

THE AMERICAN LEGION

Department of Illinois

BY-LAWS

And Temporary Rules of the 2019 Convention

As Revised July 11, 2019

Springfield, Illinois

1. The parliamentary procedure of this Convention shall be governed by Robert's Rules of Order, Revised, as herein modified.
2. The organization of the Convention shall be in accordance with the rules submitted herewith; the Call for the Convention heretofore issued by the Department and the Department Constitution.
3. As provided in Article V, Section 4, of the Department Constitution, a quorum shall exist when 60% of the Department Districts are represented by delegates or alternates present.
4. The vote of the Convention shall be polled by twenty-four Districts, said Districts being those as provided in Article III of the Department Constitution.
5. When a Roll Call is ordered, each District Chairman shall announce the vote of his District and when called by the Convention Chairmen.
6. Posts need not cast their votes as a unit, nor need the District vote be cast as a unit, but, the total number of votes cast for or against any proposition shall be announced by the District Chairman. Any requirement for unit rule of voting is prohibited.
7. When a poll of any District is demanded by a delegate of that District, the secretary of the Convention shall poll the vote in that District by Posts without any debate or discussion of the question on which the vote is being demanded, said poll to be taken at the conclusion of the roll call of the Districts.
8. As provided in Article V, Section 3 of the Department Constitution, each delegate shall be entitled to one (1) vote. The vote of any delegate absent and not represented by an alternate shall be cast by a majority of the delegates present from his Post and in the absence of both an accredited delegate or alternate from a Post, then the vote or votes of said absentees may be cast by a majority of the delegates present from their District.

9. No delegate shall be permitted to talk more than once on any one subject, unless he has made the motion relating to the subject, and then only twice, and no delegate shall be permitted to talk longer than five (5) minutes on any one subject, except by the consent of a majority vote of the delegates present. Chairmen of Convention Committees, or the majority representative in the cases of a proper minority report, may speak as frequently as may be necessary in connection with the report of their Committee and in the event of a

debate, the presiding officer shall not entertain any motion which will curtail further debate without affording the Chairman or Committee representative an opportunity for rebuttal.

10. The Convention shall have the following Committees: Rules; Credentials; Contest and Internal Affairs; Americanism; Children and Youth; Department Constitution and By-laws Commission; Veterans Employment & Education Commission; Department Finance Commission; Judiciary; Legislation; Nominations of Delegates-at-Large to the National Convention: Veterans Affairs and Rehabilitation; Resolutions; and National Security.

11. Each of the Convention Committees except the Department Constitution and By-laws Commission and the Department Finance Commission shall have a membership of twenty-four (24), one (1) member from each District, who is either a delegate or an alternate, to be appointed by the District Commander. Each Committee shall elect its own Chairman and Secretary, providing the standing commission on Constitution and By-laws and the Department Commission on Finance shall constitute the Convention Committee on Constitution and By-laws and Convention Finance Committee respectively.

The resolutions Committee of the Convention shall meet not later than noon of the first day of the Convention.

All members of any Department Commission or any Department Committee shall be members ex officio of any Convention Committee to which there shall be referred any matters coming from such Standing Committee or Commissions, and shall have the privilege of the floor without vote. Whenever a proposed resolution is rejected or disapproved by a Convention Committee, the Chairman shall indicate the reason for such rejection or disapproval. Each special resolution intended for Convention action shall be typewritten and submitted on the official resolution form to the Convention Committee and to be read by the reporting chairman in its entirety.

12. All resolutions originating on the floor of the Convention shall be in writing and shall be automatically and without debate referred by the Convention Chairman to the proper Convention Committee for consideration and recommendation to the Convention.

13. All proposed amendments to the Department Constitution shall be presented in writing and referred to the Constitution and By-laws Commission for recommendation thereon to the Convention Judiciary Committee. All matters affecting the finances of the Department shall first be referred to the Convention Finance Committee for consideration and recommendation before action thereon by the Department Convention, except as for such a matter as originating from the floor of the Convention when the budget is being acted upon.

14. Voting shall be by acclamation, except when the Roll Call shall be demanded by one or more individual delegates from each of four (4) Districts. The Election of Department Officers and Delegate-at-Large to the National Convention shall be voted on by Roll Call of Districts, except where no opposition occurs, then they may be elected by acclamation.

15. The Department Officers to be elected by this Convention shall be those provided by Article VI of the Department Constitution. Each Officer shall be voted on separately.

16. Nomination for Department Officers shall be from the floor on a Roll Call of Districts numerically arranged in sequence. When a District passes or yields to another District on the Roll Call, the Secretary of the Convention shall again call the District for the second or subsequent time in numerical sequence. Each District may present as many candidates as it chooses.

17. Nominating speeches shall be limited to five (5) minutes each. Not more than two seconding speeches shall be made for each candidate, each speech not to exceed three (3) minutes.

18. In the event more than two (2) candidates are nominated for any one office, the balloting shall continue until one (1) candidate shall receive a majority of the vote of the Convention.

19. Members of the Department Executive Committee elected as provided in the Department Constitution, shall be announced at the final session of the Convention.

20. This Convention shall elect *Ninety-three (93)* delegates to represent Illinois at the National Convention of The American Legion to be held in *Reno, NV, August 18 - 24, 2017*. *Seventy-eight (78)* of these delegates to be appointed among the twenty-four districts in proportion to the total number of members in good standing in each of said Districts as shown by the books of the Department. The basis of assignment will be one Delegate for each 1000 members or major fraction thereof. *Thirteen (13)* delegates shall be elected from the floor as Delegates-at-Large. Delegates apportioned to each District may be selected in such manner as the Districts themselves determine, but the selection of said Delegates must be confirmed by action of a Caucus of the District Delegates to the Department Convention.

Fractional voting at said National Convention shall not be permitted. NOTE: Additional National Delegates authorized by the National American Legion are One (1) per Past National Commander and one (1) National Executive Committeeman.

21. Delegates to the National Convention shall hold their first meeting immediately following the adjournment of the Department Convention for the purpose of electing a Delegation Chairman and a Delegation Secretary to receive information on the National Convention. When the elected Delegation Chairman is the immediate Past Department Commander, he/she will be authorized to wear their white cap but only while marching in the parade. All current officials shall wear the caps of their elected or appointed office during the duration of the National Convention. The second meeting of the Delegates shall be held during the National Convention at the Illinois Caucus of National Convention Delegates on the date, time and place as called by the Delegation Chairman.

22. When a delegate desires to make a motion or address the Convention, he shall arise, address the Chair and state his name and the number of his Post and District before proceeding.

23. The Department Commander, or in his absence a Department Vice-Commander, shall serve as Chairman of this Convention. The Department Adjutant shall serve as Secretary of this Convention. There shall be appointed by the Chair as many assistant secretaries as may be required, a Department Parliamentarian together with such officers of the Convention as may be needed. The Sergeant-at-Arms may appoint necessary assistants.

24. Until the Convention Committee on Credentials, Contests and Internal Affairs shall report, sitting delegates shall constitute the Temporary Convention; provided, however, that no committee report, the Rules Committee Report excepted, shall be acted upon prior to the making of the report of the Committee on Credentials, Contests and Internal Affairs.

25. The order of business shall be as stated in the program of the Convention, or as may be otherwise prescribed by the Convention.

26. No motion shall be entertained to table a report or any part thereof, of a Department Officer or any committee of the Convention, or any minority report of any Committee of the Convention, if such minority report is concurred on by not less than one-fourth (1/4) of the members of said Committee who participated in the Convention meeting of said Committee.

27. The proposed annual budget for the fiscal year following the Department Convention shall be submitted to the Convention for consideration before noon on the final day of the Convention.

28. The business sessions of the Convention shall be outlined in the Official Convention Program or as otherwise decided by the Convention body in session.

29. No information concerning Convention resolutions shall be released publicly by an official or committee prior to presentation of the resolution to accredited delegates in Convention session.

30. The consent of two-thirds (2/3) of the voting strength of the Convention shall be necessary for suspension of any rule of this Convention.

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 association 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 goodwill 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 Illinois; as such it is incorporated under the General Not For Profit Corporation Act the state of Illinois.

Section 2. The Department Headquarters of The American Legion, Department of Illinois, shall hereafter be located in the City of Bloomington, McLean County, Illinois.

ARTICLE II

Nature

Section 1. The American Legion is a civil body. Membership shall neither increase nor decrease liability to military or police service. Former service rank does not exist in the Legion.

Section 2. The American Legion, Department of Illinois may participate in bringing about the correct solution of public policies in a nonpolitical manner, and shall not disseminate partisan principles or promote the candidacy of any person seeking public office, nor participate as an organization in any controversy between labor organizations and employers, or in any disputes, questions or matters, except as defined in the Preamble of this Constitution.

Section 3. The names and addresses of members of The American Legion, Department of Illinois, or any subdivision thereof, its Post members and Officers SHALL NOT BE USED for other than official business of The American Legion without specific authorization of the Department Executive Committee.

Section 4. When a Post, District or County organization, or any official in his official capacity, contemplates or is involved in litigation in a court of record, the Department Judge Advocate shall be notified by registered mail without delay before it or he commences any such proceedings, or upon notice that any proceedings have been commenced against it or him, in order that the Department may have an opportunity to protect the Legion's legal rights and policies on the Department level, and so that the Department Judge Advocate may appear as "amicus curiae" or as attorney of record for the Department.

Section 5. Upon just cause and written notice and upon the advice of the Department Judge Advocate the Department Commander may direct the Department Finance Officer or any independent auditor to audit the books or account of any post, affiliated unit, or any subsidiary thereof, or any district, county or division organization, and upon completion of said audit the Department Finance Officer or independent auditor shall report the result thereof, with the recommendations to the Department Executive Committee for appropriate action.

The reasonable and necessary expense of such audit shall be a charge against any available funds.

