

*THE  
AMERICAN LEGION*



*DEPARTMENT OF OREGON*

*CONSTITUTION  
&  
BY-LAWS*

*2021-2022*

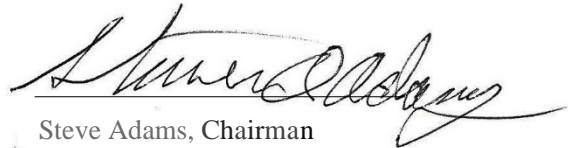
# INDEX

FORWARD	3
<b>PREAMBLE</b>	4
ARTICLE I - NAME	4
ARTICLE II - JURISDICTION	4
ARTICLE III - NATURE AND PURPOSE	4
ARTICLE IV - POST ORGANIZATION AND MEMBERSHIP	5
ARTICLE V - ORGANIZATION AND ADMINISTRATION	5-6
ARTICLE VI - OFFICERS	7
ARTICLE VII - DEPARTMENT EXECUTIVE COMMITTEE	7-9
ARTICLE VIII - NATIONAL EXECUTIVE COMMITTEEMAN	9-10
ARTICLE IX - AUXILIARY	10
ARTICLE X - FINANCE	10-11
ARTICLE XI - TRUST FUND	11-12
ARTICLE XII - CONTINGENCY RESERVE FUND	12
ARTICLE XIII - DISASTER RELIEF FUND	12
ARTICLE XIV - BUILDING FUND	12-13
ARTICLE XV - AMENDMENTS	13

<b>By-Law</b>	14
ARTICLE I - DISTRICTS	14-15
ARTICLE II - POSTS	15-16
ARTICLE III - DUTIES AND POWERS OF OFFICERS	16-19
ARTICLE IV - DEPARTMENT EXECUTIVE COMMITTEE	19-20
ARTICLE V - CONVENTION	20
ARTICLE VI - DELEGATES TO NATIONAL CONVENTION	21
ARTICLE VII - CONVENTION RULES	21-22
ARTICLE VIII - PERMANENT FINANCE COMMISSION	22-23
ARTICLE IX - DEPARTMENT STANDING COMMISSIONS	23-25
ARTICLE X - AMENDMENTS	25
APPENDIX "A"	
DEPARTMENT CONSTITUTION & BY-LAWS	
STANDING RULES FOR THE DEPARTMENT OF	26-27
OREGON EXECUTIVE COMMITTEE MEETINGS	
APPENDIX "B"	
PROCEDURE FOR POST CONSOLIDATIONS	
AND POST DISSOLUTION	28
POST REQUESTING TO CONSOLIDATE/MERGE	
WITH ANOTHER POST SHALL	28
FOR POST DESIRING TO DISSOLVE	29

FORWARD

The Constitution and By-Laws of The American Legion, Department of Oregon, have been brought up-to-date based on amendments adopted at the *100th (2018)* Department Convention held in Florence, Oregon. Changes to grammar and spelling that do not substantially change the meaning of the document have been made and not highlighted.



Steve Adams, Chairman  
Internal Affairs Commission

OFFICIAL:



S. Flynn Phillips  
Department Adjutant

*Revised page 3, October 2020*

*Revised page 3, October 2021*

**CONSTITUTION  
OF THE AMERICAN LEGION  
DEPARTMENT OF OREGON**

**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 all wars; to inculcate a sense of individual obligation to the community, state, and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom, and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

**ARTICLE I - NAME**

Section 1. The name of this organization shall be "The American Legion, Department of Oregon."

**ARTICLE II - JURISDICTION**

Section 1. The jurisdiction of The American Legion, Department of Oregon, shall be co-extensive within the confines of the State of Oregon and to such persons as shall hold active membership in The American Legion, Department of Oregon, who shall be temporarily or permanently located without the confines of the State of Oregon

**ARTICLE III - NATURE AND PURPOSE**

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

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

Section 3. The purpose of this organization is to create a Department Administrative Unit to assist in the realization of the high ideals expressed in the foregoing

Preamble and generally to effectuate the purposes of The American Legion as outlined in its National Constitution.

#### **ARTICLE IV - POST ORGANIZATION AND MEMBERSHIP**

Section 1. Eligibility to membership in The American Legion, Department of Oregon, shall be as defined by the National Constitution and By-Laws of The American Legion as the same is now established or as it may be amended from time to time.

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life. No person may be a member of more than one Post at any one time.

Section 3. All members of the Posts of The American Legion within this Department shall be members of the Department of Oregon, and through such Posts, subject to its jurisdiction.

Section 4. A member of a Post in this Department in good standing may transfer to any other Post in the Department and no additional dues shall accrue to the Department because of such transfer. All applications for membership in the Post shall indicate whether the applicant has ever been a member of or applied for membership in any Post of The American Legion.

Section 5. Each Post shall adopt its own rules for the election to membership of such applicants as shall be eligible.

Section 6. Members may be suspended or expelled from The American Legion only upon a proper showing of cause, and upon proceedings, as provided for in the Officer's Guide, "Practice and Procedure in the Expulsion or Suspension of a Member of The American Legion." Any appeal shall be taken to the Department Executive Committee, and the case shall be tried anew. The decision of the Department Executive Committee in such cases shall be final.

Section 7. Posts shall be formed as provided under Article IX of the National Constitution and shall be governed on all matters of National and Department finances as set forth in Sections 1, 2, and 3 of Article X of the National Constitution; provided no charter shall be granted to any Post without the approval and consent of the Department Executive Committee. No Post shall be granted or permitted to retain a charter within the Department with a membership of less than fifteen (15) members except by approval and consent of the Department Executive Committee.

Section 8. 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 asked for and denied by such Post, the member may then appeal to the Department Executive Committee of the Department of the expelling Post for permission to apply for membership in another Post and shall be ineligible for membership until such permission is granted.

#### **ARTICLE V - ORGANIZATION AND ADMINISTRATION**

Section 1. The legislative body of the Department of Oregon shall be a Department Convention to be held annually; the location of such Convention shall be fixed by a vote of the

Department Executive Committee upon the recommendation of the Department Convention Commission.

Section 2. In the Department Convention, each Post within the Department with a minimum membership of fifteen (15) shall be entitled to two delegates and one additional delegate for each one hundred (100) members or major fraction thereof whose current dues have been received by the Department Finance Officer prior to the meeting of said Convention. The Department Commander, the Department Vice Commanders, the Department Finance Officer, the District Commanders and all Past Department Commanders who shall be members in good standing in the Department shall be delegates-at-large with power to vote, which vote, except that of the Department Commander, shall be cast with that of their respective Post delegations. (6/29/2013)

The Department Commander shall have the power to vote only in case of an otherwise tie vote on any resolution or candidate. Each Post shall be entitled to one alternate for each delegate. (6/25/2004)

Section 3. Each delegate, or alternate acting in place of a delegate, shall be entitled to one vote providing the regular delegate's registration fee has been paid in accordance with the Convention Commission Code of Procedures. The Convention Credentials Committee shall ascertain such registrations from the registration records of the Department of Oregon. The vote of any registered delegate absent and not represented by an alternate shall be cast by the majority of the delegates present from his/her Post. While not acting in the place of a delegate, an alternate shall have all the privileges of a delegate except that of voting. (6/25/2010)

Section 4. Not less than sixty (60) days prior to the Annual Department Convention, the Department Adjutant shall issue to each Post a certificate showing the number of delegates and alternates to which that Post is entitled at that date under this Constitution. The Post Adjutant of each Post shall certify the name of the delegates and alternates elected by the Post by endorsement thereon, and shall mail the certificate to the Department Adjutant not less than forty (40) days prior to the Department Convention. However, in case of a failure to comply with the above, the Convention Committee on Credentials shall have the authority to seat such delegates as can establish their election as delegates and alternates to the Convention.

