committees at the annual convention.

SECTION 7. For supplementary information, please see the Department Committee Guidebook.

ARTICLE V

Election of Department Officers

Section 1. The annual election of officers shall be the first order of business on the last business day of the Department Convention, except for the election of District Commanders, which takes place at the District Spring Meetings. Also, on those years when the Department of Idaho is permitted to recommend 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 conducted separately, as outlined herein, in the order listed below, except for the District Commanders, who shall be elected as specified in ARTICLE III, Section 5(g), of the Constitution. After the election of officers, nominations and voting will take place for the location of the next Department Convention. The Department Commander may restrict the length of nominating speeches.

Section 3. No Post shall be permitted to vote both electronically and in person. A chosen delegate chairperson shall announce the post-votes. Votes may be split between candidates only in whole numbers. Also, electronic voting can only be conducted when the remote voting post has paid its delegate fees to the Department.

Section 4. No Post shall be permitted to grant, hold, vote, or exercise any proxy vote at any Department Convention.

Section 5. The Department Commander shall appoint such election clerks and other assistants as deemed sufficient to properly conduct the elections.

Section 6. The polls shall remain open until all delegates present and tendering their ballots shall have voted. After which, the Department Commander shall ask if all present have voted, and if it appears that there are no others desiring to vote, he shall declare the ballot closed.

Section 7. The clerks of 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, 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 8. 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 9. The installation of officers shall be the last order of business on the last day of the convention. Such officers shall be nominated in the following order:

One	Department Commander
One	National Executive Committee member
One	Alternate National Executive Committee member
Three	Three Department Vice Commanders
One	Department Training Officer
One	Department Historian
One	Department Chaplain
One	Department Sergeants-at-Arms
One	Assistant Sergeants-at-Arms
Two	Finance Committee Members

SECTION 10. Nominating speeches for the office of Department Commander shall be limited to four minutes, and nominating speeches for National Executive Committee Member and Alternate National Executive Committee Member shall be limited to three minutes. Nominating speeches for all other officers shall be limited to two minutes.

SECTION 11. Election Procedure

(a) Nominations for all elective offices shall be made a special order of business on the last day of convention. Nominations shall proceed until all nominations for all elective offices have been made. No nominations shall be made or entertained after the adjournment of the last day's business session. Nominations may be made by electronic means via the approved video communication system.

(b) Each registered delegate present at the annual Department Convention shall have one vote, and each Convention delegate shall, upon registration, receive an identifying badge containing their name and Post number, and shall also receive a delegate's credential.

(c) The Department officers shall be elected by the delegates present or may be made by electronic means via the approved video communication system, at the Department Convention. The election shall be by post with approved delegate counts.

(d) The election of Department officers may be conducted by Standing vote: When the authorized delegates in favor of the vote stand and are counted; Secret ballot: When authorized delegates are permitted to vote anonymously, e.g., writing down their vote, which is then collected with all other votes to be read out loud without attachment to posts. The Department officers shall be elected by a majority vote. The term of office of each of such officers shall commence immediately upon the adjournment of the Annual Department Convention and shall end upon the adjournment of the next succeeding Annual Department Convention.

(e) All tally sheets shall be delivered to the Department Adjutant and shall be retained for a period of thirty (30) days following the conclusion of the election.

(f) Election officials shall expeditiously, upon closing of the polls, tally and count the votes and make a return thereof so that announcement of the results of such election may be made promptly.

(g) In the event of the absence or disability of any delegate, their alternate, upon receiving proper certification from the Convention Credentials Committee, shall have the right to cast their vote in all elections held under these rules.

(h) A canvass of all votes cast at any election may be held and conducted at the request of a majority of the members of the Executive Committee in writing, and such canvass shall be conducted by a special canvassing board of five appointed by the Department Commander.

ARTICLE VI

Vacancies

SECTION 1. (a) Vacancies occurring in any elective office of the Department of Idaho shall be filled by the Department Executive Committee. Vacancies in the representation of any District in the Department on the Executive Committee shall be filled by the appointment of an individual by the District Executive Committee, subject to the approval of the Department Executive Committee. A vacancy in the office of the Department Commander shall be filled by the election of any of the Department Vice Commanders by the Department Executive Committee.

(b) If a vacancy by the Department Adjutant occurs, see Idaho American Legion Constitution Article III Section 3e.

ARTICLE VII

Fiscal Year

SECTION 1. The fiscal year of the Department shall be from July 1st to June 30th.

ARTICLE VIII

Monies, Collections, Liability, and Expense

SECTION 1. No indebtedness or liability shall be contracted for, or expenditure made, of more than two hundred dollars ($200.00) over and above the amount budgeted in the current fiscal year, taking into consideration normal operating over-runs for administrative expenses, by any Department officer, except the Department Commander and the Department Executive Committee.