ARTICLE III Geographic Boundaries

Section 1. The American Legion, Department of Illinois, is that jurisdiction of The American Legion lying in the State of Illinois. The American Legion, Department of Illinois, shall be divided into five Divisions as follows:

Division 1 to consist of Cook County, 2nd to 5th and 7th to 9th Districts.

Division 2 to consist of the 10th, 11th, 12th, and 13th Districts.

Division 3 to consist of the 14th, 15th, 16th, and 20th Districts.

Division 4 to consist of the 17th, 18th, 19th, and 21st Districts.

Division 5 to consist of the 22nd, 23rd, 24th, and 25th Districts.

There shall be twenty-three Districts of which numbers second, third, fourth, fifth, seventh, eighth, and ninth, shall be in Cook County and number 10 Lake County, and the remaining fifteen shall correspond both in numbers and boundaries to the Congressional Districts outside the Counties of Cook and Lake as fixed prior to January 1, 1932.

The Cook County Districts shall be as follows:

District 2. That part of the city of Chicago bounded on the west and north by the Chicago River, on the east by Lake Michigan, on the south by Harrison Street, and on the west by the Chicago River and the part of the City of Chicago bounded on the north by Montrose Avenue on the east by Lake Michigan, and on the south and west by a line running along the Chicago River, west and south to Roosevelt Road west to Ashland Avenue, thence to the north branch of the Chicago River, thence northwest along the said river to Western Avenue, thence north to Montrose Avenue.

District 3. The part of the City of Chicago described as follows: Beginning at Harrison Street and Lake Michigan, thence southeasterly to the Illinois-Indiana State Line, thence south to the City Limits (138th Street), thence west to Indiana Avenue, thence north to the Little Calumet River, thence westerly along the Little Calumet River to Carpenter Street, thence north to 127th Street, thence east to Halsted Street, thence north to 81st Street, thence east to Vincennes Avenue, thence northeasterly to Wentworth Avenue to 71st Street, thence east to State Street, thence north to Garfield Boulevard (55th Street), thence west to Ashland Avenue, thence north to 47th Street, thence west to Western Avenue, thence north to Pershing Road (39th Street), thence east to Wallace Street, thence north to Chicago River, thence along the Chicago River to Harrison Street, thence to the point of beginning.

District 4. That part of the City of Chicago and the City of Summit bounded on the north by Roosevelt Road, on the east by the westerly boundary of District No. 3, and the southerly and westerly boundaries described as follows: Commencing at 123rd and Halsted Streets, thence west to Ashland Avenue, thence north to 199th Street, thence west to the Baltimore and Ohio Grand Trunk Railroad, thence north and east following the railroad to 115th Street, thence west and around the east, north and west boundaries of Mt. Olivet and Mt. Greenwood Cemeteries to 113th St., thence west to Troy Street, thence south to 114th Place, thence west to Kedzie Avenue, thence south to 115th Street, thence west to Homan Avenue, thence south to 117th Street, thence west to Millard Avenue, thence north to 115th Street, thence west to Pulaski Road (Crawford Avenue), thence north to 113th Street, thence west to Keeler Avenue, thence north to 111th Street, thence east to Pulaski Road (Crawford Avenue), thence north to 108th Place, thence east to Harding Avenue, thence north to a point just north of 108th Street, thence west to Pulaski Road (Crawford Avenue), thence north to 99th Street, thence east to Millard Avenue, thence south to 100th Street, thence east to Central Park Avenue, thence south to 103rd Street, thence east to Kedzie Avenue, thence north to 102nd Street, thence east to California Avenue, thence north to 99th Street, thence east to Western Avenue, thence north to 87th Street, thence west to Cicero Avenue, thence north to 65th Street, thence west to Harlem Avenue, thence north and west around Argo Summit High School to 64th Place, thence west to Archer Avenue, thence north and east to the Baltimore and Ohio Railroad, thence north and west to 63rd Street, thence west to Roberts Road, thence north to 59th Street, thence west to Riverside Avenue, thence north to 51st Street, thence east to Laramie Avenue, thence north to the Illinois-Michigan Canal, thence northeast to Cicero Avenue, thence north to Roosevelt Road, thence east on Roosevelt Road to the point of beginning.

District 5 That Part of the City of Chicago commencing at the intersection of the center line of Austin Boulevard and Chicago Avenue, thence east along the center line of Chicago Avenue to the center line of Ashland Avenue, thence south along the center line of Ashland Avenue to the center line of Roosevelt Road, thence west along the center line of Roosevelt Road to the center line of Austin Boulevard, thence north along the center line of Austin Boulevard to the point of beginning also including the Townships of Cicero, Berwyn, Riverside, Proviso, River Forest, Oak Park, Lyons, and Stickney, except that part described as follows: beginning at Cicero Avenue and 65th Street, thence west to Harlem Avenue, thence north and west around the Argo Summit High School to 64th Place, thence west to Archer Avenue, thence north and east to Baltimore and Ohio Railroad, thence north and west to 63rd Street, thence west to Roberts Road, thence north to 51st Street thence east to Laramie Avenue, thence north to the Illinois Michigan Canal, thence northeast along the canal to Cicero Avenue.

District 7. That part of Cook County bounded on the north by townships of Northfield, New Trier, Niles (except the village of Niles), Evanston and that part of Maine Township within the village limits of Glenview and Morton Grove. On the East within the city limits of Chicago by Lake Michigan on the South by Montrose Avenue and on the West by a line described as follows: from the Northeast corner Montrose and Western Avenue to Peterson, thence west to Kedzie Avenue thence north to Devon Avenue.

District 8. That part of Cook County, comprising the townships of Lemont, Palos, Worth, Orland, Bremen, Thornton, Rich, Bloom and Calumet, except that part of Calumet Township lying within the corporate limits of the City of Chicago.

District 9. That part of Cook County bounded on the North by the townships of the Barrington, Palatine, Wheeling, Hanover, Schaumburg, Elk Grove, Leyden, Norwood Park, Maine except that part within the village limits of Glenview and Morton Grove, and that part of Niles Township within the village limits of Niles. On the East by the Western boundaries of District 7 and 2. On the South and West by a line described as follows: from the Northeast corner of Damen and Chicago Avenues, west of Austin Boulevard thence North to North Avenue, thence West following the South boundary of Leyden Township to DuPage County border.

District 10 Lake County

District 11 DuPage, Kane, McHenry, Will.

District 12 Boone, DeKalb, Grundy, Kendall, LaSalle, Winnebago

- District 13** Carroll, Jo Daviess, Lee, Ogle, Stephenson, Whiteside.
- District 14** Hancock, Henderson, McDonough, Mercer, Rock Island, Warren.
- District 15** Adams, Fulton, Henry, Knox, Schuyler.
- District 16** Bureau, Marshall, Peoria, Putnam, Stark, Tazewell.
- District 17** Ford, Livingston, Logan, McLean, Woodford.
- District 18** Clark, Cumberland, Edgar, Iroquois, Kankakee, Vermilion.
- District 19** Champaign, Coles, DeWitt, Douglas, Macon, Moultrie, Piatt, Shelby.
- District 20** Brown, Calhoun, Cass, Greene, Jersey, Mason, Menard, Morgan, Pike, Scott.
- District 21** Christian, Macoupin, Montgomery, Sangamon.
- District 22** Bond, Madison, Monroe, St. Clair, Washington
- District 23** Clinton, Crawford, Effingham, Fayette, Jasper, Jefferson, Lawrence, Marion, Richland, Wabash.
- District 24** Clay, Edwards, Gallatin, Hamilton, Hardin, Johnson, Massac, Pope, Saline, Wayne, White.
- District 25** Alexander, Franklin, Jackson, Perry, Pulaski, Randolph, Union, Williamson.

Units of the Department shall be Posts, known by name and number.

Section 2. Each Post in the Department of Illinois shall maintain its Post Headquarters within the confines of the District to which assigned by the Department of Illinois, except the Posts in District 2. No Post shall maintain Post Headquarters within the boundaries of another District; provided, that Posts which maintained headquarters outside of their District boundaries on the 11th day of September, 1950, may continue to do so, but if such Post shall at any time shall discontinue such headquarters, the *Post* shall not thereafter reestablish Post Headquarters outside of the District boundaries to which the Post had been assigned. After the 11th day of September, 1950, no Post shall, under any circumstances, establish their headquarters within the boundaries of any District other than that to which they have been previously assigned without, prior to such action, filing a petition with the Department Executive Committee and obtaining the express approval of the Department Executive Committee to establish their headquarters within the boundaries of a District other than that to which they have previously been assigned. The petition shall state the reasons for the desired relocation of the Post Headquarters, a written representation as to whether or not the District to which the Post had previously been assigned either consents or objects to the relocation of Post Headquarters in another District along with the

reasons for the consent or objection, and a written representation as to whether or not the District where the Post Headquarters would be established either consents or objects to the relocation of Post Headquarters within the District's boundaries along with the reasons for the consent or objection. Upon the filing of a proper petition by a Post seeking approval by the Department Executive Committee to establish their headquarters within the boundaries of any District other than that to which they had been previously assigned, the Department Executive Committee shall send written notice to the Post and both Districts identified in the petition announcing a date, time, and place where a hearing on the petition will be conducted, and, thereafter, on the same date as the hearing or a later date as it deems fit within its sole discretion, the Department Executive Committee shall, either approve or disapprove the Posts petition. Furthermore, any Post having their headquarters prior to September 11, 1950, outside the boundaries of the District to which the Post had been assigned, the Post shall not change the location of the Post headquarters to another location within the same District without prior knowledge and consent of said District.

The Department Executive Committee has the authority, and is hereby mandated, to revoke the Charter of any Post found in violation of this Section of the Department Constitution.

ARTICLE IV

Eligibility

Section 1. Eligibility for membership in the Department shall be governed by the provisions of the National Constitution of The American Legion.

