



The American Legion Department of Utah

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Department Constitution, By-Laws and Standing Rules

Approved

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Attested

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CONSTITUTION

Preamble to the Constitution of the American Legion

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

ARTICLE I ~ NAME AND CHARTER

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

Section 2. Charter: The American Legion, Department of Utah, (hereafter "Department"), is an integral part of the National Organization of The American Legion, (hereafter "National") as provided in Article III and Article VIII, of the National Constitution, and chartered by Congress through the National Organization. It is a 501(c)(19) non-profit Veteran's Organization with tax exempt status authorized by virtue of a Group Exemption Letter issued to the National Organization in 1946 and renewed annually. Tax deductions for contributions to the Department, Districts and/or Posts of The American Legion who have and EIN (separately or thru Department) are governed by 26 U.S.C., Section 170(c)(3) as may be amended. Deductibility of bequests is governed by 26 U.S.C., Section 2055(a)(4) as may be amended. The Department is incorporated as a charitable organization under Utah Code Section 13-22-2, et.seq. Each Post in Utah likewise should also be incorporated under Utah Code Section 13-22-2, et.seq.

Section 3. Location of Headquarters:

The Department Headquarters shall be located within the metropolitan area of Salt Lake City, Utah.

ARTICLE II ~ NATURE

Section 1. Object and Purposes: The object and purposes of this Department shall be the promotion of the principles and policies set forth in the foregoing Preamble, the National Constitution of The American Legion and this Constitution and By-Laws.

Section 2. No Military Rank: The American Legion, Department of Utah, is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the American Legion. No member shall be addressed by his or her military or naval title in any convention or meeting of the American Legion. No military rank insignia will be worn on any item of American Legion uniform clothing.

Section 3. Non-Political: The American Legion, Department of Utah, shall be nonpolitical. No level or

program of the American Legion Department of Utah shall be used for the dissemination of partisan principles nor for the promotion of any candidacy of any individual seeking public office or preferment. Any American Legion member attending any partisan political event shall not wear any clothing with any indicia of the American Legion.

Section 4. Use Of Name: The use of the name, symbol and/or insignia of “The American Legion” or “American Legion” shall be confined to its membership. This Department nor any members, Posts, Districts, or Areas shall lend such name or insignia to any person, firm, or corporation for reward or otherwise.

Section 5. Uniform: The official uniform of the American Legion is the American Legion Cap. The left side of the American Legion Cap is reserved for the American Legion emblem and Post name only. The right side of the cap will have the Post number, position serving in and appropriate Legion related pins.

ARTICLE III ~ ORGANIZATION

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

Section 2. Authority to Create Charters and Posts: The Department shall have authority to create and charter intermediate bodies between the Posts and Department to act as a liaison between the Department and Posts for the purpose of promoting the programs of The American Legion. In Utah, these intermediate bodies shall be four (4) Areas and nine (9) Districts constructed as follows:

AREA INTERMEDIATE BODIES:

- (a) Area 1 consists of Districts 1, 2, and 3
- (b) Area 2 consists of Districts 4 and 8
- (c) Area 3 consists of Districts 5 and 9
- (d) Area 4 consists of Districts 6 and 7

DISTRICT INTERMEDIATE BODIES:

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

Section 3. Defining Powers: The Department Executive Committee (DEC) shall define the powers of such intermediate groups, including but not limited to any fundraising limitations, but in no event shall the limitations of such powers invade the prerogatives now vested in said intermediate bodies, Posts, Department or National Organizations.

Section 4. Authorization and Recognition: Such intermediate bodies now existing within the Department and heretofore authorized or recognized by such Department, and as provided by Article VIII

of the National Constitution, are hereby officially recognized to the extent of the powers herein granted.

Section 5. Use of The American Legion Name: The name of a Post, name of an intermediate body, or the name of the Department, or of the phrase, "The American Legion" or "American Legion" shall not be used in connection with club (bar or canteen), entity or other business ventures, or in furtherance of any venture of a commercial nature, unless said project is owned in its entirety and controlled solely by said Department, Post or intermediate body, and then, only after the approval of the Department Executive Committee has first been obtained, or between Department Executive Committee meetings, approved by the Department Commander as ratified by the DEC.

