



THE AMERICAN LEGION

DEPARTMENT OF UTAH CONSTITUTION

BY-LAWS AND STANDING RULES

Approved:

Attested:

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CONSTITUTION

PREAMBLE

For God and Country, we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I - NAME AND CHARTER

Section 1. The name of this organization shall be THE AMERICAN LEGION, DEPARTMENT OF UTAH.

Section 2. The American Legion, Department of Utah, is an integral part of The American Legion as provided in Section 1, Article VIII, of the National Constitution, and chartered by the National Organization. It is incorporated under the laws of the State of Utah.

Section 3. The Department Headquarters shall be located in the Metropolitan area of the city of Salt Lake City, Utah.

ARTICLE II - NATURE

Section 1. The objects and purposes of this Department shall be to promote the principles and policies set forth in the foregoing Preamble and the National Constitution of The American Legion.

Section 2. The American Legion, Department of Utah, is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Legion; no member shall be addressed by his military or naval title in any convention or meeting of the Legion.

Section 3. The American Legion, Department of Utah, shall be absolutely nonpolitical 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.

Section 4. The use of the name and/or insignia of the American Legion shall be confined to its membership. No member, Post, District, Area, or this Department shall lend such name or insignia to any person, firm or corporation for reward or otherwise.

ARTICLE III – ORGANIZATION

Section 1. The American Legion Department of Utah shall be organized in Areas, Districts, and Posts within the boundary lines of the State of Utah.

Section 2. The American Legion Department of Utah shall have authority to create and charter intermediate bodies between the Posts and Department to act as a liaison between such organizations and for the purpose of promoting the programs of The American Legion (see Article 8 Sections 1 & 2 of this Constitution).

Section 3. The Department Executive Committee shall define the powers of such intermediate groups, but in no event shall such powers invade the prerogatives now vested either in the Post or Department or National Organization.

Section 4. Such intermediate bodies now existing within the Departments and heretofore authorized or recognized by such Department are hereby officially recognized to the extent of the powers herein granted.

ARTICLE IV – ELIGIBILITY

Section 1. Any person shall be eligible for membership in THE AMERICAN LEGION who is or was a member of the Army, Marine Corps, Navy, Coast Guard, or Air Force of the United States (and during WW-II the U. S. Merchant Marine Forces) and assigned to active duty at for at least one day during any of the following periods period:

- April 6, 1917, to November 11, 1918
- December 7, 1941, to December 31, 1946
- June 25, 1950, to January 31, 1955
- February 28, 1961, to May 7, 1975
- August 24, 1982, to July 31, 1984
- December 20, 1989, to January 31, 1990
- August 2, 1990, until cessation of hostilities as determined by the Congress of the United States, all dates inclusive
- If you have served federal active duty in the United States Armed Forces since December 7, 1941 and have been honorably discharged or are still serving - you are eligible for membership in The American Legion!
- *Because eligibility dates remain open, all active duty members of the U.S. Armed Forces are eligible to join The American Legion at this time, until the date of the end of hostilities as determined by the government of the United States.
- **U.S. Merchant Marine eligible only from December 7, 1941 to December 31, 1946 (WWII).

Or who, being a citizen of the United States at the time of his entry therein, served on active duty in the armed forces of any governments allied with the United States during any of said periods; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably after any of said periods; provided further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject himself to military discipline or unqualified service.

Section 2. There shall be no form or class of membership except an active and duly paid-up membership. Membership shall be only through a local Post, and dues shall be paid annually or for life.

Section 3. No person may be a member at any time of more than one post in The American Legion.

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 that where such consent has been denied by such post, he may then appeal to the Executive Committee of the department of the expelling post for permission to be admitted to membership in another post, and shall be ineligible for membership until such permission is granted, in writing by the expelling Post, and a copy of the letter sent to the receiving Post and Department.

Section 5. Each Post shall be the judge of its own membership, subject only to the restrictions of the National and Department Constitution and By-Laws, and the Constitution & Bylaws of that Post.

Section 6. Transfers. Any member in good standing, to include members of Headquarters Post 8, moving or transferring to a Post near their home shall be transferred using The American Legion Member Data Form, completed by the new Post, without additional payment of dues. The new Post shall be the judge of its own membership in accordance with Article IV, Section 5, Department of Utah Constitution and Bylaws. Dues already paid shall remain with the original Post and the transfer shall be complete upon issue of a new membership card, provided dues were not paid to the losing Post for that membership year, then a dues assessment of the receiving Post may then be in effect. No member may transfer to another Post after an Affidavit of Charges have been filed with the Post Adjutant commencing a disciplinary proceeding.

Section 7. 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 8. Acceptance of Dues.

a. A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent. If their dues are paid on or before February 1st, they shall be automatically reinstated. If a member pays their dues by February 1st, the Post must accept those dues.

b. If they are still delinquent after February 1st, they shall be suspended from all privileges. They shall have no right to serve as an officer, be elected to office, or vote. If they are still under such suspension on June 30th of such year, their membership in THE AMERICAN LEGION shall be forfeited.

c. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the general membership of the receiving post and payment of current dues for the year in which reinstatement occurs. Provided, however, that the posts, departments, and the National Organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

Section 9. A membership fee may be charged by each local Post. Annual dues for Department purposes shall be fixed for the ensuing year at each annual Department Convention, and in the event of failure of the Convention to act, the dues and charges of the preceding year shall be and remain in effect. The dues for the Department Headquarters Post 8 for the ensuing year shall be set by the Department Executive Committee. The amount of local Post dues shall be fixed by each Post.

Section 10. National dues, as determined by the National Convention, shall be collected by the Department in accordance with the National and Department Constitution and By-Laws. All applications for membership and transfers in a Post shall be acted upon at the next Post General Membership Meeting following the making of such application or transfer, and shall, at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of the members present at the Post General Membership Meeting cast their vote against the acceptance of such application, then such application shall be recorded as rejected.

Section 11. The Department Adjutant shall notify all Posts in the Department of Utah and National Headquarters in writing of all members expelled by Posts in the Department.

Section 12. Any member in good standing in a post who is moving from the State of Utah is entitled upon request to receive a certificate from his post stating the inclusive dates he was a member of the Post.

Section 13. Eligibility to Hold Office

(a). Any duly paid-up member in good standing of a Post in the Department of Utah may be elected or appointed to any office in the Department of Utah, except as otherwise provided herein.

(b). Documentation of Honorable Service - No person shall be eligible for any office, commission, committee, or board in The American Legion, Department of Utah, or any, District or Post thereof, nor if elected or appointed, shall such person continue to hold such office, position or appointment, unless within thirty (30) days after such election or appointment such person shall have furnished proper and satisfactory evidence of honorable service, to the Department Adjutant, in the case of Department, Area, and District Officers, and to the Post in the case of Post Officers.

Section 14. The American Legion Uniform

(a) Wearing of the American Legion "uniform" and all it entails is as follows:

- A Legionnaire is considered to be "in uniform" when wearing an official American Legion cap.
- It is "**not**" proper to wearing an American Legion cap (except for female Legionnaires) while eating a meal at any official American Legion or Civic function.
- At all American Legion meetings The American Legion cap should be worn except during moments of Prayer, the Pledge of Allegiance, the National Anthem, and/or except when standing in silent reverence in memory of departed comrades when the cap should be held with the right hand over the heart. In instances where the Legion cap is placed over the heart, it should be held in such a manner that The American Legion emblem faces outward.
- Legionnaires wishing to attach decorations and/or other official insignia to any American legion cap (left side) **WILL NOT** contain other than the official American Legion emblem and lettering for Post, District, Area, Department or National cap.
- The right side of the official American Legion cap may contain decorations and/or other official insignia of the American Legion.
- Flag patches are available for wear on either uniform shoulder; however this patch should always be worn with the field of blue facing forward when walking. Most protocol suggestions are contained in The American Legion Post Officers Guide and Manual of Ceremonies. You are urged to use the "Guide" to answer any specific situation which may arise.

ARTICLE V - DEPARTMENT CONVENTION

Section 1. The Department Convention shall be held annually during the month of June and shall be called at a date not less than thirty (30) days prior to the National Convention. The place, date and time shall be fixed by the Department Executive Committee not less than six (6) months in advance of the Convention. The Convention site may be designated up to three years in advance of said Convention by the Department Convention upon submission of a bid from a Post or District competing as host for a Department Convention. In case of emergency, the Department

Commander or Department Executive Committee, upon recommendation of the Post or District bidding for that year's convention, may change the date or the place of the Annual Convention.