Section 1(a). Any person shall be eligible for Membership in The American Legion only if the individual has served in the Armed Forces of the United States at any time during the periods of April 6, 1917 through November 11, 1918; or any time after December 7, 1941; or a government associated with the United States Government during a period or time referred to above and was a citizen of the United States when the individual entered that service; and was honorably discharged or separated from that service or continues to serve honorably during or after that period or time; provided, however, that such service shall have been terminated by honorable discharge to honorable separation, or continued honorably during or after any said periods; provided, further, that no person shall be entitled to membership who, being in such service during any said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

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

ARTICLE IV-A American Legion Emblem

Section 1. Wearing, exhibition or use of The American Legion emblem shall be authorized only by the Department Commander or his designated representative, subject to the approval of the National Constitution and Bylaws. The wearing of the uniforms or insignia bearing the emblem of The American Legion, which trademark is owned by the National organization, shall be regulated by the Department Executive Committee within the limits provided by the National organization.

Section 2. LEGION CAPS: The Official Illinois American Legion cap shall be standard navy blue cap produced under the minimum specifications as provided by the National Emblem Division, and is official insignia of the Legionnaire, with the following exceptions only:

Section 2(a). The White Legion cap may be worn by these current Department officers: the Department Commander, the Department Senior Vice-Commander, Division Commanders, Department Adjutant, Department Assistant Adjutant, Department Finance Officer, Department Director of Veterans Affairs and Rehabilitation, Department Judge Advocate, Department Assistant Judge Advocate, Department Parliamentarian, Department Assistant Parliamentarian, Department Treasurer, Department Medical Officer, Department Assistant Medical Officer (limit 1), Department Sergeant at Arms, Department Historian, Department Assistant Historian (limit 2), Department Chaplain, Department Assistant Chaplain (limit 2), and Department Assistant Sergeant at Arms (limit 2 per Division), Department Assistant Sergeant at Arms (limit 2 – appointed by Department Commander), Department Assistant Sergeant at Arms (limit 1 – appointed by Department Senior Vice Commander), two personal appointments of the Department Commander (Aides to Department Commander), one personal appointment of the Department Senior Vice-Commander (Aide to Department Senior Vice-Commander), during their term of office. The outgoing Department Commander when acting as the National Convention Chairman may wear their white cap in the parade.

Section 2(b). The blue bottom and white top cap may be worn by these current District Officers: The District Commander, District Vice-Commanders, District Adjutant, District Finance Officer, District Judge Advocate, District Chaplain, District Historian, District Service Officer, and the District Sergeant at Arms, during their term of office only.

Section 2(c). The American Legion standard navy blue cap with gold piping and white lettering may be worn by these current County Officers: the County Commander, County Vice- Commanders, County Adjutant, County Finance Officer, County Judge Advocate, County Chaplain, and a County Sergeant at Arms, during their term of office only.

Section 2(d). No Committee or Commission chairman, vice-chairman, or member or other officer or employee at any level shall be considered an officer, as to be entitled to wear a cap of that level of organization, embroidered for that committee, commission, or employed position, however, if such title is available as a patch supplied by the National Emblem Sales Division, said patch may be worn.

Section 2(e). This article in no manner prohibits any past officer of any level, if listed above, from attaching a patch supplied by the National Emblem Sales Division, to their cap, or from indicating this past office by gold embroidering.

Section 2(f). The following Division Officers may attach a white patch embroidered in gold, to the right side of their cap, to indicate their office: the Division Vice-Commanders, Division Adjutant, Division Finance Officer, Division Judge Advocate, Division Chaplain, and a Division Sergeant at Arms.

Section 2(g). No subsidiary unit such as musical organizations, drill teams, color guards, etc., shall wear any cap authorized for National, Department, Division, District, or County Officers.

ARTICLE V

Legislative Organization

Section 1. The legislative body shall be the Department Convention, to be held annually at a time and place to be fixed by the Executive Committee of the Department. Each Convention shall adopt its own rules of order and bylaws.

Section 1.5. The Department Adjutant, at the direction of the Department Commander, shall issue a call for the Department Convention not less than 30 days prior to the opening day of said Convention.

Section 2. In the Department Convention each Post shall be entitled to one delegate and one alternate and in addition shall be entitled to one delegate and one alternate for each 100 members, or major fraction thereof, above the first 100, whose current dues for Post memberships have been received by the Department Treasurer Twenty-one (21) days prior to the meeting of the Convention, provided such delegates and alternates shall be members of the Post electing them and provided further that such Posts shall have no indebtedness then due to the Department.

Section 3. Each delegate shall be entitled to one vote. The vote of any delegate absent and not represented by an alternate shall be cast by a majority of the delegates present from his Post and in the absence of both an accredited delegate or alternate from a Post, then the vote or votes of said absentees may be cast by a majority of the delegates present from said District, Proxy voting in the Convention is hereby prohibited. It is explicitly understood that the enactment of this provision in no way impairs the right of Posts or Districts to cast the absentee votes as otherwise herein provided in the Constitution.

Section 3.5. A list certified by the Post Commander and attested by the Post Adjutant, containing the names and addresses of the Convention Delegates and Alternates shall be sent to Department Headquarters not later than twenty-one (21) days prior to the Department Convention. Failure to comply with the section may ipso facto deprive delegates of a vote in the Convention.

Section 4. A quorum shall exist when 60% of the Department Districts are represented by delegates or alternates present.

Section 5. No appointed employees of The American Legion or of the Department of Illinois thereof, who receive compensation there from, shall be eligible for membership in the Department Convention, or as a representative of the Department of Illinois in the National Convention, "except as provided for these Past Commanders by the National Constitution, Article VI, Section 4 and the Department of Illinois Constitution Article VI, Section 1."

Section 6. Each District Commander shall receive from the Department Adjutant a sufficient number of Convention ribbons and identification cards for the delegates and alternates of his District. Each accredited delegate and alternate shall be entitled to receive, without charge therefore, the official Convention ribbon and credentials.

Section 7. Only accredited delegates and alternates shall be eligible for appointment to any Convention Committee except that the Standing Commission on Constitution and Bylaws shall constitute the Constitution and Bylaws Committee at the Department Convention, and that the Standing Department Commission on Finance shall constitute the Department Finance Committee at the Department Convention; provided, however, that all members of any Commission, or any Department Standing Committee shall be members ex-officio of any Convention Committee, to which there shall be referred any matter coming from such Standing Committee, and shall have the privilege of the floor without vote. Provided, that where there shall be called a meeting of any standing commission or committee at the Department Convention and a quorum shall fail to be present at such meeting, the Department Commander may appoint such alternate member or members to such commission or committee as may be necessary to constitute a quorum thereof, which alternate member or members shall be considered as legal members of such commission or committee until such time as there is present a quorum of the regular members of such commission or committee.

Section 8. The District Commanders in the Department shall present to the Department Adjutant at least twenty-one (21) days prior to the opening of the Convention the names of the individuals from their respective Districts selected to serve as members of each of the Department Convention Committees.

Section 8.1 The Department Adjutant shall cause to be prepared and have posted at the Convention Headquarters for public inspection, a list of the Convention Committees showing the name of each District representative assigned to each said committee.

Section 9. One (1) copy of each resolution to be presented to the Department Convention must be registered with the Department Adjutant at least twenty-one (21) days prior to the Department Convention otherwise, they shall not be considered. Three (3) copies shall be made by the Department Adjutant for transmittal to the Internal Affairs Commission and by them referred to the appropriate Convention Committee only for recommendation. One copy shall be

numbered by the Adjutant and returned to the proposer, which one copy so numbered and registered shall be prima facie evidence of compliance with this Section; provided, nothing in this Section shall be deemed to prevent any Convention Committee, from originating and presenting any special resolution of an emergency nature or in the case where the subject matter shall not have been in existence for at least 30 days prior to the first day of the Convention.

Section 9.1 All resolutions sent to the Department Convention shall be drawn in form so as to provide that the resolution was adopted by The American Legion, Department of Illinois in Convention assembled, and any resolution not drawn in such form shall be returned by the Department Adjutant to the proposer for correction.

Section 9.1(a). No resolution, except those which emanate from a Department Convention Committee, or which originate on the floor of the Convention and are referred for consideration to a Convention Committee, shall be considered by the Department Convention, unless it has been favorably considered by a Post, County Council, District, Division or Standing Commission or Committee.

Section 9.1(b) All Resolutions referring to Statutes, Executive Orders, legislation or legal proceedings be accompanied by a copy of a the Statute, Executive Order, legislation or legal proceedings which relate to the subject matter of the Resolution being presented for consideration.

Section 9.1(c) All Resolutions requiring “Documentation” shall be presented to the Department Adjutant twenty-one (21) days prior to the Department Convention for reviewing and assignment to appropriate Convention Committees. After review and determination by the Adjutant that documentation will be needed, the Resolution will be returned to the author with a request for proper documentation.

If the Resolution is returned with proper documentation 21 days before the Department Convention, it will be printed in the Convention book. Should it not be received 21 days before the Convention, it can be authorized by the Department Adjutant to present the Resolution at the Department Convention with attached documentation as a “Special Resolution”.

Section 9.2 The Department Headquarters office shall prepare a complete file of all resolutions registered with the Department Adjutant in accordance with Section 9 of this article and shall make such complete file ready for distribution to all delegates and members of the Convention Committee upon their arrival at

the Convention city, furthermore, a complete file of all resolutions registered by the Department Adjutant shall be retained by the Adjutant's office at the Convention city open for inspection of delegates and any member of the Department of Illinois. Each Resolution published in the Post-Convention Summary of proceedings shall be imprinted with a short identification of its subject matter.

ARTICLE VI

Department Officers Duties

Section 1. The Department Convention shall elect the Department Commander and the Department Senior Vice-Commander on nominations from the floor. Five Department Vice Commanders shall be chosen as follows: each of the Divisions including Cook County, shall elect Commanders as provided by their respective bylaws, and each of said Division Commanders shall by virtue of his election as Division Commander be a Vice-Commander of the Department of Illinois for the Division for which he is elected Commander. The Department Commander and Department Senior Vice-Commander shall reside in and be members of a Post in the Department of Illinois; the other Vice-Commanders shall be members in good standing in some Post located in their respective Divisions and shall be executives of their respective Divisions.