Section 6. Limitations on Fundraising: The Department, Areas, Districts or Posts (hereinafter "entities") shall not solicit money or donations by employing in part or fully, fundraising organizations or individuals or by any other means unless the entities are to receive at least fifty percent (50%) or more of the gross receipts of any such fundraising endeavor. Areas, Districts or Posts may not solicit donations or money of any kind outside the jurisdiction of that Area, District or Post without prior approval of the Department Executive Committee. Jurisdiction shall be defined as the area in which a majority of the Area, District or Post members, respectively, reside. Only properly incorporated and registered, with IRS and State of Utah, entities may engage in such fundraising activities. All proceeds from any fundraising venture must be properly documented in the records of that entity and available for audit.

ARTICLE IV ~ Eligibility

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

- (a) April 6, 1917, to November 11, 1918, or,
- (b) December 7, 1941, to the date of cessation of armed hostilities as determined by the Congress of the United States of America, or who,
- (c) Being a citizen of the United States at the time of entry therein, served on active duty in the armed forces of any governments allied with the United States during any of said periods.
- (d) Provided, however, that such service shall have been terminated by honorable discharge or honorable separation or continued honorably after any of said periods.
- (e) Provided further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political, or other grounds to subject themselves to military discipline or unqualified service.

Section 2. One Class of Membership: There shall be no form or class of membership except an active and duly paid-up membership. Membership shall be only through a local Post or Headquarters Post 8, and dues shall be paid annually or for life.

Section 3. Membership In Only One Post: No person may be a member at any time of more than one post in The American Legion.

Section 4. Admitting Expelled Member: No person who has been expelled by a post shall be admitted to membership in another post without the consent of the expelling post, except that where

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

Section 5. Post Sole Judge of Membership: Each Post shall be the sole judge of its own membership, subject only to the restrictions of the National and Department Constitution and By-Laws, and the Constitution & By-laws of that Post.

Section 6. Transfers: Any member in good standing, to include members of Headquarters Post 8, moving or transferring to a Post near their home shall be transferred using The American Legion Member Data Form, completed by the new Post, without additional payment of dues. Dues already paid shall remain with the original Post (for accounting purposes) and the transfer shall be complete for membership quotas. If dues were not paid to the losing Post for that membership year, a dues assessment of the receiving Post may then be imposed and a new card issued by the receiving Post. No member may transfer to another Post after an Affidavit of Charges has been filed with the Post Adjutant commencing a disciplinary proceeding.

Section 7. Members Found to Be Ineligible: If a Post determines one of its members is not eligible for membership, the Post shall notify the Department Adjutant at once in writing so that his name can be forwarded to the National Headquarters for removal from the membership rolls. It shall be presumed that a member who will not furnish proof of eligibility within ninety (90) days of a written request, sent by certified mail, return receipt requested, is not eligible for membership in The American Legion.

Section 8. Acceptance Of Dues:

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

(b) Suspension and Forfeiture: If the member is still delinquent after February 1st, they shall be suspended from all privileges. They shall have no right to serve as an officer, be elected to office, or vote. If they are still under such suspension on June 30th of such year, their membership in The American Legion shall be forfeited.

(c) Reinstatement: A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by a majority vote of the general membership of the receiving Post then present at a Post general membership meeting, and payment of current dues for the year in which reinstatement occurs. Provided however, that the Posts, Departments, or the National Organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs if the former member was prevented from making the payment of dues by reason of active military service.

Section 9. Establishing Dues: A membership fee may be charged by each local Post. Annual dues assessment for Department purposes, including annual dues for Post 8, shall be fixed and announced and voted upon for the ensuing year at each annual Department Convention, or may occur in response to dues increases made by the National organization as ratified by the DEC. In the event of failure of

the Department Convention to act, the dues, and charges of the preceding year shall be and remain in effect. It is recommended each Post adjust their dues to allow sufficient funds for Post operation for the ensuing year, above the Department dues assessment. The amount of local Post dues shall be fixed by each Post.

Section 10. National Dues: National dues, as determined by the National Convention, shall be collected by the Department in accordance with the National and Department Constitution and By-Laws.

Section 11. Application for Membership and Transfers: All applications for membership and transfer to a Post shall be acted upon at the next Post general membership meeting following the making of such application, and shall, at such meeting, be accepted, rejected, or referred for further investigation and consideration. If a majority of the members present at the Post general membership meeting cast their vote against the acceptance of such application, then such application shall be recorded in the minutes as rejected.