Section 2. The Department Convention is composed:

(a) The Department Commander, Department 1st Vice-Commander, National and Alternate National Executive Committeemen, four (4) Area Commanders, nine (9) District Commanders and those duly registered and paid delegates to that convention, all of whom have both full voice and vote powers, except for the Department Commander whose vote will only be cast in the event a tie vote must be broken. All voting Department Executive Committee members, if registered with their Post delegation will cast their vote with their home Post.

(b) Of the duly elected and registered delegates and alternate delegates from Posts within the Department of Utah.

(c) All Past Department Commanders, who have served in that capacity while a member of the Department of Utah, and who may be present and duly registered; and who is a member in good standing of a recognized Post of the American Legion Department of Utah, shall have one vote; to be cast and counted with the votes of his/her Post.

Section 3. The Department Adjutant shall notify each post thirty (30) days prior to the Department Convention as to the number of delegates and alternate delegates each post is entitled. During any Department Convention, each Post shall be entitled to two (2) delegates at large and one (1) additional delegate and one (1) additional alternate delegate for the each fifteen (15) members as stipulated in the call to convention. The Delegation Chair present on the floor of the Department Convention may cast the total votes authorized for said Post, however each delegate voting has the right to cast their vote in accordance with their conscience, no matter the desires of the delegation chair. No single vote may be split.

Section 4. Every member authorized to represent a Post as delegate or alternate delegate to the Department Convention shall be listed on the written notice of their appointment by the Post Adjutant on the Credentials List of that Post and their dues duly paid prior to the convention, however no later than 9:00 AM on the Sunday of said convention. Alternate delegates shall only have vote powers in the event a duly registered and paid delegate is absent from the floor of said convention.

Section 5. Every delegate must be a bona fide member of a Post in the Department of Utah which they represent during Department Convention.

Section 6. All delegates registering at the Department Convention who are not listed on their "Post's Credentialing Listing" shall be required to present their current American Legion membership card and pay the requisite delegation fee before being permitted to register or vote. No Post shall have more delegates to said Convention than authorized by the Department Adjutant and credentialing committee.

Section 7. The Fall Meeting of the Department Executive Committee, shall set registration fees which shall be collected from every member who registers at the Department Convention for subsequent Department Conventions. The registration fees shall be collected for the use and benefit of the post and/or district hosting said convention.

Section 8. Election of Department Officers shall be in the following order: Department Commander (1); Department Vice-Commander (1) and four (4) Area Vice-Commanders (whose duties shall be as 2nd Vice-Commanders over their respective Districts as outlined in this Constitution, Bylaws and Standing Rules.

Section 9. Upon the election of the Department Officers at the Department Convention, the National Executive Committeeman or Alternate National Executive Committeeman or a Past Department Commander shall administer to each newly elected officer the following oath of office, to wit: "I DO SOLEMNLY SWEAR THAT I WILL SUPPORT AND DEFEND THE CONSTITUTIONS OF THE UNITED STATES OF AMERICA, THE STATE OF UTAH, AND THE CONSTITUTION OF THE AMERICAN LEGION, DEPARTMENT OF UTAH, AND TRULY PERFORM THE DUTIES OF MY OFFICE, TO THE BEST OF MY ABILITY, SO HELP ME GOD." There upon said officers shall be deemed qualified and shall assume their respective duties in the manner prescribed by this Department Constitution and By-Laws and the American Legion Officers Guide and Manual of Ceremonies (latest revision). In the event of the absence from the convention of any newly elected officer, or whenever an occasion requires, the above oath of office may be administered to that absent officer(s) by the Department Commander, the Department Vice-Commander, or Department Adjutant. All newly elected Department Executive Committee officers will be provided a copy of their job description and will sign a copy of said job description, which shall be maintained by the Department Adjutant at our Department Headquarters, which shall be accomplished during the DEC meeting held within thirty (30) days of adjournment of said Department Convention.

Section 10. The Department Commander, if present, shall preside over the Department Convention, however in his absence may call the Department Vice-Commander or one of the four (4) Area Commander {in descending order} to act as chair over that Convention or DEC meeting.

Section 11. If the Department Convention fails to meet or to elect and install officers at the appointed time, those in office shall continue and exercise full authority until their successors are duly elected and installed.

Section 12. Amendments to the Department Constitution and By-Laws shall become operative immediately upon adoption. Immediately upon adjournment of the Department Convention, all Posts in the Department shall be notified by the Department Adjutant in appropriate manner of all changes in; and to the Department Constitution and By-Laws, and it shall be mandatory that all Posts change their respective Constitutions and By-Laws to conform thereto. The Department

Constitution may “only” be .changed during Department Conventions and upon receipt of a duly processed resolution, the Department Bylaws and Standing Rules may be changed through resolution form by the Department Executive Committee upon receipt of a duly processed resolution.

Section 13. Parliamentary procedure of the Department Convention and meetings of the Department Executive Committee shall be governed by "Robert's Rules of Order, latest revision", unless stated otherwise by the chair of that meeting.

Section 14. The program of the Department Convention shall be limited to three (3) days, including the opening date and must be accomplished during the month of June each year.

Section 15. The Voting Department Executive Committee members and duly paid and registered delegates then on the floor of the Department Convention shall constitute a quorum for the transaction of all business coming before any said Convention.

Section 16. The Department Adjutant shall provide a “Uniform Code of Procedure” for the orderly organization and operation of any Department Convention with continuing power of revision, and said Code shall be applicable at all Department Conventions unless it is amended, suspended, or repealed by a two-thirds (2/3) vote of the total authorized representation at that Department Convention.

Section 17. A certified delegate and alternate delegate listing will be completed by the Post adjutant of each post with delegates and/or alternate delegates to any Department Convention upon receipt of the Authorized Post Delegate and Alternate Delegate report from the Department Adjutant and that duly completed delegate and alternate delegate report will be approved by said Post Commander and attested to its correctness by said Post Adjutant and forwarded with the appropriate amount of delegate and alternate delegates fees to the Department Adjutant at least fifteen (15) days prior to said convention.

Section 18. In the case of a disputed or contested delegation from a post, the Credentials Committee may bring the case with a recommendation to the Department Convention for a decision. A majority vote of the delegates to that Department Convention will decide the case. Additional information can be found under Conventions Rules of Order in Standing Rules of order.

ARTICLE VI - DEPARTMENT OFFICERS

Section 1. The “elective” Department Officers of this organization shall consist of one (1) Department Commander, one (1) Department Vice- Commander, one (1) National Executive Committeeman, one (1) Alternate National Executive Committeeman, four (4) Area 2nd Vice-Commanders (with oversight authority of the Districts within their area of responsibility), nine (9) District Commanders and the three (3) Immediate Past Department Commanders, all with full

voice and vote powers (for a total of twenty (20) voting members of the DEC). The “appointive” officers of the Department Executive Committee shall include (1) Department Adjutant (a paid employee), (1) Department Service Officer (a paid employee), (1) Department Treasurer, one (1) Department Judge Advocate, one (1) Department Chaplain, one (1) Department Historian, one (1) Sergeant-at-Arms and such other Sergeant-at-Arms as the sitting Department Commander may appoint, all of whom shall have voice, but no voting power on business coming before the Department Convention or meetings of Department Executive Committee. All above officers shall service a one year term of office with the exception of the National Executive Committeeman and Alternate Executive Committeeman, whose term of officer shall be two years, (with their election taking place during odd years). The Department Commander and Department 1st Vice-Commander may serve only a single term of office during their lifetime. Note: Department Officer Job Descriptions are the responsibility of the Department Judge Advocate and signed copies for each officer will be maintained by the Department Adjutant.

(a.) In the case of death, incapacity, resignation or vacancy of the Department Commander, the Department Vice-Commander shall immediately take office as Department Commander for the remainder of that term of office. The vacant position of Department Vice-Commander will be filled by appointment of the sitting Department Commander for the remainder of that positions term of office as ratified by the Department Executive Committee then serving.

(b.) In case of the death, incapacity, resignation or vacancy of the Department Vice-Commander, the Department Commander shall immediately call a meeting of the Department Executive Committee to be held within fifteen (15) days from the date of the occurrence to elect a Department Vice-Commander from among the Area or District Commanders.

Section 2. The Department Chaplain shall be appointed annually by the incoming Department Commander, subject to ratification by the Department Executive Committee. There may be an Assistant Department Chaplain appointed by the Department Commander and confirmed by the Department Executive Committee.

Section 3. Area Commanders

(1) There shall be a total of four (4) Area Commanders, who shall reside in and be a member of a Post from within the physical boundaries of that respective Area; each shall be elected from one of their respective Area Posts and continue to reside in their respective Area during tenure of his/her office. In case of death, resignation, or relocation outside of the Area boundaries or the incapacitation, Area Commanders can be removed from office and may also be removed for not attending Department Executive Committee meetings. The Department Commander shall fill such vacancy (after conferring with the District Commanders of said Area) until the Area Commander recovers or is replaced by the Department Commander. Please see Article VIII, Sections 1 & 2 for the boundaries of Areas and Districts with the physical boundaries of Utah.