Upon death, resignation or removal from his respective Division of any Department Vice-Commander from the 2nd to 5th Divisions, inclusive, the Executive Committee of the Division concerned shall select a successor to such Department Vice-Commander who shall be a member of a Post in said Division, to fill the unexpired term, and upon the death or resignation or removal of a Department Vice-Commander of the First Division, his successor shall be elected as provided in the By-laws and Constitution of the Cook County Council, and such successor shall qualify as to residence and membership the same as above set forth.

The Department Commander, Department Senior Vice-Commander, Department Vice-Commanders, and all Past Department Commanders, shall be members of the Department Convention and the Department Executive Committee, and the Department Commander shall be Chairman and the Department Senior Vice-Commander shall be Vice-Chairman of both the Department Convention and the Executive Committee; provided, that any Vice Commander shall, on the request of the Commander, act as Chairman of either of the said bodies at any meeting. The Department Convention shall in odd numbered years elect a National

Executive Committeeman and an Alternate who shall automatically fill any vacancies which may occur, for such term or terms as may be prescribed by the National Constitution and By-laws.

Section 2. Elective Department Officers shall serve until their successors are elected. Appointive Officers, unless removed by the appointing power, shall serve until their respective appointed successors are confirmed by the Executive Committee. No elected Department Commander, Senior Vice-Commander, or Division Commander, shall be eligible to hold any of these elected offices more than once.

Section 3. The Department Commander shall appoint a Department Chaplain, a Department Judge Advocate, a Department Medical Officer, a Department Parliamentarian, a Department Historian and a Department Sergeant-at-Arms with such assistants as spelled out in Article IV-A, Section 2(a), who shall hold office at the pleasure of the appointing power.

Section 4. The Department Executive Committeemen shall be members of the Department Convention and each District Commander shall be ex-officio chairman of his District Delegation. Members of the Department Executive Committee and Department Vice-Commanders shall be entitled to one vote at the Department Convention, such votes to be cast with their respective Districts.

Section 5. The Department Commander shall be the executive head of The American Legion, Department of Illinois, with full power to enforce the provisions of the Department Constitution, the By-laws, the will of the Department Convention and the Department Executive Committee; he shall be ex-officio member of all committees and commissions; and shall perform such other duties as are usually incident to that office.

Section 5.1. The Department Senior Vice-Commander shall act as representative of the Department Commander on all matters referred to him by the Department Commander or, if the office becomes vacant for any reason, he shall succeed to the office of the Department Commander.

Section 6. The Department Adjutant shall be charged with the administration of the policies and mandates of the Department Convention, the National Convention, the Department Executive Committee and the proper orders of the Department Commander. He shall be the general manager of the Department Headquarters Office, Chicago Office, and Department Rehabilitation Office or

hospital branches thereof and shall assign the duties and functions and authorities and have supervision of all salaried employees of the Department. The terms and conditions and benefits of employment (such as a rates of compensation, working hours, sick leaves, vacation schedules and the like) governing all Department employees shall be coordinated and determined through the Department Adjutant and the payment of all salaries and costs of operation of all offices of the Department shall be made from the Department Headquarters Office in Bloomington.

Section 7. Department Finance Officer shall be the custodian of the funds of the Department organization. He shall sign all checks dispersing the funds of the Department organization. He shall make reports upon the condition of the Department Treasury when called for by the Department Commander, the Department Executive Committee, or the Department Commission on Finance. The Department Finance Officer shall be charged with responsibility of determining between Department Executive Committee meetings the proper charges and allocation of claims against the budget. The Department Finance Officer shall be under the general supervision of the Department Commission on Finance and shall perform such other duties as are incidental to that office.

Section 7.1. The Department of Veterans Affairs and Rehabilitation Director shall, under the general supervision of the Department Commander and the Department Executive Committee and under the direct supervision of the Department Adjutant, carry out the rehabilitation and claims work of the organization, with the help of the staff assigned to his office, and shall perform other duties as may be assigned to his office from time to time.

Section 8. The Department Judge Advocate shall advise the Department Officers and the Department Executive Committee on all legal matters, including the construction and interpretation of the Department Constitution and By-laws, and shall perform such other duties as are usually incidental to the office. (See Section 4 of Article II for additional duties.)

Section 9. The Department Chaplain shall perform such divine and nonsectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National Headquarters from time to time.

Section 10. The Department Historian shall collect from year to year all records and data of value and interest for the Department Headquarters of the American Legion, Department of Illinois, and shall compile during his term of office a

complete history of the year's activities. He shall also assist Post Historians so as to coordinate and unify the work of these officials, and shall have such other duties as the Department Executive Committee shall prescribe.

Section 11. All persons having custody of funds shall give adequate bonds which shall be approved by the Department Executive Committee.

ARTICLE VII

Department Executive Committee

Section 1. Between Department Conventions, all powers shall be vested in a Board of Directors known as the Department Executive Committee, which shall be composed of the Department Commander, Department Senior Vice-Commander and all Department Vice-Commanders and each District Commander except that the Executive Committee shall have no power to repeal, reverse, or otherwise overturn any action taken by a Department Convention; nor shall the Executive Committee have any power to repeal or amend any part of the Constitution or By-laws of the Department.

The Immediate Past Department Commander shall be a member of the Department Executive Committee, with right of vote for one year.

All other Past Department Commanders, all Illinois Past National Commanders and the National and Alternate Executive Committeemen, during their terms of office, shall be members of the Department Executive Committee, but without right to vote on said committee.

The terms of the District Commanders chosen from the Districts shall be for a period of one year, but such District Commander shall be eligible for re-election to succeed himself for an additional term of one year.

The Vice-Commander of each of Divisions 1 to 5 inclusive, if any, or the Senior Vice-Commander of each Division, if there be more than one, shall be the Alternate Department Executive Committeeman, during his term of office, to serve in place of the Department Vice-Commander of that Division as Department Executive Committeeman when such Department Vice-Commander is absent or unable to function in the office.

Section 2. The Executive Committee shall meet in stated meetings as follows: First, the installation meeting at the place of the Department Convention within 24 hours after the adjournment of the Department Convention; Second, the organizational meeting prior to the National organizational meeting at the call of the Commander; Third, the Spring meeting at the call of the Commander; Fourth,

the Convention meeting on a day prior to the opening of the Department Convention, and at other times at the call of the Department Commander. The Department Commander shall call a meeting of the D.E.C. upon the written request of five (5) or more of its voting members representing at least two (2) Divisions. This meeting to be held at Department Headquarters within 21 days after receipt of proper request. All members of the D.E.C. shall be notified not less than five (5) days prior to said meeting.

Section 3. A majority of the voting members shall constitute a quorum.

Section 3(a). The vote of the Department Executive Committee may be cast in any of the following methods; (a) Viva Voce; (b) Standing or show of hands; (c) Roll Call; (d) Ballot; but proxy voting is prohibited.

Section 4. The Executive Committee shall have power to fill vacancies in any office until the succeeding Department Convention, except as is herein otherwise specified.

Section 5. The Department Commander shall nominate and the Department Executive Committee shall appoint at its first meeting following each Department Convention, a standing committee of five members to be known as the Department Constitution and By-laws Commission. All resolutions in anywise pertaining to the Constitution or By-laws shall be referred to this Commission which shall report to the Department Executive Committee all recommended changes in the Department Constitution and By-laws. The report of the Department Constitution and By-laws Commission shall be transmitted to the Executive Committee for transmittal to the Convention Judiciary Committee.

Section 6. The Department Executive Committee at its first meeting following the Department Convention shall appoint a Department Treasurer who shall also act as Chairman of the Commission on Finance, a Department Sergeant-at-Arms, a Department Chaplain, a Department Adjutant, or a combination Department Adjutant / Finance Officer, who shall hold office during good behavior.

Section 7. The Executive Committee shall approve all contracts and authorize expenditures of the Department. The Commission on Finance shall be charged with the preparation of the yearly budget to be presented to the Department Convention, and approved by the delegates to the Convention, and after such approval, no increase or decrease in the budget shall be made unless the Department Executive Committee between Department Conventions considers an

emergency existing to justify such variations by a two thirds affirmative vote of the Department Executive Committee. Hereafter no authority shall be granted to the Department Executive Committee, or any official of such body, to declare an emergency except in the case of some disaster which affects the membership of The American Legion, Department of Illinois, or an integral part thereof, and there shall be no changes made in salaries of paid employees of The American Legion, Department of Illinois, that will increase the budget as adopted by The American Legion, Department of Illinois during the course of the year so budgeted, or increase any other budgeted items except in the case of disaster as herein before provided. All contracts and agreements prior to submission to the Department Executive Committee for consideration shall first be submitted to the Department Judge Advocate for review and report as to legality.