Section 5. A quorum shall exist at a Department Convention when a majority of the Posts in good standing within the Department are represented by delegates therein. Posts shall not be recognized by proxy.

Section 6. Chairmen of Department Standing Commissions and Commanders of the intermediate bodies constituted under the authority of Section 7 of Article VII of this Constitution shall have the privilege of the floor, without the power to vote, at all Department Conventions, and Chairmen of Department Standing Commissions, if elected delegates to the Convention, shall be Chairmen of their respective Convention Committees with power to vote. (6/26/1998)

Section 7. With the exception of the Commander, all Department Officers, the Chairman of all Standing Commissions and Standing Committees shall, not less than thirty (30) days prior to the opening of the Department Convention, submit to the Department Adjutant a written report covering the activities of their respective offices or Commissions, and it shall be the duty of the Department Adjutant to furnish a copy of such report to each delegate at the time of his/her registration at the Department Convention. (6/25/2016)

## **ARTICLE VI - OFFICERS**

- Section 1. The officers of this Department shall be as follows
- (a) Department Commander
  - (b) Department First Vice Commander
  - (c) Department Second Vice Commander
  - (d) Immediate Past Department Commander
  - (e) Department Adjutant
  - (f) Department Finance Officer
  - (g) Department Judge Advocate
  - (h) Department Chaplain
  - (i) Department Sergeant-at-Arms
  - (G) Department Historian
  - (k) District Commanders
  - (l) District Vice Commanders (6/28/2014)

With the exception of the Immediate Past Department Commander, the Department Adjutant, the Department Judge Advocate, the Department Chaplain, the Department Historian, and the Department Sergeant-at-Arms, District Commanders, and District Vice Commanders, the foregoing officers shall be elected by a majority vote of the delegates to the Department Convention, and shall serve for one year or until their successors are elected and qualified, and shall assume their respective duties immediately following the Department Convention. A Department Officer may hold only one of the above listed positions at one time. (6/28/2014)

Section 2. The Department Executive Committee shall, upon the recommendation of the Department Commander, appoint a member of a Post of The American Legion, Department of Oregon to act as Department Adjutant. The Department Adjutant, so appointed, shall hold office for a period to be negotiated at the time of the employment agreement, or until a successor has been appointed as provided in said employment agreement, in Article IV, Section 6 of the By-Laws. (6/23/2006)

Section 3. The Department Commander shall appoint a Department Judge Advocate, a Department Chaplain, a Department Historian, a Department Sergeant-at-Arms, and such other officers and standing committees as may be necessary to carry out the Department program, but said appointments shall not become effective until ratified by a majority of the Department Executive Committee. All appointive officers shall hold office at the pleasure of the appointive power and shall perform any and all duties prescribed by the same.

Section 4. The District Commanders and District Vice Commanders shall be selected by their respective districts as prescribed in By-Laws of the American Legion Article I, Section 2, and assume their duties upon installation at the Annual Department Convention. (6/27/2009)

## **ARTICLE VII - DEPARTMENT EXECUTIVE COMMITTEE**

Section 1. Between Department Conventions, the administrative power of the Department shall be vested in the Department Executive Committee, which shall be composed of the Department Commander, the Department First Vice Commander, the Department Second Vice Commander, the Immediate Past Department Commander, the Department Finance Officer,



the National Executive Committeeman, together with the District Commanders. The Alternate National Executive Committeeman and the District Vice Commanders shall be alternate members of the Department Executive Committee. (6/28/2014)

Section 2. The Department Executive Committee shall meet for organization and such other business as shall come before it at the call of the Department Commander, within ten days after the final adjournment of the Department Convention. Thereafter, the Department Executive Committee shall meet for the transaction of such business as may come before it at the call of the Department Commander or the joint-written request of at least five or more members of the Executive Committee, as he/she or they may deem necessary, provided that in any event, the Department Executive Committee shall meet immediately prior to the Department Convention.

Section 3. The Department Executive Committee shall require any officer having the possession or custody of any funds or property of the Department to give bond in such sum as they shall fix, with such sureties as they shall approve. All expenses contracted with the giving of any such bond shall be paid out of the Department funds.

Section 4. The Department Executive Committee shall have authority to appoint subcommittees or persons from among its members for the performance of special duties and shall have authority to delegate to them such functions and authority as it shall deem necessary and shall hire such employees as may be necessary to carry on the work of the Department. It shall authorize and approve any and all expenditure of Department funds, including the expenses of the Department Officers, necessarily incurred in the performance of their duties, within the amount approved in the budget adopted by the Department Convention. Vacancies occurring in any of the elective offices of the Department of Oregon shall be filled by the Department Executive Committee unless otherwise provided in this Constitution or By-Laws. (6/26/15)

Section 5. The Department Executive Committee, after a notice of hearing and fair trial or full opportunity, therefore, may suspend or revoke the charter of any Post or other subordinate organization within the Department which violates this Constitution or fails adequately upon demand to discipline any of its members for any such violation and may provide for the government and administration of such Post during such suspension or revocation. Procedure shall be as provided by the Uniform Code of Procedure adopted by The American Legion on November 21st and 22nd, 1940, or as the same may be amended.

Sub-section (1). A dispute arising among the members within a Post which threatens its proper functioning and lawful activities shall be channeled to the District for resolution. Disputes that are not resolved at District shall be channeled by the Department Executive Committee to the Internal Affairs Commission for a hearing, consideration, and counsel. The Commission, through the Department Commander, shall request the Department Judge Advocate, for assistance, if necessary, to clarify legal points. Conclusions reached by the Commission shall then be forwarded to the Department Commander and the Department Executive Committee for their information and action. (6/26/2015)

Sub-section (2). The Department Executive Committee may place a Post on probationary status, for a period not to exceed one (1) year, prior to suspending, canceling, or revoking a Post Charter to assist the Post in correcting actions or inactions that place the Charter in jeopardy. Probationary status allows for the continued operation of the Post, under the scrutiny, supervision, and control authority of the Department

Executive Committee via the appropriate Department of Oregon Officers and Commissions.

Any post failing to meet the conditions, obligations, duties or liabilities imposed upon it by the Constitution and/or Bylaws of the National or State Department or cure such default within the time fixed by the Department Executive Committee in its order, the Post shall surrender its Charter for suspension or cancellation. (6/24/17)

Section 6. Official business of the Department of Oregon, American Legion, can be conducted at any meeting only when a quorum of members is present. Nine or more members of the Department Executive Committee shall constitute a quorum. (6/2711989)

Section 7. The Department Executive Committee shall be the authority to create intermediate bodies between the Posts and Department to act as a liaison between such organizations and for the purpose of promoting the program of The American Legion. The Department Executive Committee shall define the powers and territorial limits 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. The Department Executive Committee may require that all Posts composing such intermediate body may be bound by affirmative action of not less than a majority vote of the Posts composing such intermediate body.

Section 8. The Department Executive Committee by a two-thirds vote of a quorum present at any duly designated or called meeting may declare the office of any Department Officer or member of the Department Executive Committee vacant upon the failure of such officer or member to fulfill the duties required of his/her office, or for failure to attend two consecutive, regularly called meetings of the Department Executive Committee, either in person or by his duly elected or appointed representative, if required to do so. The Department Executive Committee, by a two-thirds vote of a quorum present, shall select the successor to such vacated office unless otherwise provided in the Constitution or By-Laws of The American Legion, Department of Oregon.

Section 9. A vacancy in an elective office of the Department, whether such vacancy occurs through death or inability to act of the Department officer, shall be filled by the Department Executive Committee, unless otherwise provided in the Constitution or By-Laws of The American Legion, Department of Oregon. The Department Commander shall summon the Department Executive Committee to elect a successor to fill such vacancy for the balance of said term (See Article III, Section 2, By-Laws).