Section 4. District Commanders

(1) Additionally the Department of Utah consist of nine (9) Districts. The Department Executive Committee shall designate the specific number and boundaries of each District. Districts shall be designated by number and boundaries to serve the best interests and the purposes of The American Legion. However, Utah American Legion Districts shall be numbered as now constituted and any changes shall be subject to final action by the Department Convention. Please see Article VIII, Sections 1 & 2 for the boundaries of Areas and Districts with the physical boundaries of Utah.

(2) Each District shall hold at least one District Spring Convention each year at the call of the District Commander, the dates of which shall be coordinated with the Department Commander and Department Adjutant. Summary of proceedings (minutes) shall be forwarded by the District Commander to the Department Adjutant within thirty (30) days after said convention. In the event of failure or refusal by the District Commander to call a regular convention, three Posts in the District shall have the authority to call the convention to be presided over by the District Vice-Commander.

Section 5. Each District Commander and District Vice-Commander shall be a member of a Post in the District from which elected and also shall be a resident of that District. Failure of the District Commander to comply with these provisions shall cause the District Commander's office to be declared vacant by the Department Commander. If the office of District Commander becomes vacant, the District Vice-Commander will assume the office and perform the duties thereof until the next District meeting, at which time a District Commander shall be elected to fill the unexpired term. If the District Vice-Commander fails to qualify then a majority of the Post Commanders shall appoint a District Commander to serve until the next District Spring Convention at which time a District Commander and/or a District Vice-Commander shall be elected to fill the unexpired term.

Section 6. The District Commander presiding at each District Convention shall be responsible for forwarding a certified copy of all resolutions presented and passed at said District Spring Convention to the Department Adjutant within ten (10) days after the adjournment of such District Convention.

Section 7. All Department officers, including the newly elected members of the Department Executive Committee, shall assume their respective duties at the time of adjournment of the Department Convention, except the National Executive Committeemen and Alternate National Executive Committeeman, whose two-year term shall commence immediately upon the adjournment of the National Convention next ensuing after their election and shall end at the adjournment of the second next succeeding annual convention.

Section 8. Vacancies in Department Offices not herein before or hereafter provided for shall be filled by the Department Commander subject to the ratification by the Department Executive Committee at its next meeting, and written notice of such action mailed to all Posts.

Section 9. Adjutant. The Department Executive Committee shall have the authority to elect/hire or remove the Department Adjutant by a two-thirds (2/3) vote of its total Members

ARTICLE VII - POST OFFICERS

Section 1. Posts shall be formed as provided under the National Constitution and the Constitution and By-Laws of the Department of Utah and shall be governed on all matters of Department and National Finance as set forth in the National Constitution and the Constitution of the American Legion Department of Utah. A minimum of fifteen (15) new members are required to charter a new American Legion Post in the Department of Utah. Such new members may include direct mail solicitation (DMS) members or Department Headquarters Post 8.

Section 2. No Post shall have the right by resolution or other Act, to withhold or divert annual Department or National assessment dues collected or funds collected from approved sources for the Department or National organizations.

Section 3. All funds collected for the Department and the National Headquarters shall be forwarded to the Department within 30 days of receipt.

Section 4. Election of Post Officers: Officers shall be elected at a Post meeting held not less than fifteen (15) days prior to the District Spring Convention, and at the same time delegates and alternates to the District and Department Convention shall be elected. Post Officers shall be installed not later than the first regular Post meeting following their election, or in accordance with that Post's Constitution and By-Laws.

Section 5. It shall be mandatory for Post Adjutants to certify to Department Headquarters the names and full contact information (i.e. name, address, phone number(s) and email) of Post Officers elected/appointed for the ensuing year, immediately, but no later than ten (10) days after their election, as prescribed by the Department Executive Committee,

Section 6. A member of an American Legion Post may authorize proxy voting for himself by another member of the same Post if provided for in the Post Constitution and By-Laws; said proxy shall be in writing and signed by the member issuing it and the member authorized to cast his/her vote. There will be no proxy voting within the Department of Utah above the Post level.

Section 7. No Post shall be named after any living person.

Section 8. The Department may prescribe the Constitution of its Post. Permanent charters may be suspended, cancelled or revoked by the Department Executive Committee, for the following reasonable actions.

- Illegal actions

- Inactivity
- Disloyalty, neglect of duty, dishonesty or conduct unbecoming members of the American Legion

ARTICLE VIII - Intermediate Bodies & Posts

Section 1. Intermediate bodies and groups as provided by Article VIII, National Constitution, are recognized. Each shall adopt a Constitution and By-Laws subject to approval by the Department Judge Advocate and the Department Executive Committee. In Utah, those intermediate bodies shall be constructed as follows:

- a. Area 1 (North) consisting of Districts 1, 2 & 3
- b. Area 2 (Central) consisting of Districts 4 & 8
- c. Area 3 (East) consisting of Districts 5 & 9
- d. Area 4 (South) consisting of Districts 6 & 7

Section 2. The Department shall be further sub-divided into nine (9) Districts as follows:

- a. District 1, encompassing Cache, Box Elder and Rich Counties.
- b. District 2, encompassing Weber, Morgan and Davis Counties
- c. District 3, encompassing Summit and Wasatch counties plus Salt Lake City Post 2.
- d. District 4, encompassing Utah and Juab Counties.
- e. District 5, encompassing Carbon, Emery, Grand and San Juan Counties
- f. District 6, encompassing Sanpete, Sevier, Piute, Millard and Wayne Counties.
- g. District 7, encompassing Iron, Beaver, Washington, Kane and Garfield Counties.
- h. District 8, encompassing Salt Lake County (including Salt Lake City, less Post 2) and Tooele Counties.
- i. District 9, encompassing Duchesne, Uintah and Daggett Counties.

Section 3. The above intermediate bodies of the American Legion Department of Utah are recognized and heretofore authorized by the Department are hereby officially recognized to the extent of the powers herein granted.

Section 4. The name of a Post, name of an intermediate body, or the name of the Department, or of the phrase, "The American Legion" shall not be used in connection with club, entity or other business ventures, or in furtherance of any venture of a commercial nature, unless said project is owned in its entirety and controlled solely by said Post or intermediate body, and then, only after the approval of the Department Executive Committee has first been obtained, or between Department Executive Committee meetings, approved by the Department Commander.

Section 5. Posts shall not solicit money or donations by employing in part or fully, fundraising organizations or individuals or other entities unless the Post is to receive at least 50% or more of the gross receipts of any such fund raising endeavor.

ARTICLE IX - REAL ESTATE

Section 1. No real estate owned by any Post or trustee of any Post will be sold or used as collateral for a loan without the approval of the Department Executive Committee or where time is of the essence the Department Commander as ratified by phone or email vote of the Department Executive Committee, said Post or Intermediate body shall report said action to the next Department Executive Committee meeting.

Section 2. Any Post whose real estate becomes encumbered with a lien will notify the Department Adjutant within seven (7) days of receiving notice of the lien.

Section 3. All physical assets and/or finances of any Post within Utah being closed or dissolved shall be deeded to the American Legion Department of Utah. No single or group of Post members shall retain any of the aforementioned assets.

ARTICLE X - AUXILIARIES

Section 1. American Legion Auxiliary, Department of Utah.

Article 1. The American Legion Auxiliary, Department of Utah, organized under the provisions of the National Constitution, is a recognized women's auxiliary organization of The American Legion, Department of Utah.

Article 2. Eligibility for membership in the American Legion Auxiliary, Department of Utah, shall be the same as that prescribed for membership by the National Constitution and By-Laws, except as provided in Article III of this Constitution.

Article 3. The Auxiliary shall be governed in this Department of The American Legion by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by this Department of The American Legion.

Section 2. Sons of the American Legion, Detachment of Utah

Article 1. The Sons of the American Legion, Detachment of Utah organized under provision of the National Constitution, is a recognized men's auxiliary program of The American Legion, Department of Utah.

Article 2. The Sons of the American Legion, Detachment of Utah shall be governed in this Department of The American Legion by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by this Department of The American Legion as well as the Constitution and By-Laws of the Sons of the American Legion, Detachment of Utah.

ARTICLE XI - DISCIPLINE, REVIEW, APPELLATE COURT

Section 1. The Department Adjutant (in conjunction with the Department Judge Advocate) shall provide a Department of Utah Uniform Code of Procedure, review and court of appeals in all matters of discipline involving individual members and suspension or revocation of Post charters.