COMMISSIONS AND COMMITTEES

Section 8. The Department Commander shall nominate and the Department Executive Committee shall appoint the following Commissions and the Committees to serve for a period of two years;

AMERICANISM COMMISSION

5 members, 1 each Division

Committees

- **Baseball** – 5 Members, 1 each Division
- **Boy Scouts** – 5 members, 1 each Division
- **Community Service** – 5 members, 1 each Division
- **Religious Emphasis** – 5 members, 1 each Division

Total members of Commission and Committees: 25 members

CHILDREN AND YOUTH COMMISSION

5 members, 1 each Division

Committees

- **Education & Scholarship** – 5 Members, 1 each Division

Total members of Commission and Committees: 10 members

CONSTITUTION & BY-LAWS COMMISSION

5 members, 1 each Division

Total members of Commission: 5 members

VETERANS EMPLOYMENT & EDUCATION COMMISSION

5 members, 1 each Division

Total members of Commission: 5 members

FINANCE COMMISSION

6 members, 1 each Division and Department Treasurer

Committees

- **Trust Fund** – 5 members, 1 each Division

Total members of Commission and Committee: 11 members

INTERNAL AFFAIRS COMMISSION

5 members, 1 each Division

Committees

- **Membership and Post Activities** – Department Senior Vice-Commander, Chairman and 5 Division Commanders and 5 Senior Vice-Commanders
- **Public Relations/Information Exchange** – 5 members, 1 each Division

- **State Fair Veterans Day and Uniformed Groups** – 5 members, 1 each Division
- **SAL Liaison** – 5 members, 1 each Division
- **Technology Committee** – 5 members, 1 each Division
- **American Legion Riders** – 5 members, 1 each Division
- **Disaster Relief Committee** – 10 members, 2 each Division
- **Legion Leadership** – 5 members, 1 each Division

Total members of Commission and Committees: 56 members

LEGISLATIVE COMMISSION

5 members, 1 each Division

NATIONAL SECURITY COMMISSION

5 members, 1 each Division

Committees

- **POW/MIA** – 5 members, 1 each Division
- **Safety, Law & Order** – 5 members, 1 each Division

Total Members of Commission and Committees: 15 Members

VETERANS AFFAIRS & REHABILITATION COMMISSION

5 members, 1 each Division

Committees

- **Gifts to the Yanks Who Gave** – 5 members, 1 each Division
- **Poppy Sales/Production** – 5 members, 1 each Division
- **Veterans Assistance Liaison** – 5 members, 1 each Division
- **Veterans Home Advisory** – 5 members, 1 each members

Total Members of Commission and Committees: 25 Members

Commander's Advisory Committee

6 members, 1 each Division (1 year appointments), and Immediate Past Department Commander

Total members of Committee: 6 members

Flag Alliance Committee

5 members, 1 each Division

Total members of Committee: 5 members

National Cemetery/Monument Committee

5 members, 1 each Division

Total members of Committee: 5 members

Hospital Services

18 Functional Units

18 members (1 year appointments)

Section 8(a). Membership and terms of appointment for Premier Boys State is provided for in Section 8.5 of the Constitution and By-laws.

Section 8.1. These Commissions and Committees shall be composed of five members and be appointed for a term of two years, except the Commission on Finance which shall be composed of six members, one of which shall be the Department Treasurer, provided that on the adoption of this Section the Commissions and Committee shall be appointed three members for two years and two members for one year, and thereafter all members of these Commissions and Committees shall be appointed for terms of two years. Each Division shall have at least one member on each Commission and Committee.

Section 8.1(a). The Membership and Post Activities Committee shall also be an exception to the provisions of Section 8.1 and shall be composed of Ten (10) appointed members who shall be the Five (5) current Division Commanders and the Five (5) current Division Senior Vice-Commanders. The Department Senior Vice-Commander shall be Ex-Officio member of this Committee and act as the Chairman.

Section 8.1(b). The Disaster Relief Committee shall also be an exception to the provisions of Section 8.1 and shall be composed of ten (10) appointed members consisting of two (2) members from each Division. The committee shall be appointed three Division representatives for two years and two Division representatives for 1 year and thereafter all members of this committee shall be appointed for two year terms.

Section 8.2. The Department Commander will consider for appointment from each Division's recommended list and the Department Executive Committee will approve the Chairman and Vice-Chairman of all Commissions and the Chairman and Vice-Chairman and members of each Committee and Sub-Committee thereof. The Department Commander, at his discretion, will have the authority to accept or decline a recommendation for appointment to a Department Commission or Committee. The Department Commander's decision on such acceptance or declination shall be final. The Department Commander shall have the authority to replace any Commission or Committee member who misses 2 meetings without an excused absence after consultation with respective Division Commander involved.

At no time shall additional members under any title not specified in Article 7 be added to any Department Commission without prior approval of a Department Convention.

Section 8.3. The Department Commander is empowered to appoint such special committees and the chairman thereof as may be ordered by the Department Convention, the Department Executive Committee, the National Convention, or the National Executive Committee.

Section 8.4. The duties and jurisdiction of all Commissions, subdivision of Commissions and all Committees provided for by this Constitution, shall be defined by the Department Executive Committee and shall be published in the list of Officers, Commissions and Committees, and all controversies between any

commission, subdivision thereof, or Committees regarding duties and jurisdiction shall be referred to and determined by the Constitution and By-laws Commission.

Section 8.4(a). Commissions and Committees with mandates from the Department Convention will make periodic reports to the Department Adjutant relative to the progress being made on the subject mandated, and shall also send a written report to the Department Executive Committee for insertion in the Minutes of the Spring meeting of this body. The contents of these reports will be disseminated to the membership in a manner prescribed by the Department Executive Committee.

Premier Boys State

Section 8.5 There shall be a Premier Boys State Committee, comprised of nineteen members, consisting of the Department Commander, the Senior Vice Commander, the Department Adjutant, the Department Treasurer, twelve members of The American Legion nominated at-large by the Department Commander for staggered six-year terms and appointed by the Department Executive Committee, and three members of The Sons of The American Legion Detachment of Illinois, nominated at-large by the Detachment Commander and appointed by the Department Commander for staggered six-year terms. In an attempt to maintain the integrity of the program, consideration for appointments should be given to members that have served on the Premier Boys State staff. The Chairman of the Premier Boys State Committee shall be appointed by the Department Commander in the fall of each year for a one-year term from among the twelve members of The American Legion serving as at-large members of the Premier Boys State Committee. The Chairman of the Premier Boys State Committee shall serve as President of The American Legion Premier Boys State of Illinois, a not-for-profit corporation, and the members of the Premier Boys State Committee shall constitute the Board of Directors of the Premier Boys State Corporation. The officers of the Premier Boys State Corporation shall provide a financial report to the Department Finance Officer annually, prepared by a Certified Public Accountant in a form acceptable to The American Legion, Department of Illinois. Any vacancy on the Premier Boys State Committee from among the twelve at-large members of The American Legion shall be filled by the Department Commander for the balance of the unexpired term. Any vacancy from among the three Sons of The American Legion shall be filled for the balance of the unexpired term by the Department Commander (upon recommendation by the Detachment Commander) at-large from among members of the Detachment of Illinois Sons of the American Legion.

Section 8.6 That the By-Laws of The American Legion Premier Boys State of Illinois, INC Article III Section II be amended to reflect this change.

Officers and Employees

Section 9. The Department Executive Committee shall vest in the Department Adjutant or combined Department Adjutant and Finance Officer, the power to employ and discharge employees of the Department and to prescribe and assign duties and functions and authorities of such employees.

Section 9.1. In the event of a vacancy in any appointed position the salary for which is provided by the Budget adopted at the Department Convention, the salary for such position shall be review and fixed by the Commission on Finance after consultation with the Department Commander and the Department Adjutant (but such salary shall not exceed the amount appropriated in the budget), prior to the filling of the vacancy.

Section 9.2 The Department Adjutant or combination Department Adjutant and Finance Officer, or combination Finance Officer and Adjutant, and the Director of Veterans Affairs and Rehabilitation shall hold no elective office in The American Legion.

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

Discipline

Section 11(a). Any member in good standing may prefer charges against an offending Department Officer.

(b). Charges shall be based on disloyalty or neglect of duty, willful failure or refusal to perform the duties of his office, violation of the Constitution and By-laws of the National, or Department of Illinois, The American Legion, unauthorized conduct contrary to or in defiance of the said Constitution and By-laws of the National and Department, or contrary to the mandates of the Department Convention, Department of Illinois, or the Executive Committee thereof, or any conduct unbecoming a member of The American Legion and shall

be signed by the accuser, made under oath, in writing, specifying with reasonable certainty the character of the charge alleged, the time and place of its commission as near as may be practical.

(c). All charges and specification shall be filed with the Department Adjutant. The Department Adjutant shall notify the accused that such charges have been made and shall send a copy of such charges and specifications to the accused within three (3) days after the receipt of said charges. The Department Commander shall convene a meeting of the five Division Commanders within ten (10) days and shall notify both the accuser and accused to appear before the five Division Commanders and explain or answer the charges so made. If, upon investigations and hearing of charges for acceptance or rejection, a majority shall determine that the charges require a convening of the Department Executive Committee for a full hearing thereof, the Commander shall convene a meeting for that purpose within not less than thirty (30) days nor more than forty (40) days.

(d). The accused may file an answer to the charges made against him in writing and verified under oath with the Department Adjutant within five (5) days after the time and place for the hearing is provided for, and he may be represented by counsel, or the Commander may appoint counsel to represent the accused; provided, that if the accused shall neglect, refuse or fail to appear in person after the notice has been served upon him the Executive Committee at the time specified in such notice may proceed without his presence and conduct the hearing to final conclusion

(e). If the Commander shall neglect, fail or refuse to call a meeting of the Executive Committee of the Department within the time above provided, it shall be the duty of the Department Adjutant to do so, with power and authority to fix time and place for the said hearing within five (5) days next following Commander's failure to do so; provided, that in the event the Commander and/or Adjutant shall be the officer or officers subject to charges as herein set forth, the duties devolving on either or both such officers shall be executed by the Vice-Commander and/or either Assistant Adjutants selected therefore by the Executive Committee which in its discretion may appoint such other members of The American Legion as they may select in place of such accused Adjutant.

(f). The charges shall be presented and evidence offered by the Judge Advocate. The accused shall also have the right to present testimony and evidence on his behalf. At the conclusion of the hearing the accused and accuser in person, or by

their respective attorneys, may, if they desire, address such relevant remarks to the said Committee upon the merits of the case as may be deemed proper, after which the said Committee shall retire and the Committee shall proceed to make their findings on the testimony heard and the evidence offered.

(g). Upon the conclusion of the trial the said Committee upon each charge shall decide and determine the question of “Guilty” or “Not Guilty” except those, if any, to which the accused has pleaded guilty, until all have been voted upon separately.