Section 12. Notice of Expelled Member: The Department Adjutant shall notify all Posts in the Department of Utah and National Headquarters in writing of all members expelled by Posts in the Department.

Section 13. Certificate Of Good Standing:

Any member in good standing in a Post who is moving from the State of Utah is entitled upon request to receive a certificate from the Post stating the inclusive dates of membership in the losing Post.

Section 14. Eligibility To Hold Office:

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

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

ARTICLE V ~ DEPARTMENT CONVENTION

Section 1. Time and Place: The Legislative Body of The American Legion, Department of Utah shall be the Department Convention except as otherwise set forth in the Department Constitution and By-Laws. The Department Convention shall be held annually during the month of June and shall be called on a date not less than thirty (30) days prior to the National Convention. The place, date and time shall be fixed by the Department Executive Committee not less than six (6) months in advance of the Convention. The Convention site may be designated up to three years in advance of said Convention by the Department Convention upon submission of a bid from a Post or District competing as host for a Department Convention. In case of emergency, the Department Commander, or Department Executive Committee, upon recommendation of the Post or District bidding for that year's convention, may change the date or the place of the Annual Convention.

Section 2. Composition: The Department Convention is composed of:

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

(b) **Post Delegates:** The duly elected and registered delegates and alternate delegates from Posts within the Department of Utah as approved by the Post Commander and attested by the Post Adjutant; with delegate fees fully paid shall be seated at the Convention with full voice and vote powers. Alternate delegates will only be allowed to vote in the case of a registered delegate who is not present.

(c) **Past Department Commanders:** All Past Department Commanders, who have served in that capacity while a member of the Department of Utah, are members in good standing and duly registered, shall have one vote, to be cast and counted with the votes of their Post.

Section 3. Call to Department Convention: The Department Adjutant will, not later than sixty (60) days prior to the annual Department Convention prepare the “Call to Department Convention” and provide that form to all DEC members plus each Post in Utah. Accompanying the Call to Department Convention shall be the following forms:

1. The Allocation of Delegates by Post listing
2. The Post Credentials Listing by Post
3. Convention Rules of Order

Section 4. Allocation Of Delegates: The Department Adjutant shall notify each Post not later than sixty (60) days prior to the Department Convention convening as to the number of delegates and alternate delegates each Post is entitled to, based upon that Posts membership report sixty 60 days prior to convention convening. Each Post shall be entitled to two (2) delegates at large plus one (1) additional delegate and one (1) additional alternate delegate for each fifteen (15) members as stipulated in the Call to Convention provided by the Department Adjutant. The Post Delegation Chair, or his designee, present on the floor of the Department Convention may cast the total votes of certified delegates for said Post, however each delegate voting has the right to cast their vote in accordance with their conscience, no matter the desires of the Delegation Chair. No single vote may be split. The Delegate and alternate listing form shall accompany the “Call to Convention” at least sixty (60) days prior to convention convening.

Section 5. Post Credentials List: Upon receipt of the post delegate and alternate delegate list form, a certified delegate and alternate delegate listing (Post Credentials List) will be completed by the Post Adjutant of each Post with delegates and/or alternate delegates to any Department Convention. That duly completed Post Credentials List will be approved by said Post Commander and attested to its correctness by said Post Adjutant and forwarded with the appropriate amount of delegate fees to the Department Adjutant prior to said convention and in no event later than 9:00 AM on the last day of convention. Every member authorized to represent a Post as delegate or alternate delegate to the Department Convention

shall be listed on the written Post Credentials List verifying their appointment by the Post Adjutant and their dues duly paid. The Post Adjutant or Post Delegation Chair must submit the Credentials List to the Credentialing Committee prior to the taking of votes at the convention for the election of Department officers, and in no event no later than 9:00 AM on the Sunday of said convention. Alternate delegates shall only have voting powers in the event a duly registered and paid delegate is absent from the said convention and has been removed by the Post Delegation Chair as a delegate prior to 9:00 AM on the Sunday of said convention.

Section 6. Verification of Membership: All delegates registering at the Department Convention who are not listed on their Post's Credentialing List shall be required to present their current American Legion membership card to the Credentialing Committee and pay the requisite delegation fee before being permitted to register or vote with their Post. No Post shall have more delegates to said Convention than authorized by the Department Adjutant and as set forth in the Call to Convention.