Section 2. Discipline of Posts and Post members

- a. Each Post of the American Legion shall be the judge of its own membership, subject to restrictions of the Constitution and By-Laws, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group who opposed to our form of government, shall be eligible to become or remain a member of The American Legion.
- b. Members 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 and in writing by the accusers, and no member in good standing shall lose his membership until given a fair trial by the Post or Department in such manner and form as the Department By-Laws and Department Executive Committee may prescribe.
- c. Any member who has been suspended or expelled has the right of appeal to his Department Executive Committee or the Department Convention, according to the provisions in the Constitution and By-Laws of such Department. The decision of the Department shall be final.

ARTICLE XII - NATIONAL CONVENTION DELEGATES

Section 1. Delegates and Alternates to the National Convention shall be selected in the following manner at the Department Executive Committee meeting immediately following the Department Convention: In the National Convention each Department shall be entitled to five (5) delegates at large and one additional delegate for each 1,000 members, or major fraction thereof, whose current dues have been received by the National Treasurer thirty (30) days prior to the meeting of said convention, and whose registration fees, as fixed by the National Executive Committee, for its total authorized delegate strength, have been paid; and to one alternate for each delegate. The delegates shall be chosen not less than two weeks before the National Convention at Department Conventions, or in any other manner specified in the Constitution of the American Legion Department of Utah.

- The outgoing Department Commander, Department Vice-Commander, National Executive Committeeman and Alternate National Executive Committeeman shall be automatic delegates from the Department at large.
- The Department Adjutant and Department Service Officer shall be automatic alternates from the Department at large.

- All incoming Area Commanders and all incoming District Commanders of their respective Districts shall be automatic delegates to the annual National Convention (should they choose to attend said National Convention). In the event not enough Area or District Commanders plan to attend any National Convention, those vacant delegate position may be filled by the Department Executive Committee within thirty (30) days following adjournment of the Department Convention.
- The Immediate Past Department Commander (or his assigned representative) shall be the Chairman of the Department delegation to the National Convention occurring in the year in which their term expires. The Department Adjutant shall serve as delegation Secretary with voice but no vote. Vacancies in these offices occurring between Department Conventions shall be filled by the Department Executive Committee, except in the case of vacancy in the office of the Department Commander: the Department Vice-Commander shall assume that office.

ARTICLE XIII - NATIONAL EXECUTIVE COMMITTEEMAN

Section 1. One (1) National Executive Committeeman and one (1) Alternate National Executive Committeeman shall be elected at Department Conventions **held in odd years**, and shall serve for a period of two years, as provided under Article VII of the National Constitution. The Alternate National Executive Committeeman shall have all the powers of the National Executive Committeeman at the meetings at which the National Executive Committeeman is not present. In the event of a vacancy in the office of National Executive Committeeman or Alternate National Executive Committeeman, the Department Executive Committee at its next meeting shall elect an eligible person to serve for the unexpired term.

ARTICLE XIV - BY-LAWS

Section 1. This organization shall be governed in accordance with this Constitution and its By-Laws and standing rules adopted at Annual Department Conventions, and said Department By-Laws and Standing Rules shall not conflict with provisions of this Department Constitution.

ARTICLE XV - AMENDMENTS

Section1. This Constitution may be amended at any Department Convention by a favorable vote of two-thirds (2/3) of the total delegate votes then on the convention floor. It is further provided that the proposed amendments shall have been read at such convention at least four hours before being voted upon; and further provided that a record of the vote and the amendments shall be preserved. All proposed amendments to the Department Constitution must be in proper resolution format that have been initiated and positively voted upon at the Post and/or District Spring Conventions and presented (in triplicate) to the Department Adjutant not later than sixty (60) days prior to the starting date of said Department Convention.

American Legion Department of Utah

BY-LAWS

ARTICLE I – Department Executive Committee

Section 1. The “elective” Department Officers of this organization shall consist of one (1) Department Commander, one (1) Department Vice- Commander, one (1) National Executive Committeeman, one (1) Alternate National Executive Committeeman, four (4) Area 2nd Vice-Commanders (with oversight authority of the Districts within their area of responsibility), nine (9) District Commanders and the three (3) Immediate Past Department Commanders, all with full voice and vote powers (for a total of twenty (20) voting members). The “appointive” officers of the Department Executive Committee shall include (1) Department Adjutant (a paid employee), (1) Department Service Officer (a paid employee), (1) Department Treasurer, one (1) Department Judge Advocate, one (1) Department Chaplain, one (1) Department Historian, one (1) Sergeant-at-Arms and such other Sergeant-at-Arms as the sitting Department Commander may appoint, all of whom shall have voice, but no voting power on business coming before the Department Convention or Department Executive Committee Meetings. All above officers shall serve a one year term of office with the exception of the National Executive Committeeman and Alternate Executive Committeeman, whose term of officer shall be two years, (with their election taking place during odd years). The Department Commander and Department 1st Vice-Commander may serve only a single term of office during their lifetime.

Section 2. The following officers shall have full voice and voting power on any issue, resolution or item of business coming before the Department Executive Committee.

- Department Commander
- Department Vice-Commander
- National Executive Committeeman
- Alternate National Executive Committeeman
- Four (4) Area Commanders
- Nine (9) District Commanders

- Three (3) Immediate Past Department Commanders

The Department Judge Advocate, Department Chaplain and Department Treasurer shall have voice, but not have a vote on the Department Executive Committee. All past Department Commanders of the Department of Utah while in good standing in their respective Posts, shall be members for life of the Department Executive Committee, with voice, but without vote;

ARTICLE II

- DUTIES OF OFFICERS –

A. Department Commander

Section 1. Department Commander: Serving as the Chief Executive Officer (CEO) of the American Legion Department of Utah.

Section 2. It shall be the duty of the Department Commander to see that the Constitution and By-Laws of the Department are strictly observed and that the Department Officers properly execute their duties. The Department Commander shall have full power to enforce the provisions of the Department Constitution and By-Laws and mandates of the Department Convention and Department Executive Committee and shall make a semi-annual report to the Department Executive Committee of the Department Commander's activities and submit an annual report to the Department Convention. (Please see Department Commander Job Description for further details)

Section 3. The Department Commander shall be a member of the Department Executive Committee and shall notify all members of the Department Executive Committee of the time and place of all regular and called meetings at least five (5) days prior to such meetings, and shall preside at the meetings of the Department Executive Committee.

Section 4. The Department Commander only shall cause to be issued by the Department Adjutant, or other competent authority, travel orders on which disbursements shall be made by the Department Treasurer. The Department Officers, Area and District Commanders may be reimbursed for authorized expenses incurred while traveling within their territorial bounds, and to all meetings of the Department Executive Committee insofar as the approved budgets for travel shall permit for the Department, Area and Districts. Payments for travel expenses shall only be paid after submission and approval of a travel voucher by the Department Finance Committee under direction of that committee's Chair.

B - The Department Vice Commander

Section 1. The Department Vice-Commander shall have the qualifications of Department Commander and be elected during the annual Department Convention. In case of death, resignation or the failure of the Department Commander to serve for any reason, the Department Vice-Commander shall assume the office of Department Commander. The Department Vice-Commander shall be a member of the Department Executive Committee, shall be in charge of membership, and act as representative for the Department Commander. (Please see the job description for the Department Vice-Commander for further details).

C - The Department Adjutant

Section 1. Department Adjutant; doing business as the **Chief Operating Officer (COO)** of the American Legion, Department of Utah. All proceedings of the Department Convention or any called Convention are to be drawn up in proper format and permanently recorded by the Department Adjutant. (Please see the job description for the Department Adjutant for further details).

Section 2. All petitions, resolutions, reports, appeals, returns, and other communications at the convention are to be delivered to the Department Adjutant and the Department Adjutant shall see that they are filed in an orderly manner and carefully preserved.

Section 3. No instrument in writing is authentic without the attestation of the Department Adjutant.

Section 4. The Department Adjutant is to distribute the documents referred to committees or other officers, according to the orders of the Department Commander, and to notify such committees or other officers of their appointments to any duty.

Section 5. The Department Adjutant shall supervise the printing of all documents, proceedings, and other matters ordered to be printed by the Department Commander or Department Executive Committee.

Section 6. After each Department Convention and Department Executive Committee meeting the Department Adjutant shall record the minutes in written form of said meeting for proper filing, shall provide copies of those minutes to each member of the Department Executive Committee, and upon written request shall transmit to any Posts a copy of those minutes of such meeting.

Section 7. The Department Adjutant shall keep an accurate list of all Posts and its officers within the Department of Utah, and shall supply all Department Executive Committee members with a copy of that listing. Said listing will also be provided upon written request to any Post or individual within the American Legion Department of Utah.