Section 10. Any expenditures of funds in excess of the amount of the budget adopted by The American Legion, Department of Oregon Convention, or the transfer of funds within the budget adopted by Department Convention must be initiated by the Department Executive Committee and have the approval of the Permanent Finance Commission as set forth in Article VIII, Section 4 of the Department of Oregon By-Laws. - (6/25/1990)

## **ARTICLE VIII - NATIONAL EXECUTIVE COMMITTEEMAN**

Section 1. A National Executive Committeeman and an Alternate National Executive Committeeman shall be elected at-large by the Department Convention. They shall serve for two years as provided by the National Constitution. They shall be elected in those years ending in the numbers 1, 3, 5, 7, and 9.

Section 2. Should the National Executive Committeeman be unable to perform the duties of such office, the Alternate National Executive Committeeman shall perform those duties during such period of disability with all the rights and privileges of the office.

Section 3. Should the National Executive Committeeman vacate such office for any reason before the expiration of the term for which elected, the Alternate National Executive Committeeman shall succeed to that office for the remainder of the term, and the Department Executive Committee shall elect a new Alternate National Executive Committeeman to fill the remainder of the unexpired term.

#### **ARTICLE IX - AUXILIARY**

Section 1. The American Legion recognizes an Auxiliary organization, known as the American Legion Auxiliary.

Section 2. Membership in the American Legion Auxiliary, Department of Oregon, shall be limited as prescribed by the National Organization of The American Legion and the American Legion Auxiliary.

Section 3. The Auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by the Department of Oregon. (1/3/1991)

#### **ARTICLE X - FINANCE**

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

Section 2. The amount of such annual Department per capita dues, which shall not include the National per capita dues, shall be determined by each Department Convention for the ensuing year. Such determination shall be by a separate resolution which shall specifically state the amount of the change and the total amount of the Department per capita dues. If no such determination is made by the Department Convention, the Department per capita dues for the ensuing year shall remain the same as for the previous year. National per capita dues shall be passed on to the Posts, and any change therein shall be effective at Department Headquarters seven days prior to the National effective date, to prevent loss to the Department.

(a) Departments are designated agents for collection for The American Legion with respect to annual dues, and upon receipt thereof shall transmit them promptly to The American Legion. In no event shall the period transpiring between the receipt of such annual dues by a Department and the remittance thereof to The American Legion exceed thirty (30) days. (6/25/1989)

Section 3. Upon the dissolution of any Post within the Department, all money and property of such Post shall revert to The American Legion, Department of Oregon, but in no event shall the State Department assume liability for any Post. The interest created in the Department by this section shall constitute a lien upon all property, real or personal, of such Post; in the event, such Post is incorporated, and property is held by the corporation, such lien and right of control shall extend to all property held by the corporation. Upon such dissolution of any Post, the Department Finance Officer shall act as the duly authorized agent of the Department

Executive Committee to take possession of all money and property of every kind and description that shall revert to The American Legion, Department of Oregon.

Said Department Finance Officer, as the duly authorized agent of the Department Executive Committee, is authorized and empowered, should it become necessary to represent the Department of Oregon before any Court or Government Administrative Body in the furtherance of the intent and purposes of this section. In the event that said Department Finance Officer takes possession of the money and/or property of a Post by virtue of this section, said money and/or property shall first be applied to the payment of local bona fide creditors of said Post.

Section 4. All contracts obligating the expenditure of funds of the Department of Oregon shall be authorized by a Department Convention or by the Department Executive Committee. Contracts must be approved by the Department Judge Advocate and signed by the Department Commander and Department Adjutant. (1990)

Section 5. There shall be four (4) authorized signatures on all checking accounts, savings accounts, and the safety deposit boxes. All checks, withdrawals from savings, and entries into the safety deposit boxes shall be with any two (2) of the four (4) signatures. These four (4) signatures shall be the Department Finance Officer, the Chairman of the Permanent Finance Commission, the Department Adjutant, and one (1) at-large who shall be appointed by the Department Executive Committee. (1993)

#### **ARTICLE XI - TRUST FUND**

Section 1. "There is a Trust Fund of \$50,000, created by Resolution C-03-90, which shall be kept separate and apart from all other funds of The American Legion, Department of Oregon, and all of the earnings to said Trust Fund shall be deposited in the General Fund. These funds are to be invested at the highest interest rate possible with the safety of the principal in mind in the financial institutions which are qualified members of the Federal Deposit Insurance Corporation and/or the Securities Investor Protection Corporation. Such deposits shall be at the recommendation of the Department Finance Officer and/or the Department Permanent Finance Commission with approval of the Department Executive Committee. (6/29/2013)

Section 2. No part of said Trust Fund shall be expended by the Department Executive Committee at any time or for any purpose whatsoever without first being authorized to do so by a resolution duly and regularly adopted at an annual Convention of the Department of Oregon, authorizing said expenditure, which said resolution must have been submitted to the Convention at least twenty-four (24) hours before the same has been put to vote and must receive the affirmative vote of three-fourths (3/4) of the total membership of said Convention.

Section 3. In the event that an emergency arises which in the mind of the Department Executive Committee justifies an expenditure of the Trust Fund created by this Article while the Department Convention is not in session, and the Department Executive Committee believes that the Department of Oregon cannot afford to await the convening of a Convention for the purpose of determining whether or not such expenditure should or should not be made, then and in that event, by a vote of three-fourths (3/4) of the Department Executive Committee, the Department Executive Committee may submit a resolution to the various Posts of The American Legion, Department of Oregon specifying for what purpose such funds are to be transferred, together with a tentative budget for such expenditure, which resolution will authorize the expenditure of such sum as the Department Executive Committee deems necessary out of the

Trust Fund, and if within thirty (30) days after the submission of said resolution to the various Posts representing not less than 75% of the total Posts then in good standing in the Department shall indicate that such resolution has been approved by the various Posts, then and in that event the Department Executive Committee is authorized to expend such portion of the Trust Fund as is specified by the resolution.

#### **ARTICLE XII - CONTINGENCY RESERVE FUND**

Section 1. There shall be established and maintained a Contingency Reserve Fund of \$100,000 which shall be kept separate and apart from all other Funds of The American Legion, Department of Oregon and all of the earnings to said Contingency Reserve Fund shall be deposited in the General Fund. These funds are to be invested at the highest interest rate possible with the safety of the principal in mind in financial institutions which are qualified members of the Federal Deposit Insurance Corporation and/or the Securities Investor Protection Corporation. Such deposits shall be at the recommendation of the Department Finance Officer and/or the Department Finance Commission, provided that the Department Executive Committee with the approval of the Department Permanent Finance Commission may make limited short term advances from the Contingency Reserve Fund to the Department General Fund for temporary periods, which shall not exceed ten percent (10%) of the fund in any one fiscal year, which advances shall be repaid to the Contingency Reserve Fund as soon as the General Fund is built to a working balance. Withdrawals and expenditures from the Contingency Reserve Fund shall otherwise be made only upon authority granted by a Department Convention. (6/29/2013)

#### **ARTICLE XIII - DISASTER RELIEF FUND**

Section 1. There is hereby created a special fund to be known as The Disaster Relief Fund of The American Legion, Department of Oregon in the amount of \$25,000 and shall be kept separate and apart from all other funds of The American Legion, Department of Oregon, and all of the earnings to said Disaster Relief Fund shall be deposited in the General Fund:- These funds are to be invested at the highest interest rate possible with the safety of the principal in mind in financial institutions which are qualified members of the Federal Deposit Insurance Corporation and/or the Securities Investor Protection Corporation. Such deposits shall be at the recommendation of the Department Finance Officer and the Department Permanent Finance Commission with approval of the Department Executive Committee. (6/28/2014)

Section 2. No part of the Disaster Relief Fund shall be spent without the majority approval of both the Department Executive Committee and the Permanent Finance Commission and be it further provided that the maximum amount to be allowed for a single incident shall not exceed \$5,000.