(h). It shall require a two-thirds vote by ballot of the members of said Committee present at the hearing to sustain any charge or specification.

(i). If, upon the vote taken, any one or more of the charges or specification shall be sustained, the accused shall be declared guilty and the Commander shall put the question as to the punishment, beginning with expulsion, and if not sustained, indefinite suspension, and if this is not sustained, then by definite suspension, which shall include as a part thereof the immediate removal from his office, provided, if neither of the above punishments be sustained, reprimand shall follow without further vote and without removal from office.

(j). After a member has been tried by the Department Executive Committee if the accused or accuser shall make a request for an appeal, the Department Commander by and with the consent and approval of the Executive Committee shall appoint a subcommittee to hear such appeal. Said subcommittee shall, after its hearings, make its written findings and recommendations to the Department Executive Committee, which, if it approves the request, shall appoint a Trial Commission, which Commission shall proceed to hear the matter de novo.

(k). Each Trial Commission appointed by the Department Commander shall consist of three (3) disinterested and experienced members, members of Posts in Illinois.

(l). A Trial Commission shall not quash or modify charges and specifications.

(m). Each Trial Commission shall thoroughly investigate the case submitted to it and cause a complete record of the facts and testimony to be made. It shall employ a competent stenographer to take and transcribe the testimony of the witness, the expense of which shall be paid by the Department.

(n). The Trial Commission shall transmit its decision to the Department Commander, and shall file with the Department Adjutant a complete transcript of the testimony and proceedings on the trial.

(o). If the Trial Commission finds the accused guilty, the Commission shall fix the penalty and upon its report to the Department Adjutant he shall record the same in his minutes and notify the accused of the result.

(p). The sentence imposed by the Trial Commission shall take effect as soon as it is reported to the Department Adjutant.

(q). Appeal by a party entitled thereto shall be the same as if the trial had been conducted by a Post.

(r). The members of a Trial Commission shall be entitled to a per diem, at the same rate as paid members of committees of the Department, and their necessary traveling and hotel expenses, the same to be paid by the Department.

(s). If the charges be not sustained by the Department Executive Committee or Trial Commission, but the accused be found not guilty, and if there be coupled with the finding of not guilty a further finding that charge was baseless or malicious and made without reasonable cause, then the accuser shall be censured and the accuser shall answer charges of filing said baseless and malicious charges and thereupon be placed on trial; or, if the Department Executive Committee shall deem it advisable, the accuser shall be denied membership in The American Legion, Department of Illinois, thereafter.

(t). Any public release of information concerning charges prior to the disposition thereof shall be deemed conduct unbecoming a member of The American Legion as defined in Section 11(b) herein.

Vacancies

Section 12. Whenever any vacancy shall occur on any Department Commission or Committee, the Department Commander shall nominate upon the suggestion, if any, of the Division Commander wherein such vacancy occurs and, if none, then on his own nomination, and the Department Executive Committee shall appoint a person to fill such vacancy. All appointive officers and members of the Commissions or Committee shall hold office at the pleasure of the appointing power, except as may be otherwise specifically provided.

Removal from Office

Section 13. The Department Commander may not remove any person from an appointment whether it be a salaried or otherwise without approval by two thirds of the Department Executive Committee present.

Commander's Advisory Committee

Section 14. The Department Commander, immediately following election, shall appoint a committee of six members drawn from the Department Executive Committee, consisting of one from each Division and the immediate Past Department Commander, who shall serve as Member Ex-Officio on this committee. This committee shall review the services of the Department employees and report thereon from time to time. This committee shall also receive written invitations for holding the Department Convention and investigate and report recommendations thereon to the Department Executive Committee no later than the second meeting of the Department Executive Committee following the Department Convention. The Department Executive Committee's decision on such report shall be final.

ARTICLE VIII

District and County Organization

Section 1. In each county in the State, except Cook and Lake Counties, there shall be a County Council consisting of the Post located within said County. Each County Council shall perfect its own organization, and each year prior to Annual Department Convention shall elect a County Commander. If any county shall fail so to organize, the District Commander of the District in which said County is located may appoint a County Commander to serve until a County Commander shall be elected by the Posts of such County.

Section 1.1. Elective District Officers in Cook County shall be elected at a meeting of the District Council by voting members thereof as specified in Article VIII, Section 5, Elective District Officers in Lake County shall be elected at a meeting of the Tenth District Council by the voting members thereof as specified in Article VIII, Section 6. Said meeting of the District Councils in Cook and Lake Counties shall be held not less than thirty, nor more than sixty days prior to the Department Convention.

Section 1.2. Elective District Officers in Districts out of Cook and Lake Counties shall be elected either (a) at a meeting of the delegates elected by their Posts for that purpose which meeting shall be held within said District at the call of the District Commander, at which meeting Posts shall be entitled to representation and voting strength on the same basis as the Department Convention, and which meeting shall be held not less than thirty, nor more than sixty days prior to the Department Convention, or (b) by a caucus of the respective delegates of the Posts within the District at the Department Convention.

Section 1.3. The officers so elected shall take office on the adjournment of the ensuing Department Convention.

Section 2. In each county, other than Cook and Lake Counties, there shall be a County Executive Committee to be determined by each County Council or each multi County Council. The County Commander in each County shall preside over meetings of such County Executive Committee. Each County Executive Committee shall supervise the affairs of The American Legion in its County, subject, however, to the power and jurisdiction of the District and Department Executive Committees.

Section 3. In each District, other than the District comprised of Cook and Lake Counties, there shall be a District Executive Committee consisting of the District Commander, and the District Vice Commander, or Vice Commanders, if there be more than one, the immediate Past District Commander of said District and the County Commanders of all Counties in said District. In Districts where the Executive Committee now has an even number of members, the District may at their discretion amend its By-laws to include an additional member by election. The District Commander shall appoint an Adjutant with the approval of the District Executive Committee. Each District Executive Committee shall have general supervisory powers over the affairs of The American Legion in the District.

Section 3.1. The minimum membership of a District shall be one thousand(1000). Districts currently in that status or any District that drops below 1000 members in the future will be given 36 months to rebuild their membership above 1000 paid members. The Internal Affairs Commission will review and recommend reassignment of Posts within a District with less than 1000 paid members to be reassigned to other Districts as prudent.

Section 4. Except as herein otherwise provided, District Commanders, Vice-Commanders, District Finance Officers, and other officers in the District, shall be appointed or elected as each District may determine by its Constitution and By-laws for such term or terms as provided for in the District By-laws, who shall assist the District Commander in the performance of his duties.

In the event of a vacancy in the office of a District Commander through death, resignation, or otherwise, the Vice-Commander of the District or the Senior Vice-Commander of the District, if there be more than one, shall succeed to that office, and the said Senior Vice-Commander, or Vice Commander, if only one, is hereby designated as the Alternate District Commander during his term of office to serve in place of the District Commander when he is unable to function in the office.

Provided, that if the said Senior Vice-Commander, if there be more than one, be unable for any reason to function as the Commander, then the Jr. Vice-Commander shall succeed to that office; but, in the event of such vacancy, and in the event that neither the Senior Vice-Commander, nor the Jr. Vice Commander is able to function as Commander, then the vacancy shall be filled in such manner as shall be provided by the By-laws of such District Council.

Section 4.1. The following District Officers shall be considered as Constitutional Officers as provided for in this Department Constitution and By-laws: the District Commander, the District Vice-Commanders, the District Judge Advocate, the District Chaplain, and the District Sergeant-at-Arms, whether elected or appointed, as may be provided for in the District Constitution and By-laws. Each District may have such other Officers as may be provided for in the District Constitution and By-laws or as may be appointed by the District Commander by and with the consent of the District Executive Committee provided by the By-laws allow such appointments. Such additional Officers shall not be considered as Constitutional Officers under this Constitution and By-laws of the Department.

Section 5. In Cook County there shall be a District Council for each District and said County consisting of the District Commander for such District, the Vice-Commander, or the Senior and Junior Vice-Commanders if there be more than one, the District Adjutant, District Finance Officer, the Post Commanders, and Adjutants, and delegates and alternates from each Post in said District, and past District Commanders of such District. Each Post shall be entitled to as many delegates and alternates as it was entitled at the preceding Department Convention, and shall be entitled to as many additional delegates and alternates as its paid up membership as certified by the Department Adjutant, would entitle it to have under the rules for representation in the Department Convention. The District Commander for such District and delegates from each Post present of

such District or alternates if seated in lieu of delegates shall be entitled to a vote; the Senior Vice-Commander, the Junior Vice-Commander, the Finance Officer and Adjutant of the District, and Past District Commanders shall be entitled to a vote, only if provision for same is made by the District By-laws. Each District Council shall have general supervisory powers over the affairs of The American Legion Posts thereof in said District, subject however, to the supervisory power vested in the Department Executive Committee. The District Commander from such District shall be the presiding officer of the District Council. The District Council shall meet at least five times a year.

Section 5.1. In Cook County there shall be a Cook County Council or First Division Council consisting of the elective Department Officers residing in Cook County, the elected officers of the Cook County Council during their terms of office, the members of the Executive Committee of the Cook County Council during their terms of office, the Adjutant of the Cook County Council during their terms of office, the Adjutant of the Cook County Council during his term of office, the District Commanders of Districts 1 to 5 and 7 to 9. The District Vice-Commanders, limited to two per District, and the District Adjutant of the Districts located in Cook County, the Post Commanders and Adjutants, and elected delegates from Posts located in Cook County, and all Past Commanders of the Cook County Council. Each Post shall be entitled to as many delegates as it was entitled to at the last preceding Department Convention and shall be entitled to as many additional delegates as its paid up membership, as certified by the Department Adjutant would entitle it to have in Department Convention. Each of the aforementioned elected Department Officers, the elected officers of the Cook County Council during their terms of office, the members of the Executive Committee of the Cook County Council during their terms of office, the Adjutant of the Cook County Council during his term of office, the members of the Department Executive Committee, the District Vice-Commanders, District Adjutants and elected delegates from Posts present, all Past Commanders of the Cook County Council, shall have one vote therein. Provided that no such person herein above named shall be entitled to vote unless they shall be at the time a member in good standing of a Post in the County. The Cook County Council shall have general supervisory and administrative power and control over the affairs of The American Legion Posts thereof in said County, and the right and power of discipline and the enforcement of its mandates, subject at all times, however, to the supervisory power vested in the Department Executive Committee. The Cook County Council shall meet as its By-laws prescribe.