SECTION 2. There shall be no travel at Department expense unless authorized by the DEC except for the Department Adjutant and the Department Service Officer who may travel as they deem necessary within the limits of the allocated amounts approved in the annual budget for that purpose.

SECTION 3. All District and Post officials handling American Legion monies and negotiable instruments should be covered by Surety/fidelity/crime insurance in an adequate amount as determined by the District or Post Executive Committee. In case of delinquencies in the payment of amounts due Department or National Headquarters, action shall be taken at once by the proper officials to bring about a speedy and complete settlement. All Department officers/employees shall carry Surety/fidelity/crime insurance individually for the amount of funds they control.

ARTICLE IX

Posts

SECTION 1. Subject to the provisions of the National and Department Constitution and Bylaws, each Post shall have authority to adopt its own Constitution, Bylaws, Rules, and Regulations.

Name

SECTION 2. No Post shall be granted a charter in the name of any living person. A post may change its name upon application to and approval of the Department Executive Committee.

Annual Election of Officers

SECTION 3. Post officers shall be elected annually by each Post in the Department at an

election to be held before May 1. The newly elected officers are to be installed and assume their respective duties at such time as determined by the Post Constitution and Bylaws, but not later than September 20 of each year.

Duties of Officers

SECTION 4. The duties of the several officers of a Post shall be defined by the respective Posts and shall conform as nearly as may be to the duties imposed on similar officers of the Department.

Report to Department and District Commanders

SECTION 5. Each Post Commander shall, as directed by the Department Adjutant prior to the opening of the Department Convention each year, make a report to the Department Headquarters and the District Commander of the affairs of the Post, a certification of the Service Record of Post Officers, a roster of the incoming officers of the Post, the Consolidated Post Report, provide proof of any Bonding of Post Officers that handle funds and the activities of the previous year. A memorandum calling attention to the requirement for submitting such reports shall be prepared and mailed out to all Post Commanders by Department Headquarters not later than May 31 of each year.

Membership Transfers

SECTION 6. (a) Membership may be transferred from one local Post to another upon request, giving reason for transfer, and unearned dues remaining with the Post of first membership on forms provided for the purpose.

(b) Any member in good standing in a Post moving from the community in which that Post is located shall be entitled to a certificate from their Post, stating their membership and the duration thereof.

(c) If, within fifteen (15) days after acceptance into membership of a Post, any person who, during the calendar year immediately preceding, was a member of another Post, the Post Adjutant shall notify in writing the Post Adjutant of the Post to which the person formerly belonged of such acceptance into membership.

Post Location

SECTION 7. All applications for Charter shall state the District to which the Post subjects itself for residence. No Post shall change its location from one District to another without the consent of the Department Executive Committee.

Member's Qualifications

SECTION 8. Subject to the provisions of the National and Department Constitution and Bylaws with respect to eligibility, each Post shall be the judge of the qualifications of candidates for membership and its members.

ARTICLE X

District Commanders

SECTION 1. Each District Commander shall give, through Department Headquarters, written notice to the Posts in their District of a meeting or conference at least thirty (30) days prior to such meeting, conference, or caucus.

SECTION 2. District Commanders shall take office and be given the credentials of their office at the Department Convention held following their election.

SECTION 3. The District Commander, and in the District Commander's absence, the District Vice Commander, shall be designated as floor leader during the Department Convention unless the District shall decree otherwise.

SECTION 4. Each District Commander, in addition to being a member of the Department Executive Committee, shall also have general advisory power over the Posts in their District; and it shall be their duty to take such steps as in their judgment shall promote the membership of such Posts, to assist in the organization of additional Posts, and to promote the general welfare, efficiency, and success of The American Legion within their District.

SECTION 5. In the absence of the District Commander a member of that district shall represent the District Commander at a Department Executive Committee meeting and be seated prior to the commencement of the meeting. In the event of the death, resignation, or suspension of a District Commander, with no successor appointed, the District Executive Committee shall designate a qualified person to fulfill the current term until annual elections can be held. The acting District Commander shall represent the District at a Department Executive Committee meeting. Whenever a District Vice Commander is authorized to attend a Department Executive Committee meeting, either by a District Commander or Department Commander, they shall have all the rights and powers accorded a District Commander.

ARTICLE XI

Rules of Procedure Governing the Suspension and Revocation of Charters The Discipline of Posts, Including and Suspension of Members

Suspension and Revocation of Charters

For information on suspending a Charter, refer to the latest edition of The American Legion Officers Guide and Manual of Ceremonies.

Discipline of Members, including Suspension

For information on how to suspend a member, see the current edition of The American Legion Officers Guide and Manual of Ceremonies.