Section 3. A disaster shall be defined as any natural catastrophe such as windstorms, flood, earthquake, fire, or any time a Federal or State Government declares a disaster area. (6/27/1990)

#### **ARTICLE XIV - BUILDING FUND**

Section 1. There is hereby created a special fund to be known as the Building Fund The Department of Oregon in the amount of \$50,000 and shall be kept separate and apart from all other funds of the American Legion, Department of Oregon and all of the earnings shall be deposited in the General Fund. These funds are to be invested at the highest interest rate

possible with the safety of the principal in mind in financial institutions which are qualified members of the Federal Deposit Insurance Corporation and/or the Securities Investor Protection Corporation. Such deposits shall be at the recommendation of the Department Finance Officer and the Department Permanent Finance Commission with the approval of the Department Executive Committee. (6/28/2014)

Section 2. These funds shall not be used for any purpose other than the purchase of real property, real property with buildings, construction, remodeling, repair, or maintenance of buildings on said property.

Section 3. All expenditures from the Building Fund shall be as set forth in:

Article VII - Department Executive Committee of the Department Constitution, Sections 1 and 4.

Article X - Finance, Section No. 4, Department Constitution.

Article IV - Department Executive Committee, Sections 1 and 5 of the Department By-Laws. (6/26/1993)

#### **ARTICLE XV - AMENDMENTS**

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion. Any amendments to the National Constitution which are in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at any Department Convention by affirmative vote of two-thirds of the delegates present and voting, provided that such proposed amendment shall have been presented in writing to the Department Adjutant not less than sixty (60) days prior to the opening of such Department Convention; and, provided that the proposed amendment shall have been read at said Convention the day before the vote thereon. The Department Adjutant shall, not less than forty-five (45) days prior to the opening of such Convention, forward a copy of each proposed amendment to each Post in the and post the proposed amendment on the Department Website and Facebook. The Department Adjutant shall cause the proposed amendment to be published in the Oregon Legionnaire prior to such Convention. A copy of each proposed amendment shall be furnished to each delegate with his Convention package. All proposed amendments shall be in the form of written resolutions and shall specifically refer to the Article and Section sought to be amended (6/26/2015)

**THE BY-LAWS  
OF THE AMERICAN LEGION  
DEPARTMENT OF OREGON**

**ARTICLE I - DISTRICTS**

Section 1. There is hereby created the following Districts in the Department of Oregon

District No. 1 shall consist of all duly chartered Posts within the boundaries of Clatsop County, Columbia County, Tillamook County, and Washington County.

District No. 2 shall consist of all duly chartered Posts within the boundaries of Marion County, Polk County, and Yamhill County.

District No. 3 shall consist of all duly chartered Posts within the boundaries of Benton County, Lane County, Lincoln County, and Linn County.

District No. 4 shall consist of all duly chartered Posts within the boundaries of Jackson County, Josephine County, Klamath County, and Lake County

District No. 5 shall consist of all duly chartered Posts within the boundaries of Crook County, Deschutes County, Gilliam County, Hood River County, Jefferson County, Sherman County, Wasco County, and Wheeler County.

District No. 6 shall consist of all duly chartered Posts within the boundaries of Baker County, Morrow County, Umatilla County, Union County, and Wallowa County.

District No. 7 shall consist of all duly chartered Posts within the boundaries of Multnomah County.

District No. 8 shall consist of all duly chartered Posts within the boundaries of Clackamas County.

District No. 9 shall consist of all duly chartered Posts within the boundaries of Coos County, Curry County, and Douglas County.

District No. 10 shall consist of all duly chartered Posts within the boundaries of Grant County, Harney County, and Malheur County. (6/26/1993)

Those Posts who do not own their own Post Home shall be a member of the District representing the County in which their Post is chartered.

Any current Post in good standing in a District other than those just described, shall be "Grandfathered" in their current District.

Any "Grandfathered" Post shall have the right to, by a vote of the Post membership duly notified of the vote to petition by resolution to the annual Department Convention, to become a part of the District in which their Post resides. (6/26/1993)

Section 2. Each District shall be organized and shall select a District Commander, one or more District Vice Commanders, a District Adjutant, and such other elective or appointive officers as the District may determine at a meeting to be held following the spring Department Executive Committee meeting and the results of said meeting to be received at Department Headquarters no later than 20 days prior to the opening of the Department Convention, who shall hold office for one year, or until their successors have been chosen at the annual meeting. This annual meeting shall be composed of Delegates, Alternates, and Delegates-at-Large to the Department Convention who are members of a Post in the District, and who have been chosen in accordance with the provisions of Section 2, 3, and 4 of Article V of the Department Constitution. Voting shall be by any method determined by the District, however, Posts will vote at convention delegate strength, as provided by this Constitution or By-Laws, of those delegates, alternates, and delegates-at-large that are present at said annual meeting. A quorum shall exist at the annual meeting when a majority of the Posts in the District are represented at the meeting. The District Commanders and Vice Commanders selected at the annual meeting of the Districts must be ratified by the Department Convention, as provided in Section 3 of Article VI of these By-Laws, pertaining to the election of officers. The District Commanders and Vice Commanders shall be installed at the same time and in the same manner as the other Department Officers. (6/28/2014)

Section 3. Each organized District will have a District Constitution and By-Laws, to govern its activities, which is not incompatible with the Department and National Constitution and By-Laws. Such Constitutions and By-Laws, when adopted or amended, shall be filed with the Department Adjutant. The Department Judge Advocate shall examine them and certify to the next Department Executive Committee meeting that they comply with the provisions of this Section or specify changes necessary to comply. This report shall be subject to approval by the Department Executive Committee. (6/28/2014)

Section 4. Each District shall have a District Chairman, to be appointed by the District Commander, for each Department Commission and/or Committee having a program at the Post level. Such chairmen shall have the duty of promoting and coordinating their respective programs among the Posts in the District: (6/25/2016)

## **ARTICLE II - POSTS**

Section 1. No Post shall have the right, by resolution or other act, to withhold or divert annual National or Department dues collected, or monies collected from approved sources for the National or Department organization. The annual dues shall be collected by each Post and transmitted promptly to the Department. In no event shall the period transpiring between the receipt of such annual dues by a Post and the remittance to Department Headquarters exceed thirty (30) days. Violation of the foregoing will be cause for severe disciplinary action as determined by the Department Executive Committee. No delegate or alternate may be seated at the annual Department Convention so long as the Post which certified the election of such delegate or alternate is delinquent in the payment of amounts due to the Department. (6/25/1989)

Section 2. Each Post shall have the following Post officers, to be selected in any manner prescribed by the Post Constitution and By-Laws: a Post Commander, one or more Post Vice Commanders, a Post Adjutant, a Post Finance Officer, a Post Chaplain, a Post Service Officer, and such other officers that may be prescribed from time-to-time in the National American Legion Post Officer's Guide.



Section 3. Each Post shall select its officers for the ensuing year, not less than forty- five (45) days prior to the Department Convention of that year, and such officers shall be installed within the period of forty-five (45) days prior to the Department Convention of that year, or not later than the first meeting of September or September 20th of such year, whichever is the earliest date; however, new Posts may install at any time after organization. All installations of officers of Posts shall be subject to approval of the District Commander of that District.