Section 8. The Department Adjutant shall correspond with Posts and members in the Department and perform such other duties incidental to the Department Adjutant's office as the Department Commander and the Department Executive Committee may direct.

Section 9. The salary and conditions of employment of the Department Adjutant shall be fixed by the Department Executive Committee.

Section 10. The Department Adjutant shall attend all meetings of the Department Executive Committee and shall have the proceedings of the meetings recorded, and subsequently put into proper format. The Department Adjutant shall be a member of the Department Executive Committee with full voice powers, but is not entitled to a vote.

Section 11. The Department Adjutant shall check the correctness and completeness of all expense accounts submitted to the Department for payment before they are turned over to the Department Finance Committee for review and recommendation of payment, then submit same to the Department Commander for approval prior to payment being made.

Section 12. In the event the Department Adjutant shall be unable to perform the duties of said office for any reason, the authority, duties and responsibilities of the Department Adjutant's office shall be assumed by a member of The American Legion appointed by the Department Commander, until the next Department Executive Committee meeting. The Department Executive Committee shall then elect a temporary Department Adjutant according to Article IV, Section 10, of the Constitution.

Section 13. The Department Adjutant shall report to all Posts in the Department the subjects of all Resolutions passed by Department Conventions. When this report includes Resolutions which contain distribution clauses, the Department Adjutant shall report compliance with the distribution clauses and shall cause a list of the actual recipients of copies of such resolutions to be filed with the Department file copies.

D - The Department Treasurer

The Department Treasurer shall receive all funds due the Department from any source, giving the Department Treasurer's receipt thereof, and shall enter same in regular accounts with the purpose for which intended. (Please see the job description for the Department Treasurer for further details).

The Department Treasurer shall make disbursements only on legal orders from the Department Commander or Department Executive Committee.

The Department Treasurer shall make an annual report at the Department Convention, and such other reports as ordered by the Department Executive Committee.

E - The Department Judge Advocate

Section 1. The Department Judge Advocate of the American Legion Department of Utah (and any assistant Judge Advocates thereto) shall advise the Department officers and the Department Executive Committee on all legal matters, including the construction and interpretation of the Department Constitution, By-laws and Standing Rules and shall perform such other duties as are usually incident to the office. The Department Judge Advocate shall ensure that a copy of the Department of Utah and National Constitutions of The American Legion are available during all Department meetings. The Department Judge Advocate will review the Department Constitution, By-laws and Standing Rules on an annual basis with the Department Constitution and By-laws Chairman. (Please see the job description for the Department Judge Advocate for further details).

Section 2. The Department Judge Advocate shall, upon written submitted through the sitting Department Commander review the Post Constitution and By-laws of any Post within Utah and submit recommended changes to that Post. The Department Judge Advocate shall also upon written request submitted through the sitting Department Commander, provide a written draft to any newly organized Post within Utah.

F - The Department Historian

The Department Historian shall keep an accurate history of the principal events pertaining to the Department, Posts and members thereof, and shall perform such other duties as may be assigned to the Department Historian by the Department Commander and the Department Executive Committee. (Please see the job description for the Department Historian for further details).

G - The Department Sergeant-at-Arms

The Department Sergeant-at-Arms shall be present at all conventions, and it shall be the Department Sergeant at Arms duty to carry all messages from the Department Commander to any other officers or members, or vice versa, and to maintain order and decorum in the meeting as provided in the Department Constitution and By-Laws, and as directed by the Department Commander. The Department Sergeant-at-Arms shall perform such other duties as directed by the sitting Department Commander and perform such other duties as are normally incident to that office. (Please see the job description for the Department Sergeant-at-Arms for further details).

H - The Department Chaplain

The Department Chaplain shall be charged with the spiritual welfare of the Department and all of its members, attending meetings as required, which shall be opened and closed with nonsectarian prayer. The Department Chaplain shall also perform such other duties as may be assigned to the Department Chaplain by the Department Commander or the Department Executive Committee. Further, the Department Chaplain shall be available to carry on the "For God and Country" program, the annual Memorial Services, the "Chaplain's Workshops," the "Chaplain's Award" program, and to conduct non-sectarian religious services as well as other duties as are normally

incident to that office. (Please see the job description for the Department Chaplain for further details).

I - The Department Executive Committee

Section 1. Between Department Conventions, all executive administrative powers of the Department shall be vested in the Department Executive Committee (as outlined in Article 5, Section 1 of this Department Constitution).

Section 2. The Department Executive Committee shall hold scheduled meetings at least four (4) times between Conventions (within thirty (30) days of adjournment of the annual Department Convention, during the Months of December and March and again on the opening day of the next ensuing years Department Convention), or more often should the Department Commander or the Department Executive Committee deem it necessary. The place and dates of such meetings shall be determined by the Department Commander, except that the first meeting of the Department Executive Committee shall be held within thirty (30) days after the adjournment of the Department Convention adjournment.

Section 3. The Department Executive Committee may be called to meet by order of the Department Commander, or on call being duly drawn up and signed by five members of said Department Executive Committee, and upon receipt of such request the Commander shall immediately call a meeting of the Department Executive Committee. In the event the Department Commander refuses to call a meeting of the Department Executive Committee, after the Department Commander has been requested by five members of the Department Executive Committee, the Department Adjutant shall call the meeting.

Section 4. No proxy except the District Vice-Commander or a personal representative from the same District shall be permitted. A quorum for the transaction of business at any Department Executive Committee meeting shall consist of a simple majority plus one member of the voting members of the Department Executive Committee.

Section 5. (a) If a District Commander or Area Commander fails to attend in person two consecutive meetings of the Department Executive Committee without a valid cause, their office shall be declared vacant.

(b) In the event of a vacancy, ineligibility, removal for cause, death, resignation or incapacity of any Department Official on the Department Executive Committee, the Department Commander shall appoint a qualified person to fill such vacancy for an interim period, subject to confirmation by the Department Executive Committee at its next regular meeting.

Section 6. Upon recommendation of the sitting Department Commander, the Department Executive Committee shall authorize the employment of such personnel as they may deem necessary for the proper execution of the affairs of the Department, and shall allow those

employees such salaries as may be necessary as recommended by the Department Finance Committee and ratified by the Department Executive Committee. All Department employees shall report to and be under the supervision of the Department Adjutant (except that the Department Adjutant will report to and be under direction of the sitting Department Commander). The employment of such employees may be terminated by the Department Adjutant or Department Executive Committee as appropriate. All employees, if eligible, shall be members of The American Legion, The American Legion Auxiliary or Sons of the American Legion or dependents thereof. All persons who are permanently employed by the Department Adjutant shall have their employment confirmed by the Department Executive Committee at the first meeting of the fiscal year. The Department Executive Committee shall also authorize all expenses on a voucher system for Department Employees.

Section 7. The Department Executive Committee and/or the Finance and Budget Committee shall have instituted such systems of accounting that a detailed account may be obtained at any times, reporting any and all receipts and disbursements, and shall authorize all necessary forms and vouchers.

Section 8. The Department Executive Committee shall cause to be issued at each Department Executive Committee meeting a quarterly financial statement of the itemized financial accounts of the Department for the preceding quarter, and a copy of this statement shall be furnished to each officer and each member of the Department Executive Committee.

Section 9. Any member of the Department Executive Committee, a Department Committee or Department subcommittee may be removed or suspended for cause at a Department Executive Committee meeting by a two-thirds (2/3) vote of all voting members present; provided that officer shall have been served with a written and notarized statement of the complaint and specific charges at least fifteen (15) days before such vote shall be taken, and shall have an opportunity to be heard at the Department Executive Committee meeting. A District or Area Commander, upon the recommendation of a majority of the Post Commanders of his/her District or Area may be suspended pending such a hearing by the Department Executive Committee as outlined above.

Section 10. (a) At the first meeting of the Department Finance and Budget Committee in each fiscal year, said Committee shall elect a committee chair from within the membership of said committee, and then prepare budgets for the Department; the net revenues of which shall not exceed the sum of the net revenues of the General Fund and/or the Total Receipts of the Trust Fund as reported in the General Fund and Trust Fund, Income and Expense Statements.

(b) The Finance and Budget Chair will then present that proposed budget to the Department Commander and Adjutant, who will then provide a copy to each voting member of the Department Executive Committee and the Department Finance and Budget Committee within five (5) days of the next Department Executive Committee meeting in July each year.

(c) At the July meeting of the Department Executive Committee (DEC), the Finance and Budget Committee chair will present the proposed budget to the DEC, seeking a motion from the DEC to accept said proposed budget and upon approval of the budget as proposed the budget for the ensuing year will be set. The Department Executive Committee shall not appropriate more than the sum of the anticipated net revenues within the General Fund and the Total Receipts of the Trust Fund as reported on the General Fund and Trust Fund, Income and Expense Statements.