Section 5.2. Each Division may levy, assess and collect from each constituted voting member of their Division, for administrative purposes, such sums as is determined by its By-laws.

Section 5.3. No resolution shall be presented to the Cook County Council for consideration unless such resolution shall be first have been submitted for consideration to a District Council for the First Division, provided, that the subject of the resolution shall have been existent at the date of said District Council meeting, and provided further, whether or not the subject was so existent, that the Council's Executive Committee may originate and make recommendations to the council for its consideration of resolutions of an emergency nature, if adequate documentation is submitted therewith. This Section shall not apply to resolutions emanating from Committees in Council.

Section 6. In Lake County there shall be a Tenth District Council consisting of the member of the Department Executive Committee for such Tenth District to be designated as the Tenth District Commander, all other elected and appointed Tenth District Officers, as provided for in the Tenth District Council By-laws, delegates from each Post in the Tenth District and all Past Tenth District Commanders. Each member of the Tenth District Council, as specified heretofore in this Section, except the District Commander, shall be entitled to one (1) vote provided that such member shall be, at the time, a member of a Post in good standing in the Tenth District Council. The District Commander may vote only in case of a tie. Each Post in the Tenth District, regardless of membership, shall be automatically entitled to at least two Delegates, namely the Post Commander and the Post Adjutant, and as many additional Delegates as it was entitled to at the preceding Department Convention or as many additional Delegates as its paid up membership, as certified by the Department Adjutant, would entitle it to have under the rules of the Department Convention. Each Delegate may be represented by a duly certified Alternate during the absence of the Delegate. The Tenth District Council shall have general supervisory and administrative power and control over the affairs of The American Legion and Posts thereof in Lake County, and the right and power of discipline and the enforcement of its mandates subject at all time, however, to the supervisory power vested in the Department Executive Committee. The Tenth District Council shall meet as its By-laws prescribe.

Section 7. Each District may levy, assess and collect from each Post in its jurisdiction for administrative or operating purposes, the sum authorized by the By-laws of the District.

Section 8. Each District Council, District Executive Committee, County Executive Committee, or County Council may have such By-laws and rules and additional officers and organizations as it shall determine, not inconsistent with this Constitution.

Section 9. Nothing in this Article shall interfere with or detract from the powers and duties of the Department Executive Committee.

Section 10. All appointive officers provided for by this Article shall hold office at the pleasure of the appointing power.

Section 11. District Officers must be members in good standing of a Post in their respective Districts.

National Convention Delegates

Section 12. Delegates to the National Convention may be selected by Districts on the basis of one delegate for each 1,000 members or major fraction thereof, in such manner as the Districts may themselves determine, but the selection of such delegates must be confirmed by action of a caucus of the District Delegates to the Department Convention, at the Department Convention, and the selections must thereafter be certified to the Department Adjutant.

Delegates to the National Convention will hold their first meeting immediately following the adjournment of the Department Convention for the purpose of electing a Delegation Chairman and Delegation Secretary and to receive information on the National Convention. The second meeting of the Delegates to the National Convention will be held during the National Convention at the Illinois Caucus of National Convention Delegates on the date, time and place as called by the Delegation Chairman.

National Convention Alternates

An equal number of alternates shall be chosen in the same manner, but shall serve only if a delegate vacancy exists, EXCEPT as otherwise provided in this Constitution or By-laws.

ARTICLE IX

Organization of Posts

Section 1. Persons desiring to form a Post shall make application for a Charter to the Department Executive Committee. Such application, when approved by the Department Executive Committee shall be forwarded to the National Commander or National Executive Committee. Post Charters shall be countersigned by the Department Commander and the Department Adjutant.

The signatures of at least fifteen eligible applicants shall appear on each application, and the per capita dues of each said applicants accompany the application except where already paid as a current Headquarters Post member.

Section 2. The minimum membership of a Post shall be fifteen (15). The Charter of a Post whose membership shall fall below this limit may be revoked by the Department Executive Committee, subject to the approval of the National Executive Committee, but, members of such Posts in good standing, on application, to the Department Commander or Department Executive Committee shall be entitled to transfer to another Post.

Section 2.5. Each Post may have such By-laws and rules as it shall determine, not inconsistent, however, with this Constitution.

Section 3. Each Post must elect its Officers at a regular meeting, not less than 30 days nor more than 60 days prior to the Department Convention and report them on such forms as are required by the Department Adjutant, together with the new Post Adjutant, whether elected or appointed within five days after said election to the Department Adjutant. Each Post may prescribe by its own By-laws that date upon which its Officers shall enter upon their duties.

Section 4. The Officers of a Post shall be a Post Commander, a Vice-Commander, or Vice-Commanders and Finance Officer, to be elected by the Post; a Post Adjutant and such other Officers as may be decided by the Post, all such Officers to be elected or appointed as shall be provided for in the Post Constitution and By-laws.

Section 5. No Post shall after this date be organized or chartered by the Department whose name is substantially similar to that of any living person, political party or fraternal or religious society. A Post may change its name upon application to and approval by the Department Executive Committee.

Section 6. No person holding membership in one Post shall be elected to or be entitled to membership in any other Post until officially transferred to the receiving Post or listed on a charter application as a transfer from Headquarters Post 2910.

Section 7. Active members of any Post may participate in the organization of and become charter members of a new Post of The American Legion upon advising their Post of their proposed transfer of membership from said Post upon the chartering of the proposed Post; provided, however, that the minimum number of members required for a Charter for any new Post shall not include such transferring members, except as provided for by current Headquarters Post 2910 members.

Section 8. Two or more posts may merge into one post upon approval of the merger by the Department Executive Committee.

Section 9. Upon revocation, cancellation or suspension of the Charter of a Post, said Post shall immediately cease operations and upon revocation or cancellation, shall turn over its property, assets and Charter to the Department Commander or Department Executive Committee, and upon default thereof the Department Executive Committee is authorized, empowered and directed by and through its duly authorized agent to take possession, custody and control of all records, property and assets of said Post; the word “assets” shall include all property, bequests or legacies subsequently vested in the name of the said Post; provided, however, that nothing herein shall be construed as requiring the Department to take over or assume any financial responsibility as to such property. The Department Executive Committee may provide for the transfer of the members in said Post to other Posts of their choice, subject to the approval of such other Post.

Section 10. Any property acquired pursuant to Section 8 shall be disposed of as the Department Executive Committee shall determine, subject only to the laws of the State of Illinois.

Section 11. Upon termination of his term of office, each officer shall, within ten days, turnover and deliver to his successor all property, money, bonds, securities or other assets as well as all books and records of his office.

ARTICLE X

Finance

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

Section 2. The amount of such annual dues shall be determined by each Department Convention for the ensuing year.

Section 3. The National Department dues shall be included in the annual dues, to be collected by each Post, and the portion of such dues designated as Department and National dues, shall be immediately transmitted to the Department Treasurer. In no event shall the period transpiring between the receipt of such annual dues by a Post, and the remittance thereof to the Department exceed thirty (30) days. Upon the recommendation of the Department Adjutant and the Department Senior Vice-Commander, the Department Commander shall be empowered to appoint a committee consisting of three members, (the Division Commander, the Division Senior Vice-Commander of the Division concerned and the District Commander of the District concerned), to audit the books of any Post which is believed to habitually violate this section and to make appropriate recommendations to the Department Executive Committee, which recommendations may include the suspension or revocation of the Post Charter.

Section 4. The fiscal year of the American Legion, Department of Illinois shall be from August 1st to July 31st.

Section 5. The Department Executive Committee shall provide a suitable surety bond, or bonds, with sureties approved by it, conditioned on the faithful performances of the duties of each Department Officers authorized to handle funds, the premiums to be paid by the Department.

ARTICLE XI

Discipline of Members

Section 1. Members of Posts in this Department may be suspended or expelled from The American Legion only upon a proper showing of cause.

Section 2. Any members may prefer charges against an offending member in the

Post of which the accuser is a member and which holds jurisdiction over the accused. If a member desires to prefer charges against another member in a Post which the accuser is not a member, he may submit the charges and specifications in proper form to the Commander of such Post, provided it has jurisdiction over the accused, and it shall be the duty of such Commander to order the Judge Advocate to proceed with such charges. It shall be the special duty of the Judge Advocate in the absence of other accusers, or when directed by the Commander, to bring to trial all such offenders.

Section 2.1. If the accused is the Commander of said Post, the charges shall be submitted to the Post Adjutant or Judge Advocate to proceed.

Section 3. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of The American Legion, and shall be made under oath in writing, specifying with reasonable certainty the character of the offense alleged, and the time and place of its commission, as near as may be practicable, and be signed by the accuser who must be a member of The American Legion in good standing.

Section 4. All charges and specifications shall be filed with the Post Adjutant, who shall without delay send a notice by mail to all members of the filing of said charges, and the date and place of the meeting to be held not less than five nor more than 20 days after the date of said notice is mailed, at which the same shall be read and the acceptance or rejection acted upon, but the names of the accuser or the accused shall not appear in said notice.

Section 5. When charges have been presented and read, the Post shall decide by a majority vote whether they shall be accepted and the accused member placed on trial.