Section 4. All officers of Posts within the Department who handle funds of the Post or for which the Post is responsible shall be required to furnish bond in the amount and form to be determined by the Post Executive Committee.

Section 5. The Department Commander or the Department Executive Committee may at any time require any Post within the Department to render to the Department a complete financial statement of its property, assets, and liabilities and its receipts and disbursements over any designated period.

Section 6. Each Post shall maintain the following standing committees each year, in addition to any others they may designate: Membership, Post Activities, Rehabilitation, Children & Youth, Americanism, and Community Service. These Committees shall be appointed and the name and address of the chairmen of these committees forwarded to the District Commander and Department Headquarters no later than September 20th of each year. (6/25/1989)

Section 7. Each Post in the Department shall have on file at Department Headquarters a copy of its Constitution and By-Laws. Posts shall review their Constitution and By-Laws annually and, if amended, the amended copy, dated as to when amended, shall be forwarded to Department Headquarters. (6/25/1994)

### **ARTICLE III - DUTIES AND POWERS OF OFFICERS**

Section 1. **DEPARTMENT COMMANDER.** The Department Commander shall be the chief executive of the Department and shall be ineligible to succeed himself/herself in office if he/she shall have served a full term of office. He/she shall see that the provisions of the National and Department Constitution and of all laws, regulations, and policies established thereunder shall be observed. He/she shall be the presiding officer of the Department Convention and of all other Department meetings. He/she shall represent the Department in its relations with the American Legion Auxiliary, Federal, State, and Government bodies.

He/she shall appoint all officers and committees not otherwise provided for, and shall countersign all orders drawn on the Finance Officer by the Adjutant for sums necessary to defray expenses and for other appropriations, but in no instance shall he/she have the power to expend any monies from Department funds in excess of such sums allowed in the annual budget. The Department Commander shall render an annual report to the Department Convention.

Section 2. **DEPARTMENT FIRST VICE COMMANDER.** The Department First Vice Commander shall perform such duties as may be required by the Department Commander and the Department Executive Committee. Upon a vacancy in the office of the Department Commander, the Department First Vice Commander shall assume that office. Upon vacancy in the office of the Department First Vice Commander, the Department Second Vice Commander shall assume that office. (6/25/2016)

Section 3. DEPARTMENT SECOND VICE COMMANDER. The Department Second Vice Commander shall perform such duties as may be requested by the Department Commander and the Department Executive Committee; oversee The American Legion programs specified in the Department of Oregon By-Laws, ARTICLE IX- DEPARTMENT STANDING COMMISSIONS, Section 1, within the Department of Oregon by working with National Headquarters and Department Commissions, Districts, and Posts to enhance growth and success of The American Legion programs. Upon vacancy in the office of the Department Second Vice Commander, the Department Commander shall, within ten days of the vacancy in the office of Department Second Vice Commander, call a meeting of the Department Executive Committee for the purpose of electing a Department Second Vice Commander. Said election shall be by majority vote of the total voting members of the Department Executive Committee present and may not be conducted by a telephone roll call. (6/29/2013)

3.1 Any Department Commander, Department First Vice Commander, or Department Second Vice Commander elected to a full term cannot succeed themselves in the same office. (6/29/2013)

Section 4. IMMEDIATE PAST DEPARTMENT COMMANDER. The Department Commander of the previous year upon the election of the new Department Commander at the Department Convention and upon the new Department Commander taking the oath of office shall be designated as the Immediate Past Department Commander. The immediate Past Department Commander shall have, in addition to any duties assigned by the current year Department Commander and/or Department Executive Committee, the responsibility to mentor and advise the new Department Commander and Department Vice Commanders. The Immediate Past Department Commander shall utilize his/her experience of the previous year to provide advice and counsel for the continuity of purpose and administration of Department of Oregon programs and business. The immediate Past Department Commander shall participate and have a vote on the Department Executive Committee, as described in the Department of Oregon Constitution, Article VII, Section 1. (6/28/2014)

Section 5. DEPARTMENT ADJUTANT. The Department Adjutant shall be the Administrative Officer of the Department and shall render an annual report to the Department Convention. He/she shall keep a record of all meetings of the State Convention, the Executive Committee, and the Finance Committee, and shall prepare the same for permanent record in a book kept for that purpose. He/she shall cause notice to be given of all meetings to those entitled to attend same. He/she shall keep a record of all memberships of Posts of the Department by name and number and the Post's officers, their offices, and addresses. He/she shall receive all dues and assessments from Posts, keep a record thereof, and shall forward them promptly to the Finance Officer, taking a receipt therefore. He/she shall prepare vouchers for all bills authorized by the Department Executive Committee. He/she shall render to each member of the Department Executive Committee at the end of each quarter an itemized record of the receipts and disbursements made by him/her during the preceding quarter, and he/she shall further keep all records at all times for the inspection and auditing of his/her accounts. He/she shall conduct the correspondence and keep the records of the Department. He/she shall do or cause to be done all necessary administrative and clerical acts properly to conduct the business of the Department. He/she shall be reimbursed for actual traveling expenses while in performance of the duties of his/her office. He/she shall receive from the Department for his/her services such compensation as shall be fixed by the Executive Committee. He/she shall give a bond prior to assuming the duties of his/her office in such amount and with such sureties as shall be approved by the Department Executive Committee. The premium of said bond shall be paid from the funds of the organization. In case of vacancy in any elective office, he/she shall immediately notify the members of the Department Executive Committee.

Section 6. DEPARTMENT FINANCE OFFICER: The Department Finance Officer shall be the custodian of the funds of the Department and shall render an annual report to the Department Convention. Duties of the Department Finance Officer shall include ensuring the timely deposit of funds in the name of "The American Legion, Department of Oregon" in bank or banks as are named by the Department Executive Committee; ensuring the timely payment of expense vouchers and bills as approved by the Department Commander or Department Adjutant and for only such purposes as have been authorized by the Department; ensuring a full and complete record of the transactions, including receipts and disbursements; rendering to each member of the Department Executive Committee, Finance and Auditing Committees, quarterly, a complete report of the financial transactions of the Department during the preceding quarter, exhibiting all records when requested to do so by any Department Officer or member of the Department Executive Committee, Finance or Auditing Committee; shall reconcile the bank account monthly and render to the Chairman of the Permanent Finance Commission a copy of the bank reconciliation, bank statement, and expense report, shall ensure the timely payments of payroll taxes to the IRS and the Oregon Department of Revenue; shall ensure that the quarterly payroll tax forms IRS Form 941 and Oregon Department Revenue Form Oregon Quarterly Tax report (OQ) are filed by the deadlines and are correct. He/she shall give a bond prior to assuming the duties of his/her office in such amount and such surety as shall be approved by the Department Executive Committee.

The premium of such bond shall be paid from funds of this organization. The Department Finance Officer shall receive such compensation for services as shall be approved by the Department Executive Committee. (6/27/2008)

Section.7. DEPARTMENT JUDGE ADVOCATE: The Department Judge Advocate shall advise the officers of the Department upon all legal matters of The American Legion, including the interpretation of the Department Constitution and By-Laws; shall perform such other duties as may be required by the Department Commander or Department Executive Committee; and shall render an annual report to the Department Convention. Any and all controversies or questions arising with reference to the interpretation of this Constitution or By-Laws may be referred to the Department Judge Advocate by the Department Commander or the Department Executive Committee through Department Headquarters for decision. Any decision of the Department Judge Advocate rendered pursuant to the above provisions shall be final and binding upon all agencies of The American Legion in the Department of Oregon until revoked by action of the Department Executive Committee.