(d) The Fiscal year for the Department of Utah shall commence on July 1 of each year and run through June 30 of the following year. The budget, when adopted by the Department Executive Committee, shall remain in full force and effect until changed at a future meeting of the Department Executive Committee, but still subject to Section 10 (c).

Section 11. All meetings of the Department Executive Committee shall be open to any Legionnaire and the minutes of all proceedings shall be furnished to all sitting members of the Department Executive Committee. The Department Adjutant shall prepare the minutes of these proceedings within sixty (60) days for the records of the Department.

Section 12. The Department Finance and Budget Committee at their meeting immediately following the adjournment of the Department Convention shall authorize a sum adequate to cover travel expenses and additional incidental expenses as may be approved by the Department Executive Committee for the incoming Department Commander, National Convention Delegation Chairman and the Department Adjutant, which funds shall be used to attend the National Convention as representatives of the Department of Utah. Each shall furnish Department Headquarters, within thirty days after the National Convention, a written report of their activities and disposition of various Departmental matters of the National Convention. A copy of his/her report shall be furnished each DEC member upon request.

Section 13. (a) No appropriation shall be considered by the Department Executive Committee or Department Convention unless the proposed appropriation has first been submitted to and a recommendation for expenditure forwarded by the Department Finance and Budget Committee. In the event a proposed appropriation is rejected by the Department Finance and Budget Committee, the proponent of such proposition may present the matter to the Department Executive Committee and/or to the Department Convention for final approval or rejection.

(b) Non-Budgeted Emergency Expenditure – All requests for expenditures of Department funds not budgeted for the purpose requested shall, before referral to the Department Executive Committee or Department Convention, be referred to the Department Finance and Budget Committee, which shall render an advisory opinion and recommendation as to the availability of sufficient funds and the impact on the Department of said expenditure.

(c) Requests for non-budgeted expenditures not related to Real Estate shall not exceed 10% of the current budget net revenues of the General Fund and shall require an approval

recommendation of the Finance and Budget Committee and then by a two-thirds (2/3) approving vote of the members of the Department Executive Committee.

(d) Requests for non-budgeted expenditures relating to Real Estate shall require the approval of the Finance and Budget Committee and two-thirds (2/3) affirmative and then a two-thirds (2/3) approving vote of the members of the Department Executive Committee.

Section 14. Authorized expenses of members of the Department Executive Committee incurred in the discharge of their official duties shall be allowed them when expense account vouchers have been properly submitted within a thirty (30) day period.

Section 15. No changes shall be made to the annual membership goals or awards after they have been approved by the Department Executive Committee, except to correct administrative error.

ARTICLE III

- COMMITTEES -

Section 1. Committees for the Department shall consist of the following:

(1) (a). Finance and Budget Committee. The Finance and Budget Committee shall consist of five members, who shall serve for five (5) years, one new member to be appointed each year by the incoming Department Commander from the Department Executive Committee, and all shall be subject to approval by the Department Executive Committee. No more than one member from any Post may serve on the Finance Committee at any given time. Chairmen of the Finance and Budget Committee shall be elected by the five (5) members of the Finance and Budget Committee during their first meeting within each physical year. Vacancies on this committee shall be filled by appointment from the setting Department Commander and as ratified by the Department Executive Committee. The Department Commander and Department Treasurer shall be ex-officio members of said Committee and the Department Adjutant shall be ex-officio secretary of said Committee. Said Committee shall be charged with the duty of preparation of the annual budget and handling funds under that budget and such other duties as shall be prescribed by the Department Executive Committee. Ex-officio members shall have voice but no vote.

(1) (b). Long Range Planning Committee. The Long-Range Planning Committee duties are to develop and perpetuate a long-term plan for the Department and shall submit recommendations for action to the appropriate Committees or to the Department Executive Committee for its consideration. The Long-Range Planning Committee shall consist of the current Department Commander and five (5) other members who shall be appointed to five (5) year terms. The incoming Department Commander shall appoint one (1) new committee members each year as the longest serving committee members whose term of office expires shall fall off of said committee, but may be reappointed by the incoming Department Commander for a single additional term of five (5) years. In the event of a vacancy, the Department Commander shall

appoint a member to fill the unexpired term. The Committee will meet no less than 3 times, per year, at the discretion of the Finance and Budget Committee Chair or Department Commander. The Department Commander and the Department Adjutant shall serve as ex-officio members with voice but no vote. At the first Committee meeting of each year, the voting members of the Committee shall elect a Chairman and a Vice-Chairman. The Department Adjutant shall serve as Secretary.”

(1) (c) Training Committee. The Training Committee shall develop a comprehensive series of training programs that will satisfy the needs for appropriate instruction from the Post level through the Department level, incorporating current courses of instruction, such as the Legion College, Commanders School, and the American Legion Extension Institute course, but expanded to satisfy more grassroots requirements. The Training Committee will also create the necessary curriculum and standards of instruction to develop a trained cadre that is proficient in both subject matter and teaching skills and can be employed at every level within the Department. Lastly, the Training committee will ensure that the Department is maximizing the latest and most appropriate training media, consistent with the needs and resources of the Department. The Training Committee shall consist of five (5) members who shall be appointed to five (5) year terms. The incoming Department Commander shall appoint one (1) new member each year and said committee at its first meeting shall elect a chair for their committee. The Department Commander and Department Adjutant shall serve as an ex-officio member with voice but no vote. In the event of a vacancy, the Department Commander shall appoint a member to fill the unexpired term. The Committee will meet three (3) times or more annually, or at the discretion of the Committee Chair or Department Commander. The Department Adjutant shall serve as Secretary.

(2) (a) Department Convention Committees shall be Americanism; Membership; Organization and Post Activities; National & Homeland Security; Veterans Affairs and Rehabilitation; Constitution and By-Laws; Legislative; Public Relations and Publications; Resolutions and Credentials. The Chairman and members of the Convention Committees shall consist of the Chairman of the respective Committee or subcommittee, one member from each District and one alternate who may serve in the absence of the principal, except that the Department Convention Resolutions Committee shall consist of a Chairman and the four Area Commanders. The Department Commander shall appoint the Chairman of the Department Convention Committees for Resolutions Assignment and Credentials and Rules.

(2) (b) Special Committees. The Department Commander shall have the authority to appoint such special committees to serve for a period not to exceed that Department Commander’s respective term of office, and as may be authorized by the Department Convention and/or the Department Executive Committee. A Department Commander may further appoint such other necessary Committees as not otherwise provided for herein.

(4) All Committees shall cooperate with other respective and like committee and with the Department Executive Committee and with National Commissions and Committees.

Section 2. There shall be nine (9) sub-committees of activity.

(1) Americanism.

- a. Boys State
- b. Baseball
- c. Boy Scouts
- d. Children & Youth
- e. Community Service
- f. Junior Shooting
- g. Legion Riders
- h. Oratorical Contest and School Awards
- i. Sons of the American Legion.

(2) And under **Membership, Organization and Post Activities**

- a. Membership
- b. Uniformed Organization
- c. Constitution and By-Laws
- d. Awards and Trophies.

(3) National Security a. Military Affairs b. Foreign Relations c. Aerospace d. Law and Order e. Disaster Preparedness

(4) And under: **Veterans Affairs and Rehabilitation**

- a. Hospitals and VAVS
- b. Veterans Preference and Employment
- c. Homeless Veterans
- d. Women Veteran Outreach

(5) **Convention City**

(6) Legislative

a. Legislative Council

(7) Public Relations and Publications

Section 3. (a) The Americanism, Membership, Organization & Post Activities, National Security, Veterans Affairs & Rehabilitation, Convention City, Legislative, Public Relations and Publication Committees shall consist of four members, each representing a different Area, with An Area Commander, designated by the Department Commander, and a chairman of each sub-division, except that the four Area Commanders shall serve on the Membership, Organization and Post Activities Committees.

(b) The members of each of each above said Committee shall be appointed from a different Area and shall serve a term of four years except that one will retire each year. The Chairman of each sub-division under each Commission shall be appointed annually, except that the Chairman of the Legislative Commission shall serve as Chairman of the Legislative Council. The Legislative Council shall consist of one member from each American Legion District in Utah.

(c) Appointment shall be by the Department Commander subject to approval by the Department Executive Committee. The Chairman of each Committee shall be elected annually from the membership of said committee, except that the Department Vice-Commander shall be chairman of the Membership Sub-Division.

(d) In the event a Division member of a standing committee is elected to the Department Executive Committee, he/she shall, if his/her term does not expire prior to assuming office, resign his/her position as Division member so that the incoming Department Commander may appoint a member to fill the remainder of the unexpired term. They shall not be reappointed until their term on the Department Executive Committee has expired. Members of the Department Executive Committee shall not be appointed to any commission or committee unless such appointment is specifically addressed within this Constitution or Bylaws.