ARTICLE XII
OTHER DEPARTMENT ORGANIZATION AND PROGRAMS

SECTION 1. The American Legion, Department of Idaho, recognizes an organization known as "AMERICAN LEGION AUXILIARY".

SECTION 2. Eligibility Requirements for American Legion Auxiliary Membership

(a) Membership in The American Legion Auxiliary shall be limited to the: (1) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and

(b) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who served in either of the following periods: April 6, 1917, to November 11, 1918 and any time after December 7, 1941 who, being a citizen of the United States at the time of their entry therein served on active duty in the Armed Forces of any of the governments associated with the United States during either eligibility periods and died in the line of duty or after honorable discharge; and

(c) to those women who of their own right are eligible for membership in The American Legion.

(d) A woman who is eligible for American Legion membership is eligible to join the American Legion Auxiliary regardless of whether or not she is a member of The American Legion. However, the eligibility of her female relatives (sister, mother, direct descendants) and/or spouse depends upon her membership in The American Legion.

SECTION 3. The American Legion Auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive Committee, and thereafter

approved by The American Legion, Department of Idaho.

Sons of The American Legion

SECTION 1. The American Legion, Department of Idaho, acknowledges a program called "SONS of THE AMERICAN LEGION." This program was approved by the National Executive Committee of the American Legion on September 15, 1932

SECTION 2. The National Headquarters of The American Legion and the Department Executive Committee shall have jurisdiction over the Sons of The American Legion organized by any Post of The American Legion, Department of Idaho.

SECTION 3. The Department Commander shall annually appoint a Program Chair for the Sons of The American Legion, Detachment of Idaho, from among the members of The American Legion, Department of Idaho. The Program Chair for the Sons of The American Legion, Detachment of Idaho, shall serve as a member of the Department Americanism Committee. The minutes of all meetings and the actions taken by the Sons of The American Legion, Detachment of Idaho Executive Committee shall be included in the Program Chair's report to the Department Americanism Committee at each regularly scheduled meeting.

SECTION 4. The legislative body of the Sons of The American Legion shall be the National Convention of the Sons of The American Legion, and its acts must be ratified by the National Executive Committee of The American Legion. In the Department of Idaho, the legislative body shall be the Detachment Convention of the Sons of The American Legion, and its acts must be ratified by the Department Executive Committee of The American Legion, Department of Idaho.

SECTION 5. (a) The Sons of The American Legion shall be organized as a "Squadron" under the jurisdiction of the local Post of The American Legion, and shall bear the name of the Post as follows: "Sons of The American Legion," Squadron ____of Post No. _____, Department of Idaho.

(b) The Commander of the Post of The American Legion should appoint a committee of three (3) or more members to oversee the activities of the "Sons of The American Legion" Squadron.

SECTION 6. All male descendants, adopted sons, and stepsons of members of The American Legion, as well as those descendants of male and female veterans who died in service during the World Wars or after being honorably discharged from such service, shall be eligible for membership in the "Sons of The American Legion."

SECTION 7. There shall be no other form or class of membership except for active

members in the "Sons of The American Legion."

SECTION 8. All proposed amendments to the Constitution and Bylaws of the Sons of The American Legion, Detachment of Idaho, shall not take effect until they have been presented to the Department Americanism Committee, studied and reviewed by the Department Internal Affairs Committee, and approved by the Department Executive Committee of the Department of Idaho.

The American Legion Riders

SECTION 1. This Department also recognizes The American Legion Riders as a program of The American Legion Posts that sponsor them. This program was approved by the National Executive Committee of the American Legion on October 17-18, 2007.

SECTION 2. All American Legion Riders (ALR) must uphold the principles of The American Legion and comply with the regulations and decisions of the Department, Post, or other duly constituted Department governing body.

SECTION 3. The sponsoring organization (Posts and Department) will review liability insurance coverage to ensure adequate protection is in place for the organization, including any specific special riding events.

SECTION 4. American Legion Rider groups shall adhere to The American Legion Constitution and By-laws at all levels, along with the established post and department directives, standing rules, and related policies.

SECTION 5. The American Legion National Headquarters, along with the respective Department and Post, shall oversee the ALR Program to ensure the proper use of the name and emblem of The American Legion, The American Legion Riders, and The American Legion Legacy Run, and compliance with the National Constitution and By-Laws of The American Legion.

ARTICLE XIII
Amendments

SECTION 1. (a) All proposed amendments to these Bylaws shall be submitted in writing through Department Headquarters to each Post for study and discussion at least forty-five (45) days prior to the Department Convention. These ByLaws may be amended at any Department Convention by a vote of two-thirds of the total authorized representation thereat.

(b) Failure to submit within the time frame above will preclude consideration of the proposed amendment referred to in this section by the Convention, unless it is approved by a unanimous vote of those delegates present.