Section 8. DEPARTMENT HISTORIAN. The Department Historian shall prepare a history of this Department during the term of office, shall collect such other information as may be required to complete the history of the Department from its inception, and shall render an annual report to the Department Convention. (6/27/1996)

Section 9. DEPARTMENT CHAPLAIN. The Department Chaplain shall perform such duties as are usually attendant upon the office of Chaplain and shall render an annual report to the Department. (6/27/1996)

Section 10. DEPARTMENT SERGEANT-AT-ARMS: The Department Sergeant-at-Arms shall have charge of the ceremony of advancing and retiring the Colors at the annual Convention; shall be in charge of ushering, seating, and keeping the order during the meeting of the annual Convention and shall be empowered to appoint such assistants as shall be necessary to carry out these duties. (6/27/1996)

Section 11. DISTRICT COMMANDERS. Each District Commander shall be a member of the Department Executive Committee. Each District Commander shall have charge

of and shall be responsible for, all activities and programs of the Department and National organization within the District. He/she shall preside over all meetings of his/her District, appoint District Chairmen as provided in Section 2 of Article I of these By-Laws, and perform such other duties as his/her District Constitution and By-Laws may require. The District Commander shall call a conference of the District when requested to do so by the Department Commander, and at such other times as may be deemed advisable.

The District Commander shall perform such other duties as shall be required by the Department Executive Committee and shall be responsible for all Post installations within the District, and no installation shall be held within the District unless the date and place of such installation shall have first been cleared with the District Commander. Immediately following each Post installation, the installing officer shall certify to the Department Adjutant that the officers installed at such installation were duly qualified and regularly installed.

Section 12. **DISTRICT VICE COMMANDERS.** District Vice Commanders shall assist their District Commander in the administration of his/her duties and perform such other duties as their District Constitution and By-Laws may direct. In the case of the absence of the District Commander or his/her inability to act, the District Vice Commanders shall, in the order of their rank, assume the duties of the District Commander. If the Office of District Commander should become vacant, the District Vice Commanders shall, in the order of their rank, succeed to the next higher office for the remainder of the elected term. The resulting vacancy in an office of District Vice Commander shall be filled by the District concerned in any manner decided by it or provided in its Constitution and By-Laws.

#### **ARTICLE IV - DEPARTMENT EXECUTIVE COMMITTEE**

Section 1. The administrative power of the Department between the Department Conventions shall be vested in the Department Executive Committee. This power shall include all duties specifically provided by the Constitution and By-Laws and also all other acts necessary and proper to conduct the business of the Department between annual Conventions.

Section 2. The Department Executive Committee shall consist of the officers of the Department as set forth in Article VII, Section 1, of the Department Constitution. The Department Commander shall be Chairman of the Department Executive Committee, and the Department Adjutant shall be the ex-officio Secretary without power to vote. Each member of the Department Executive Committee shall hold office until the close of the next annual Convention, or until a successor shall have been elected and qualified, provided, however, that his/her office shall be declared vacant should a member discontinue membership in a Post within the District or Department the member was elected to represent. The Past Department Commanders, while in good standing in their respective Posts, shall be Ex officio members of the Department Executive Committee to serve in an advisory capacity without power to vote.

Section 3. The Department Executive Committee may adopt such regulations as it may deem necessary to insure observance of Article III, Section 2, of the Constitution and may adopt and enforce such rules and regulations as may be necessary to prevent the unlawful use of the name "The American Legion" or the use of the emblem or insignia of the same for private gain or improper or unethical purposes.

Section 4. It shall be the duty of the Department Executive Committee to pass upon all matters relating to the administration of this organization; to review, pass upon, and accept or reject all audits or reports of the business and accounts of the Department Adjutant and Department Finance Officer; and said Department Executive Committee may at all times, during

its term of office, call upon the said Department Adjutant and the Department Finance for a report of accounts and business transacted by them in the execution of their offices.

Section 5. Any matter relating to the business of this organization not specified these By-Laws shall be referred to the Department Executive Committee for the determination and adjustment thereof.

Section 6. The Department Executive Committee shall have the power to enter into such contract with the Department Adjutant for salary or compensation for the services of said officer, his stenographic and other office expense, and for the faithful performance of his duties within the limitations of the Constitution and By-Laws of the Department of Oregon as the Committee may regard as expedient and proper. It shall be expressly understood that Department Executive Committee shall, upon the recommendation of the Department Commander, have the power to employ and to remove any and all appointive officers and employees by a majority vote.

#### **ARTICLE V - CONVENTION**

Section 1. The several Posts of the Department shall, at least forty-five (45) days prior to the opening of the annual Department Convention elect their delegates and alternates and certify them to the Department Adjutant. The registration fee for all authorized delegates, alternates, and delegates-at-large, as it shall be determined by the Department Executive Committee, shall be sent in accordance with the Convention Committee Code of Procedure. No delegate shall be seated at the Convention unless certification of such election is received by the Department Adjutant at least thirty (30) days prior, except as hereinafter provided. (6/26/2010)

Section 2. The District Commanders shall act as the Convention Committee on Committees with the Department Commander acting as Chairman. The Permanent Finance Commission shall be members of the Department Convention Committee on Finance together with one member from each District not represented on the Permanent Finance Commission. (6/27/1992)

Section 3. All Convention Committees shall meet at a designated place between the close of the morning session and the start of the afternoon session on the opening business day of the Convention. All material for the consideration of a committee shall be delivered to the assigned meeting place by the Department Sergeant-at-Arms. In the event that the designated Chairman is not present at the appointed time, the Vice chairman shall act as Chairman and conduct such business as shall be presented. In the event that the designated Chairman and Vice chairman are both absent, the committee members present shall elect one of their number to preside and conduct business.

Section 4. The Convention shall proceed in the following order of business:

- (a) Address of the Department Commander.
- (b) Report of Special Committees.
- (c) Report of Convention Committees.
- (d) Nomination and Election of Officers.

New business may be presented to the Convention at any time there is no other business before the Convention. (6/26/2009)

Convention Committees shall make separate reports on all subjects presented to them.

## **ARTICLE VI - DELEGATES TO NATIONAL CONVENTION**

Section 1. The immediate Past Department Commander, the Department Commander, and the Department Adjutant shall be delegates to the National Convention. The remaining delegates shall be elected by Districts, the number from each District will be allotted by the Department Executive Committee on the basis of membership prior to the Convention; provided, however, each Legion District shall always be entitled to at least one delegate. The immediate Past Department Commander shall be the Chairman of the delegation.

Section 2. Election of delegates to the National Convention shall be by caucus of respective Districts, subject to ratification by the Department Convention.

Section 3. Whenever a National delegate is not present for voting, the elected alternate shall be seated and recognized.

Section 4. The National Executive Committeeman, by virtue of his office, is automatically a national delegate-at-large to the National Convention (Article VII, Section 3, National Constitution). (6-28-2014)

## **ARTICLE VII - CONVENTION RULES**

Section 1. With the following modification, Robert's Rules of Order, Newly Revised, shall be adopted for the Convention.

Section 2. When a delegate desires to make a motion or address the Convention, such delegate shall rise, address the chair as "Comrade Commander" and state name and number of Post before proceeding.

Section 3. Debate shall be limited to five minutes for each speaker, provided that upon vote of the majority of delegates then present, an extension of three minutes may be granted. Further extensions may be granted only upon the unanimous vote of the delegates then present.

Section 4. The floor shall be permitted but once to any individual delegate on any one subject, except by the consent of two-thirds of the delegates then present, provided that the proposer of any motion or resolution may have the floor once for rebuttal.

Section 5. A resolution offered on the floor of the Convention shall automatically and without reading be referred to the appropriate Convention Committee, or, in the absence of such Committee, to the Resolutions Assignment Committee for referral to the appropriate Convention Committee for proper consideration.