(e) Duties of the Commissions consist of duties normally appertaining thereto and as may be assigned by the Department Convention, the Department Commander and the Department Executive Committee.

(f) A member of any standing Committee may be removed for proper and adequate cause if charges are received in writing and provided to the offending committee member within at least fifteen (15) days of the next meeting of said committee. That committee will then hear said charges and recommend to the sitting Department Commander that the member be removed from said committee, or be suspended or retained on said committee.

Section 4. Committees Outlines

(a) Americanism Committee:

(1) To develop and maintain a spirit of 100% Americanism among Legionnaires and the citizens of the State of Utah. To put into effect the Americanism programs of The American Legion; to coordinate any overlapping of plans dealing with Americanism; and to develop an overall policy of Americanism. To oversee and report on programs that relates to Americanism and many youth programs.

(2) (a) **The Americanism Committee** will consist of the following sub-committees Chairman that will report to the commission: Boys State, Baseball, Boy Scouts, Children & Youth, Community Service and Education, Junior Shooting, Legion Riders, Oratorical Contest and School Awards, Sons of The American Legion

(b) **Membership, Organization and Post Activities Committee:** (1) shall be to recommend programs to the Department and Posts for the promotion of such activities as would stimulate interest in The American Legion and its programs in all communities. To promote an increase of membership in the Department by utilizing the Department Membership Plan. To review the Department Membership Plan on an annual basis and recommend changes. To develop and implement a Department Revitalization/Retention Teams within the Department and Districts.

(2) The Membership, Organization and Post Activities Commission will consist of the following sub-committee Chairman that will report to the commission: Membership, Uniformed Organization, Constitution and By-Laws and Awards and Trophies

(c) **National Security Committee:** (1) shall be responsible for all the National Security and Foreign Relations programs of The American Legion within the Department. To organize the members in support of national or civilian defense projects in the communities. To organize the Department and to assist in organizing the communities for readiness to meet any emergency. To inform the members of any actions that could have an effect on the security of the community, state and nation. (2) The National Security Commission will consist of the following sub-committee Chairman that will report to the commission: Military Affairs, Foreign Relations, Aerospace, Law and Order and Disaster Preparedness.

(d) **Veterans Affairs and Rehabilitation Commission:** (1) shall be responsible for all the Veterans Affairs and Rehabilitation Programs within the Department. To promote the programs of rehabilitation, employment and claims assistance for veterans and their dependents. To promote and coordinate volunteers at the Veterans Administration Hospitals to assist hospitalized veterans. To assist the Department Service Officers in the various locations and Regional Offices of the Veterans Administration to address issues and problems with veterans claim processing and rating. To encourage Posts and Districts to select qualified and able members to serve as Post and District Service Officers and to provide assistance to help them carry out their duties. (2) The Veterans Affairs and Rehabilitation Commission will consist of the

following subcommittee Chairman that will report to the commission: Hospitals and VAVS, Veterans Preference and Employment, Homeless Veterans and Women Veteran Outreach.

(e) Convention City Committee: shall be to investigate the facilities of cities placing a bid for a Department Convention; to recommend to the Department Executive Committee the city best qualified to hold a Department Convention; and provide periodic inspections and reports on the pending convention sites.

(f) Legislative Committee: (1) shall be to represent the Department of Utah with the State Legislature and to contact Congress on matters of interest to Utah veterans, as long as contact does not conflict with any National American Legion policy. To consider legislative matters and make recommendations to the Department Convention and/or Department Executive Committee and in general supervise the legislative program of the Department. (2) The Legislative Council is the grassroots effort of the Legislative Commission and will be supervised by the commission. Each District Commander shall make a recommendation to the Department Commander for the appointment of a member from their District to the Department Legislative Council.

(g) Public Relations and Publications Commission: Shall be to serve as the voice of veterans by enhancing public perception of The American Legion, America's veterans and their families. Is responsible for the maintaining of the image of The American Legion and to communicate our various messages to the public, promoting and publicizing projects, events, programs and accomplishment of The American Legion. To provide direct oversight on all Department publications, Department Website, The Legion Times and any and all communications medias of the Department.

ARTICLE IV

- BONDING OF OFFICERS AND EMPLOYEES -

Section 1. Any Department officials, and/or Post, District or Area officials handling American Legion money (in any form), or utilizing the name of "The American Legion" as part of a canteen or bar, shall be bonded with a bonding and surety company in an amount equal to double the average amount of money handled in a single year or such other amount as the Post Executive Committee deems adequate to protect the funds of that Post. Such officers shall pay each year a fidelity bonding fee to equal \$5.00 US to the Adjutant within thirty (30) days of being elected or appointed into a position within that level organization to the Department Adjutant, who shall maintain a listing of those bonded. The Department Adjutant shall ensure that each year, all of those members handling funds within the American Legion Department of Utah are adequately bonded with an accredited bonding institution.

Section 2. Bonds for Department officials shall be approved by the Department Judge Advocate and the Department Executive Committee.

Section 3 (a) Bonds for Post officials shall be approved by the Post Judge Advocate and the Post Executive Committee. (b) Posts shall provide the Department Judge Advocate a copy of all surety bonds annually by October 1st.

ARTICLE V

- OPEN MEETING-

Section 1. All meetings of the Department Executive Committee, and all Department committees or, sub-committees shall be open to all members of The American Legion (unless previously announced that the meeting will be closed by the Chair of that committee). In the event an executive session of any such committee within the American Legion, Department of Utah shall be deemed necessary, the chair of that committee will then ask all but committee members to depart for the duration of said executive session. Legionnaires who are not members of the committees or commissions shall have no voice or vote within such committee meetings.

Section 2. All meetings of a Post shall be open to all members in good standing of that Post or as stipulated in that Post's Constitution and By-Laws. Members of that Post who are not members of the committees shall have no voice or vote.

Section 3. Attendees without voice or vote may only speak as provided the opportunity by the presiding officer.

Section 4. Notwithstanding Sections 1 and 2 above, the presiding officer can close a meeting to discuss personnel matters, real estate transactions and disciplinary matters. Any action must take place only when the closed session is ended and the meeting has been opened for the members.

ARTICLE VI

- INDEX-

Section 1. A convenient table of contents or index shall be prepared under the direction of the Department Judge Advocate and attached to this Department Constitution and By-Laws each time this Department Constitution and By-Laws is revised and reproduced by the Department.

ARTICLE VII

- AMENDMENTS -

Section 1. These By-Laws may be amended during any Department Convention by favorable vote of two-thirds (2/3) of the total delegate strength votes then on the convention floor. This Constitution and By-Laws may be amended only upon receipt of a duly written and approved resolution, which may be started at any level within the American Legion, Department of Utah. It is further provided that the proposed amendments shall have been read at such convention at least four (4) hours before being voted upon and further provided that a record of the vote and

the amendments shall be preserved. All proposed amendments to the Department By-Laws must be presented to the Chairman of the Department Constitution and By-Laws Committee of the Department Convention by noon of the opening day of the convention business session.

ARTICLE VIII

- GENERAL ENACTING PROVISION -

Section 1. The provisions of the Department Constitution and By-Laws, and as hereafter may be amended, shall become effective immediately upon adoption. Conflicting provisions in preexisting Department Constitution and By-Laws are repealed and terminated by the adoption of this Department Constitution and By-Laws, unless otherwise specifically provided.

STANDING RULES

THE AMERICAN LEGION

DEPARTMENT OF UTAH

PREFACE

Standing rules are rules and regulations for the guidance of an assembly which have been adopted, the same as ordinary resolutions, by a majority vote without previous notice. A Standing rule may be amended or rescinded by a two-thirds vote, or if notice has been given, by a majority vote. Standing rules are usually adopted from time to time, as they are needed, in the form of resolutions. Governance of these Standing Rules shall be in accordance with **Robert's Rules of Order, Newly Revised**, unless otherwise provided for in writing prior to considerations of subject standing rules.

Article I Dues

Each Post shall pay an annual dues assessment equaling twenty nine dollars and fifty cents (\$29.50) collected from each Post member for that assessment as levied for the Department and National dues, with these dues to be collected by and transmitted by each Post within the physical boundaries of Utah to Department Headquarters located at: **350 So. State St. Suite 80; P. O. Box 148000, Salt Lake City, Utah 8414-8000 within not less than thirty (30) days of receipt from members.**

Article II Convention Rules of Order

Section 1. The Department "Convention Rules of Order" are the responsibility of the Department Adjutant and shall be included annually in the Convention Book of Reports.