Section 6. Immediately upon the acceptance of charges by a Post, the Commander/Trial Administrator shall appoint the time and place for trial and shall cause the accused to be served with a true copy of the charges and specifications, and the notice of the time and place appointed for the trial thereof by registered mail, and shall give notice of same to all members of the Post, provided that at least one regular meeting of the Post shall intervene between the time of mailing such notice and any action by the Post and pursuance thereof.

Section 7. If the accused shall neglect or refuse or fail to attend in person after notice has been duly served on him, the Post at the time specified in such notice may proceed without his presence and conduct the trial to a final conclusion.

Section 8. It shall be the duty of the Judge Advocate to prosecute all charges. The defendant shall be entitled to be represented by counsel. The attendance of a court reporter to report and transcribe testimony and record of all the proceedings shall be permitted.

Section 9. The Commander/Trial Administrator shall decide all questions arising as to the relevancy of the evidence and the regularity of the proceedings.

Section 10. At the conclusion of the testimony the accused and the accuser in person, or through their attorneys, may if they desire address such relevant remarks to the Post upon the merits of the case as may be deemed proper, after which the accused and the accuser shall retire from the meeting and remain in an anteroom until the final decision, provided, that if the Judge Advocate shall be the accuser, in his official capacity, he shall not be obliged to retire. After the retirement of the accused and accuser, any member entitled to vote may express his views of the case and of the law and the fact involved.

Section 11. Upon conclusion of the trial the question of “Guilty” or “Not Guilty” shall be immediately and distinctly put by the Commander/Trial Administrator, upon each charge and each specification under each charge in its order except those, if any, to which the accused has pleaded guilty, until all have been voted upon separately.

Section 12. It shall require a vote by a ballot of two-thirds of the members present at a trial to sustain any charge or specification.

Section 13. If, after the vote has been taken any charge or specification shall be sustained, the accused shall be declared guilty, and the Commander/Trial Administrator shall put the question as to the degree of punishment, beginning with expulsion, and if not sustained, then indefinite suspension, and, if this be not sustained, then definite suspension, and if this punishment be not sustained, reprimand shall follow without further vote.

Section 14. With the exception of reprimand which must follow conviction unless a severe penalty be imposed, a vote by ballot of two-thirds of the members of the Post present at a trial shall be necessary to decide the degree of punishment.

Section 15. Any member who has been suspended or expelled has the right of appeal to the Department Executive Committee. The Department Executive

Committee may designate, appoint and authorize a sub-committee to hear any such appeal. Said sub-committee shall make its written findings and recommendations to the Department Executive Committee for its approval or rejection, and the action of said Department Executive Committee upon such findings and recommendations shall be final and conclusive.

Section 16. After a member has been tried by a Post, if the Post (by a majority vote), or the accused, or the accuser, shall make a request that the case be heard by a Commission, the matter shall be referred to the Department Commander, who, if he approves the request, shall appoint a Trial Commission, which Commission shall proceed to hear the matter de novo.

Section 17. Each Trial Commission appointed by the Department Commander shall consist of three disinterested and experienced members, members of Posts in Illinois, but not members of the Post interested.

Section 18. A Trial Commission shall not quash or modify charges and specifications.

Section 19. Each Trial Commission shall thoroughly investigate the case submitted to it and cause a complete record of the facts and testimony to be made. It shall employ a competent stenographer to take and transcribe the testimony of the witnesses, the expense of which shall be paid by the Department.

Section 20. The Trial Commission shall transmit its decisions to the Department Commander and the Post, and shall file with the Post a complete transcript of the testimony and proceedings on the trial.

Section 21. If the Trial Commission finds the accused guilty, Commission shall fix the penalty and upon its report to the Post the Adjutant shall record the same in his minutes, and notify the accused of the result.

Section 22. The sentence imposed by the Commission shall take effect as soon as it is reported to the Post.

Section 23. Appeal by a party entitled thereto shall be the same as if the trial had been conducted by the Post.

Section 24. The members of a Trial Commission shall be entitled to a per diem, at the same rate as paid to members of committees of the Department, and their necessary traveling and hotel expenses, the same to be paid by the Department.

Section 25(a). Whenever the words “Judge Advocate” are used in this Article it shall mean the Post, District, County or Department Judge Advocate, whichever is applicable.

Section 25(b). The expense of the stenographic record and other necessary and reasonable paid items shall be assumed by the appointing authority.

Section 26. Wherever it appears that an appointed or elected officer of a Post, District or other unit has disqualified himself from holding office by reason of a refusal or failure to perform such duties as may be prescribed by his oath of office or mandates or by the constitution or by-laws of the Post, District, County, Division or Department it shall be the duty of the Department Commander or the Department Executive Committee to appoint a committee of disinterested members of the appropriate unit involved with all power not otherwise herein provided for in order to investigate and make recommendations to the end that justice shall prevail.

ARTICLE XI-A

Post Trials

Section 1. The Department Commander at his discretion shall refer any post trial to a Commission, with like power and duties of those herein prescribed for members.

Section 2. The Department Executive Committee after notice and a hearing, may cancel, suspend or revoke the charter of a Post for any good and sufficient cause to it appearing. Charges seeking suspension or revocation of a Post charter shall be in writing and under oath and shall be presented to the District Council of which the post is a member or to the Cook County Council or to the Department Executive Committee if the post is located in Cook County, and shall be presented to the Department Executive Committee or to the Department Executive Committee if the Post is located outside of Cook County. Posts suffering the revocation of their Charters may appeal from the decision of the Department Executive Committee, as provided in the By-laws of the National Organization.

ARTICLE XII

Individual Transfer

Section 1. Any member of the Post desiring to transfer to another Post shall be entitled to a transfer card to said other Post provided all dues and assessments have been paid to date. The approval of his application by the receiving Post places him on their roster, but until this application for transfer is acted upon favorably by the receiving Post and until such members shall have paid all dues, assessments or other monies owed by him to the issuing Post, he remains a member of the Post issuing the transfer card. An official transfer form in good order must be submitted to the Department Adjutant, otherwise such transfer shall be deemed invalid.

Section 2. No member of post may be transferred from post to post without his consent.

ARTICLE XIII

Auxiliaries

Section 1. The American Legion recognizes the auxiliary organization known as "The American Legion Auxiliary".

Section 2. Membership in The American Legion Auxiliary shall be limited to the grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion.

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

In addition eligibility shall include grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during either of the following periods: April 6, 1917 to November 11, 1918; and any time after December 7, 1941 who served on active duty in the Armed Forces of the United States during either eligibility periods and died in the line of duty or after honorable discharge.

Eligibility also includes those women who of their own right are eligible for membership in The American Legion.

Section 3. The Auxiliary shall be governed in this Department by such rules and regulations as may be prescribed by the National Executive Committee, and which are thereafter approved by Conventions of this Department.

ARTICLE XIII-A

Sons of The American Legion

Section 1. The Illinois Department of the American Legion recognizes the organization known as “The Sons of The American Legion”.

Section 2. Membership shall be restricted to those declared eligible by the National Constitution of the Sons of the American Legion.

Section 3. The Department Committee shall establish County, District, Division and Detachment organizations of the Sons of The American Legion corresponding with The American Legion set-up of the Department of Illinois.

Section 4. The Chairman of the Department Committee shall be the Detachment Advisor of the Department of Illinois. The Detachment Adviser may, but need not be a member of the Department Committee provided that if a member of the Department Committee shall be elected Detachment Adviser, his position on the Committee shall become vacant upon his acceptance of the position of Detachment Adviser.

Section 5. The Sons of The American Legion shall be governed in this Department by such rules and regulations as may be prescribed by the National Executive Committee, and which are thereafter approved by conventions of this Department.

ARTICLE XIII-B

20 and 4 Honor Organization

Section 1. The American Legion, Department of Illinois, authorizes the affiliation of the 20 and 4 honor organization for women Legionnaires upon such terms and conditions as the National Organization may prescribe.

ARTICLE XIII-C
American Legion Riders

Section 1. The Illinois Department of the American Legion recognizes the organization known as the "American Legion Riders".

Section 2. Membership shall be restricted to those declared eligible by the National Executive Committee of the American Legion, in Indianapolis, Indiana, October, 17–18, 2007, in Resolution 35, and as amended May, 4–5, 2011 in Resolution 32.

Section 3. The Department Committee shall establish County, Division, District and Chapter organizations of the American Legion Riders corresponding with the American Legion guidelines of the Department of Illinois.

Section 4. The Adjutant of the Department of Illinois shall be the American Legion Rider Committee Advisor. The Committee Advisor may, but need not be a member of the American Legion Riders provided that if a member of the Department Committee should become the Department Adjutant his position on the Committee shall become vacant upon his acceptance of the position of Department Adjutant.

Section 5. The American Legion Riders shall be governed in this Department by such rules and regulations as may be prescribed by the National Executive Committee and which are therefore approved by convention of the Department.

ARTICLE XIV
By-Laws

Section 1. The Department Convention shall have the authority to adopt By-laws not Inconsistent with the provisions of this Constitution which said By-laws shall contain the parliamentary rules of the Convention. The By-laws adopted at one Convention shall constitute temporary rules of the next succeeding Convention until the report of the Convention Rules Committee is submitted thereto and adopted.

Section 2. The rules contained in Robert's Rules of Order, revised, shall govern the Department Convention and meetings of the Department Executive

Committee, the Divisions, the District Councils, the District Executive Committees, the County Executive Committees, the County Councils, and the Posts in all cases in which they are applicable in which such rules are not inconsistent with the respective By-laws of the organizations.

ARTICLE XV
Amendments

Section 1. This Constitution and By-laws may be amended at any Department Convention by the affirmative vote of two-thirds of the total authorized representation.

Section 2. All Resolutions filed according to Article V, Section 9.1 pertaining to an amendment to the Constitution and By-laws of The American Legion, Department of Illinois shall be submitted to all members of the standing Commission on Constitution and By-laws, for study at least fourteen (14) days prior to the Annual Department Convention.

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