Section 6. All resolutions and memorials shall be presented in writing to the Department Adjutant, signed by the author, not later than noon on the second day of the Convention, provided that a resolution or memorial may be presented after said time by consent of two-thirds of the delegates then present at the Convention.

Section 7. No person, not a duly accredited delegate shall participate directly or indirectly in a viva voice vote on any subject before the Convention.

Section 8. Voting shall be by acclamation, except when a roll call shall be demanded by at least three delegates from different Posts.

Section 9. On all roll calls, the chairman or acting chairman of each delegation shall poll his delegation on the floor and shall announce the vote of his delegation.

Section 10. Nominations of Department officers, National Executive Committeeman, and Alternate National Executive Committeeman shall be from the floor.

Section 11. Nominating speeches shall be limited to five minutes each. No more than one seconding speech shall be made for each candidate, not exceeding three minutes.

Section 12. In the event that two or more candidates are nominated for one office, the balloting shall continue until elected by a majority vote of the delegation to the Department Convention who are present and vote for such office.

Section 13. Department elections shall be in the following order:

- (1) Department Commander
- (2) Department First Vice Commander
- (3) Department Second Vice Commander
- (4) Department Finance Officer
- (5) National Executive Committeeman
- (6) Alternate National Executive Committeeman
- (7) Delegates and Alternates to the National Convention (6/28/2014)

#### **ARTICLE VIII - PERMANENT FINANCE COMMISSION**

Section 1. There is hereby created a Permanent Finance Commission to consist of five appointive members and the Department Finance Officer as ex officio. Ex officio has no vote. (6/25/2016)

Section 2. The Department Commander shall appoint the members of such commission and designate the chairman, subject to the approval of the Department Executive Committee. The appointive members shall serve for a term of four years. All vacancies shall be filled in like manner; provided, however, that in appointing the first commission after the adoption of this amendment, one appointment shall be made for one year, one for two years, one for three years, and one for four years.

Section 3. It shall be the duty of the Permanent Finance Commission and the Department Executive Committee to prepare the annual budget for the Department for the ensuing year; publish the same thirty (30) days before the next annual Department Convention; and present the same to the Convention for adoption. (6/25/1989)

Section 4. The Permanent Finance Commission shall be advisory to the Department Executive Committee on all matters of Department finance and, in addition, thereto, shall have full authority of approval or veto over any and all expenditure in excess of the amount budgeted and adopted by the annual Department Convention.

Section 5. Proposed resolutions involving the expenditures of Department Funds shall be transmitted to Department Headquarters at least twenty (20) days preceding the

Department Convention, which resolutions shall be delivered to the Permanent Finance Commission, which shall in writing, make its recommendations to the Convention with reference thereto.

## ARTICLE IX - DEPARTMENT STANDING COMMISSIONS

Section 1. These shall be, in addition to the Permanent Finance Commission as set out in Article VIII of these By-Laws, the following Commissions and Committees of the Department of Oregon: (6/26/2015)

- (1) Americanism Commission
- (2) Internal Affairs Commission
- (3) Membership and Post Activities Commission
- (4) Administrative and Advisory Commission
- (5) Legislative Commission
- (6) Media and Communication Commission
- (7) National Security Commission
- (8) Veterans Affairs & Rehabilitation (VA&R) Commission
- (9) Veterans Employment and Education Commission
- (10) Convention Commission

Section 2. After the 1971 Convention in Baker, the number of members and the term of office of the members of each Commission and Standing Committee with the exception of the Permanent Finance Commission shall be as follows: Each Commission and Standing Committee shall have, with few exceptions, five (5) members, two (2) with terms of one year, and one (1) each with terms of two (2), three (3) and four (4) years. Thereafter the Department Commander shall appoint to each Commission and Standing Committee one member for a term of four (4) years and one member for a term of one (1) year. If more than five (5) members are necessary, additional members shall serve for one (1) year only. Appointments of Chairmen and members of the Commissions and Standing Committees shall be made by the Department Commander, except that no one person shall hold more than one Department Chairmanship, subject to approval of the Department Executive Committee. (6/26/2004)

Section 2.1. The Department Commander shall appoint a Chairman to the Veterans Affairs and Rehabilitation (VA&R) Commission and American Legion Volunteer Services Committee (ALVS) Chairman for a one (1) year terms.

Section 2.2. The Department Commander shall appoint a Chairman to the Americanism Commission for a one (1) year term, and the Chairman of the Children and Youth Committee, Baseball Committee, Boy Scouts Committee, Boys State Committee, Oratorical Committee, Junior Shooting Sports Committee, and Jim Willis Law Enforcement Career Committee to one (1) year terms to the Americanism Commission.

Section 2.3 The Department Commander shall appoint a Chairman to the Internal Affairs Commission for a one (1) year term, and the Chairman of the Constitution and By-Laws Committee, Sons of the American Legion Committee, American Legion Riders Committee, Resolution **Assignment** Committee, Trophy, and Awards Committee, and Training Development Committee to one (1) year terms to the Internal Affairs Commission.



Section 2.4. The Department Commander shall appoint a Chairman to the Media and Communications Commission for a one (1) year term, and the Legionnaire and Public Relations Committee Chairman, and Information Technology Committee Chairman to one (1) year terms to the Media and Communications Commission. The Department Commander will appoint an additional two members to Commission for two (2) year terms.

Section 2.5. The Department Commander shall appoint a Chairman to the National Security Commission for a one (1) year term, and the Chairmen of the Law and Order and Homeland Security Committee, Military Benefits and Quality of Life Committee, National Guard and Reserve Forces Committee, and Foreign Relations Committee for one (1) year terms to the National Security Commission.

Section 2.6. The Department Commander shall appoint a Chairman to the Veterans Employment and Education Commission for a one (1) year term, and the Chairman of the Employment and Veterans Preference Committee, Veterans Education, other Benefits and Homeless Committee, for one (1) year terms to the Veterans Employment and Education Commission (6/25/2016)

Section 3. Each Commission and Standing Committee shall submit a continuing Code of Procedure, not later than the second Department Executive Committee meeting, to be approved by the Department Executive Committee, and the funds budgeted for the Commission for the current fiscal year will be made available at the close of the annual meeting. These procedures, which shall outline in simple terms, the duties, functions, and responsibilities assigned to it by the Department Executive Committee, and such other matters which will assist its members in a better understanding of their work, shall be reviewed annually by the Commission or Committee Chairman. (6/29/1991)

Section 4. The Veterans Affairs and Rehabilitation (VA&R) Commission shall have oversight and maintain budget requirements for Veterans Health Administration (VHA) Veterans Administration Volunteer Services (VAVS) Representatives and Deputy Representatives and VHA Facilities in the Department of Oregon. (6/25/2016)

Section 5. The Americanism Commission shall have Committees to be known as Children and Youth Committee, Baseball Committee, Boy Scouts Committee, Boys State Committee, Oratorical Committee, Jr. Shooting Sports Committee, and American Legion Public Safety Career Committee. These committees shall operate under the supervision of the Americanism Commission. The Chairman of these committees shall be a member of the Americanism Commission. The Committee Chairman and Committee shall be appointed in the prescribed manner by the Department Commander, subject to the approval of the Department Executive Committee. (6/26/2015)

Section 6. The Internal Affairs Commission shall have Committees to be known as Constitution and By-Laws Committee, Sons of The American Legion Committee, American Legion Riders Committee, Resolution-Assignment Committee, Trophy, and Awards Committee, and Training and Development Committee. These Committees shall operate under the supervision of the Internal Affairs Commission. The Chairman of these committees shall be a member of the Internal Affairs Commission. The Committee Chairman and committee shall be

appointed in the prescribed manner by the Department Commander, subject to the approval by the Department Executive Committee. (6/25/2016)