Article III Constitutional Approval

The preceding articles, sections, and pages constitute the official Constitution and By-Laws, and Standing Rules of The American Legion, Department of Utah, as amended by Department Convention in _____, Utah, _____; To certify which witness the official signature of the Department Adjutant and the seal of The American Legion, Department of Utah, this the _____ Day of _____.

Article IV "Guidance for those American Legion Posts Licensed to serve alcohol in the State of Utah and who uses "The American Legion" Name

1. Any American Legion Post within Utah which offers as one of its services a club (bar or canteen) shall have clearly written and clearly posted "club room hours of operation and General Operational Procedures" which shall be set to comply with all Utah State Laws as promulgated by the Utah Alcoholic Beverage Commission regulations. Such club operations are likewise subject to the rules set forth in this addendum #1 to the constitution of The American Legion Department of Utah.
2. In order for Post members (including Legionnaires, American Legion Auxiliary or Sons of The American Legion members) to gain entrance to the Post's club "**they must maintain current membership in good a standing status**" in their supporting organization (Legion/Auxiliary /Sons). Members who have not renewed their membership on or before December 31st of the ending membership year shall not be granted entrance or service in the ensuing year until their membership is brought current. **NO EXCEPTIONS.**
3. A Legionnaire, Auxiliary or Sons member **shall be permitted to bring no more than a total of four (4) non-Legion family guests** onto the premises provided those guests are properly signed into the "**Post Guest Register**", and provided the member signing guests into the club shall be a member in good standing within that Post and who shall be wholly responsible for each of their guest's good order, conduct and discipline as established within Post Club Operating Procedures. Guests are subject to all of the same rules and other Post guidance as are Post members.
4. Any person admitting a guest into the club who **is not** a "member in good standing" of that American Post Legion Family shall be subject to suspension of club privileges, or suspension from Post Membership.
5. A member bringing any guest into the club shall sign the "**Post Guest Register,**" and shall list the name(s) and ages of each guest being signed into the club. Guests not signed into the "**Post Guest Register**" shall immediately be asked to leave the premises.
6. **Guests must arrive and depart with their supporting sponsor.** Un-sponsored guests shall immediately be asked to leave the premises.

7. All persons prior to being served alcoholic beverages shall show proper government pictured ID to ensure that individual meets state age requirements for consumption of alcoholic beverages. No guest under age twenty-one (21) shall be admitted into the club area or be served alcoholic beverage.
8. Any person walking into the bar from the street uninvited and asking a club member to "sign them in" ***shall NOT*** be granted entrance and shall immediately be asked to leave the premises.
9. Any member or unsponsored guest shall immediately leave the premises when requested to do so by authorized club or Post management personnel.
10. The Club manager/his or her assistant(s), hired employee(s) or Post Executive Committee member(s) have the right and privilege of refusing service to anyone who violates posted club rules or supplementary Post's governing procedures and rules
11. In the event a member or guest refuses to leave the premises upon request, the Appropriate Post officer, club manager or employee may call upon local police authority for Assistance in removing said individual or violator(s)
12. "No member or guest" shall secure alcoholic beverages or merchandise for any person who has been refused service.
13. No alcoholic beverage or any other beverages may be taken into or out of the premises as covered by license where State Laws and UABC regulations so provide.
14. There shall be "**NO GAMBLING**" on the premises.
15. No disorderly conduct shall be permitted on the premises. Those who act inappropriately shall immediately be invited to leave the premises of any American Legion Post within the physical boundaries of the State of Utah.
16. There shall be no profane or abusive language used upon the premises.
17. There shall be no drunkenness or lewdness allowed upon the premises. Should any member or guest come into the club intoxicated, or because of intoxication thereafter, or act in any manner of disorder as outlined is posted Club guidance for members and guests shall immediately be requested to leave the premises.
18. Any person working the club bar, or who serves or allows to be served for consumption any alcoholic beverages as outlined in paragraphs 12 through 18 above, shall be deemed in violation of posted club rules and may be subjected to suspension of club room privileges and/or termination of employment or suspension of Post membership.
19. Post officers, club manager or assistants or hired employees are charged with maintaining good order, conduct and discipline at all times.

20. Post officers, club manager or assistants or club employees or any member of the Post may check the membership card of a visiting Legionnaire, Auxiliary or Sons member's card at any time.

21. Any person removing, damaging or destroying property of The American Legion or the Post shall be subject to making full restorative payment for stolen, damaged or destroyed property and shall be subject to suspension of club privileges, or suspension of Post membership.

Sanctions for Violation of Posted Club Rules

1. In addition to sanctions and procedures herein delineated for the violation of posted club rules, written charges may be brought for the expulsion or suspension of a member of The American Legion, American Legion Auxiliary or Sons of The American Legion within said Post/Unit/Squadron of the American Legion, Department of Utah

2. The Department Commander, Department Vice-Commander, Department Area Commander (with jurisdiction over said Post) or District Commander (with jurisdiction over that Post) are hereby empowered to enter any Post club room in the State of Utah under purview of their authority, whether invited or not upon receiving written complaint concerning violation of club rules, if a reasonable cause exists, the above named Department officers are empowered to:

a) Shut down any and/or all operations of said club bar room and/or suspend sales of all alcoholic beverages, pending an investigation and proper hearing on violation(s) by the District, Area, Department Commander or District Executive Committee.

b) by a five (5) member panel of Post Commanders from within that appropriate District, appointed by the Department, Area or District Commander, who shall act as a jury, with said hearing to be held as soon as reasonable notice may be given, but in no event later than thirty (30) days from initial club closing. The Department Commander may appoint the Department Judge Advocate to act as his representative during any such proceedings in an advisory capacity.

b. Any such hearing shall be conducted using guidelines, practices and procedures set forth in the American Legion Post Officers Guide and Manual of Ceremonies as well as the American Legion Department Constitution and Bylaws and the Constitution and Bylaws of that post concerning notice, due process, witnesses, a fair trial and further set herein.

c. The decision of the above "District Panel" or "Panel of Post Commanders" shall, by majority vote, to either sustain, or overrule the closing of the club, or impose further written restrictive sanctions upon Post and club management. A copy of any such written investigation and/or written results of said trial shall be submitted to the Department Department Adjutant within ten (10) days of said decision.

d. Should the decision by said panel be to sustain closing, such ruling body shall also prescribe the length of time said club shall remain closed.

e. In the event the Post refuses to cooperate and shut down its club operations upon the reasonable request of said Department officers, the Department Commander is empowered to inform the Utah Alcoholic Beverage Commission of such violation and/or bring charges against the Post itself for revocation or suspension of the Post's American Legion Charter.

f. Prior to taking any of the above actions, the District Commander shall obtain written consent of the Department Commander, Department Vice-Commander or Department Area Commander (with jurisdiction over that Post) and after taking such action, shall cause a full investigation and written report of findings that shall be submitted within ten (10) days to the Department Adjutant.

g. Decisions of the appointed trial panel may be appealed to the Department Executive Committee, whose ruling upon full consideration of all of the evidence presented shall be final.

3. There shall be a standing "**Department Club Rules Committee**" consisting of three (3) members appointed by the sitting Department Commander and as ratified by the Department Executive Committee, who shall have had some experience in club operation, rules and regulations as established under the Utah Alcoholic Beverage Commission. Said Department Club Rules Committee shall elect one of their members as Committee Chair. The Club Rules Committee members shall review all Posts who have club operations at least once annually to determine if that Post is operating in accordance with Federal, State, Local, Post and American Legion Department of Utah guidelines. All club operations shall furnish upon request, copies of all IRS Form 990 reports in order to determine their financial responsibility during each year of operation.

4. All **Department Club Rules Committee** members shall serve a three year declining term of office, with the incoming Department Commander appointing one new member to replace the outgoing committee member.

Article V Fund Raising

These rules outline Fund Raising within The American Legion, no matter at which level, or for which cause. Before any funds are raised, you must have a clear, written plan in place that outlines specifically which person(s) will raise funds, what those funds are being raised for and complete and open accounting of every single penny raised and/or expended. Any funds raised for any single written project or program may only be used for that stated purpose. You must also keep a clear financial ledger of all funds raised; deposited and expended that includes the date and a copy of each transaction in your files ledger.

It is also most strongly recommended that at least a two (2), but preferably a three (3) member committee be formed prior to any funds being raised. It is strongly recommended that each member of this three (3) member committee be listed on your banking account as signers of deposits and expenditures, further that for any expenditure have at least two of those authorized said committee members sign for each and every transaction.

A written record of all financial transactions, i.e: monies raised and their stated purpose, monies expended and their purpose should be entered into the minutes of said meeting wherein financial undertakings occur, and that there be written record of all motions made, duly seconded and voted upon, and the results of each motion voted upon recorded in the minutes of said meeting.