Section 7. The Media and Communications Commission shall have Committees to be known as Legionnaire Committee, Public Relations Committee, and Information Technology Committee. These Committees shall operate under the supervision of the Media and Communications Commission. The Chairman of these committees shall be a member of the Media and Communications Commission. The Committee Chairman and committee shall be appointed in the prescribed manner by the Department Commander, subject to the approval by the Department Executive Committee. (6/25/2016)

Section 8. The National Security Commission shall have Committees to be known as Law and Order and Homeland Security Committee, Military Benefits and Quality of Life Committee, National Guard and Reserve Forces Committee, and Foreign Relations Committee. These Committees shall operate under the supervision of the National Security Commission. The Chairman of these committees shall be a member of the National Security Commission. The Committee Chairman and committee shall be appointed in the prescribed manner by the Department Commander, subject to the approval by the Department Executive Committee. (6/26/2015)

Section 9. The Veterans Employment and Education Commission shall have Committees to be known as Employment and Veterans Preference Committee *and* Veterans Education, other Benefits and Homelessness Committee. These Committees shall operate under the supervision of the Veterans Employment and Education Commission. The Chairman of these committees shall be a member of the Veterans Employment and Education Commission. The Committee Chairman and committee shall be appointed in the prescribed manner by the Department Commander, subject to the approval by the Department Executive Committee. (6/25/2016)

Section 10. A person with term appointments cannot be removed from a Standing Commission without due cause, death, or resignation of the Commission Member. (6/26/2015)

## **ARTICLE X -AMENDMENTS**

Section 1. *These By-Laws may be amended at any Department Convention by affirmative vote of two-thirds of the delegates present and voting, provided that such proposed amendment shall have been presented in writing to the Department Adjutant not less than sixty (60) days prior to the opening of such Department Convention; and, provided that the proposed amendment shall have been read at said Convention the day before the vote thereon. The Department Adjutant shall, not less than forty-five (45) days prior to the opening of such Convention, forward a copy of each proposed amendment to each Post in the Department and shall cause each proposed amendment to be published in the Oregon Legionnaire prior to such Convention. A copy of each proposed amendment shall be furnished to each delegate with his/her Convention package. All proposed amendments shall be in the form of written resolutions and shall specifically refer to the Article and Section sought to be amended. (06/29/2018)*

**APPENDIX A  
DEPARTMENT CONSTITUTION AND BY-LAWS  
STANDING RULES FOR THE DEPARTMENT OF OREGON  
EXECUTIVE COMMITTEE MEETINGS**

1. Members of the Department Executive Committee (D.E.C.), hereinafter referred to as the D.E.C., as used in these Standing Rules are as set forth in Article VII, Section I of the Department Constitution and Article IV, Section 2 of the Department By-Laws.
2. Minutes of the previous meeting shall be sent to all D.E.C. members at least fifteen (15) days prior to the meeting date.
3. The meeting agenda shall be sent to all D.E.C. members at least fifteen (15) days prior to the meeting date.
4. *Roll call shall include the Past Department Commanders. (06/29/2018)*
5. A voting member of the D.E.C. may request a suspension of the Standing Rules that a non-member of the D.E.C. be given the privilege of the floor for the purpose of explanation of a specific proposal that has been proposed to the D.E.C. and is under discussion. Time shall be limited to five minutes; however, additional time may be granted to answer pertinent questions. A two-thirds affirmative vote of the members of the D.E.C. shall be required for an extension of time.
6. All requests for expenditure of funds in excess of the budget adopted at the annual Convention shall be sent to the D.E.C. members and the members of the Permanent Finance Commission at least fifteen (15) days prior to the D.E.C. meeting date and must be in resolution form (See "How to write a resolution in the Officer's Guide.)
7. The proposed annual budget as prepared by the Permanent Finance Commission shall be sent to all members of the D.E.C. not less than seven (7) days prior to the D.E.C. meeting.
8. Voting shall be by roll call on all resolutions in the following order
  - (a) District Commanders
  - (b) Department First Vice Commander
  - (c) Department Second Vice Commander (6/29/2013)
  - (d) Department Finance Officer
  - (e) Junior Past Department Commander
  - (t) National Executive Committeeman

The Department Commander shall vote only in the case of a tie.

9. Members of the D.E.C. should submit their reports in writing and reports shall be limited to five (5) minutes and a copy of same be given to the Department Administrative Assistant. (6/26/2004)

Appendix A - Standing DEC Meetings - Page 2

10. All Chairmen of Department Standing Commissions and committees shall submit their reports in writing.
11. All motions must be originated by a voting member of the D.E.C.
12. All Codes of Procedure shall be submitted in writing to members of the D.E.C. at least fifteen (15) days prior to the date of the Fall D.E.C. meeting.
13. These Standing Rules may be suspended for a specific cause by a two-thirds affirmative vote of the D.E.C. members present.
14. The advance time notices are waived for the Post Convention D.E.C. meeting.
15. Any time a poll is needed, the Department Adjutant shall send out a letter of explanation with a ballot to be returned within five (5) working days. (10/29/1995)

APPROVED: October 7, 1990 - Department Executive Committee meeting, Albany Post No. 10. (11/27/1990)

**APPENDIX B**  
**Procedure for Post Consolidations and Post Dissolution**

*The American Legion Officer's Guide states the procedure for the revocation, cancellation, or suspension of Post Charges when charges have been filed against a post. The procedure for Department of Oregon posts who wish to consolidate/merge with another Post or surrender the Post charter is: (06/29/2018)*

**Posts requesting to consolidate/merge with another Post shall:**

1. Present a petition for consolidation to the Department Executive Committee. The petition for consolidation shall include at least the following information:
  - a. Reason for consolidation.
  - b. Inventory of post assets, both real and personal (including accounts).
  - c. List of liabilities (this will include any contracts payable and unexpired leases and any liens or judgments against the Post).
  - d. A list of all property, both real and personal, transferred during the past three years (this will include any payments made outside the normal scope of post business, to include payments to members other than reimbursement of expenses, and life memberships).
  - e. Resolution by **both** posts involved in the consolidation.
  
2. Upon receipt of the petition by Department and the above information by the Department Executive Committee, the Department Membership Commission shall review membership issues of both posts to see if lost membership could be a correctable issue. The Membership Commission shall, after review of the membership issues, make recommendations to the Department Commander and the Department Commander will present the recommendation and petition to the Department Executive Committee at the next regular meeting of the same.
  
3. Upon approval by the Department Executive Committee, the Department Commander, under guidance of the Department Judge Advocate, shall advise the posts requesting consolidation of the authorization for consolidation/merger and the post shall present the Post's charter and colors to the Department of Oregon after approval of two-thirds majority vote in favor of consolidation of the membership of the Posts **after** the membership has received notice in writing of the Post's petition to merge with an existing American Legion Post.

**For Posts desiring to dissolve:**

1. The petition will require the same information as for a merger, plus notice to the membership of election to dissolve mailed not less than 21 days prior to the meeting wherein a vote of two-thirds of the membership elects to dissolve the Post.

2. Minutes of the meeting when the election was held.
3. Post banking records for the past two years
4. Post meeting minutes for the past two years.  
Upon receipt of the petition by Department, the Department Membership Commission shall review the membership issues of the Post and all other Post information submitted with the petition shall be reviewed by the Department Constitution and Bylaws Commission to insure compliance With State law. Both commissions shall review the petition and make recommendation to the Department Commander within 60 days the Department Commander will present this petition for approval of the Department Executive Committee at its next scheduled meeting.
5. *Upon approval by the Department Executive Committee, the Department Commander shall notify the Post as to disposition of Post charter, colors, and other assets.*  
*(06/29/2018)*