Section 7. Set Delegation Fees: The Fall Meeting of the Department Executive Committee shall set Delegation fees which shall be collected from every member who registers for subsequent Department Conventions. The fees shall be collected for the use and benefit of the host Post and/or District hosting said convention. If a District hosts a Department Convention, the delegation fees will be equally split between the District and all Posts assisting in that Department Convention, within that District.

Section 8. Order Of Election: Election of Department Officers shall be in the following order: (1) one National Executive Committeeman and (1) Alternate National Executive Committeeman shall be elected (in odd years) to serve two-year terms as set forth in Article VII of the National Constitution; (1) Department Commander, (1) Department Vice Commander, and four (4) Area Commanders (in descending numerical order), all for one-year terms;

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

Section 10. Presiding Officers: The Department Commander, if present, shall chair and preside over the Department Convention and all Department Executive Committee meetings. However, in his absence the Department Commander may call on the Department Vice Commander or one of the four (4) Area Commanders to act as chair over that Convention or DEC meeting.

Section 11. Failure to Elect Officer: If the Department Convention fails to meet or to elect and install officers at the appointed time, those currently in the office shall continue and exercise full authority until their successors are duly elected and installed. This event, however, would not count as a second, non-consecutive term of Elected Office for the Commander or Vice Commander.

Section 12. Effect of Amendments to the Department Constitution, By-Laws and Standing Rules: Amendments to the Department Constitution, By-Laws and Standing Rules shall become operative immediately upon adoption. Within forty (40) days of adjournment of the Department Convention, all Posts in the Department shall be notified by the Department Adjutant in appropriate manner of all changes in, and to, the Department Constitution, By-Laws and Standing Rules and it shall be mandatory that all Posts change their respective Constitutions, By-Laws and Standing Rules to conform thereto.

- (a) As set forth in Article VII and VIII of the By-Laws, the Department Constitution may only be changed during Department Conventions.
- (b) The Department By-Laws may be changed by a two - thirds (2/3) vote of voting DEC members then present at any one of the four (4) Constitutionally mandated Department Executive Committee meetings upon receipt of a properly written and duly processed resolution or at Department Convention as specified above for the Constitution.
- (c) The Standing Rules may be amended as set forth in the "Preamble to Standing Rules".

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

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

Section 15. Quorum: A majority of duly registered Posts with representation on the floor at the Department Convention shall constitute a quorum for the transaction of all business. The Department Adjutant or his assigned representative shall verify the quorum.

Section 16. Convention Rules/Agenda: The Department Adjutant shall provide a "Uniform Code of Procedure", with continuing power of revision, for the orderly organization and operation of any Department Convention and said Code shall be applicable at all Department Conventions unless it is amended, suspended, or repealed by a two-thirds (2/3) vote of the registered delegates on the floor at that Department Convention. The Adjutant, in consultation with the sitting Commander, shall prepare an Agenda for the Department Convention.

Section 18. Contested Delegation: In the case of a disputed or contested delegation from a Post, the Credentials Committee may bring the case with a recommendation to the Department Convention for a

decision. A majority vote of the delegates then personally or by their respective Post Delegate Chair, represented on the floor of that Department Convention will decide the case. Grounds for disputing or contesting a delegation shall be set forth in the Uniform Code of Procedure provided for each Department convention.

ARTICLE VI ~ NATIONAL CONVENTION DELEGATES

Section 1. Election: Delegates and Alternates to the National Convention shall be selected in the following manner at the Department Executive Committee meeting immediately following the Department Convention or as otherwise set forth in this Article or Section 3 of Article V of the National Constitution. For the National Convention each Department shall be entitled to five (5) delegates at large and one additional delegate for each 1,000 members, or major fraction thereof, and one alternate for each delegate. Current dues must have been received by the National Treasurer thirty (30) days prior to the meeting of said Convention. The delegates shall be chosen no less than two weeks before the National Convention and all delegate registration fees, as fixed by the National Executive Committee, representing the total selected and authorized delegates, must have been paid.

- (a) **Outgoing Department Commander and National Executive Committeemen:** The outgoing Department Commander, Department Vice Commander, National Executive Committeeman, and Alternate National Executive Committeeman shall be automatic at large delegates from the Department.
- (b) **Adjutant:** The Department Adjutant and Department Service Officer shall be automatic at large alternate delegates from the Department. The Department Adjutant shall serve as Delegation Secretary with voice but no vote on any Delegation matter.
- (c) **Incoming Commanders:** The incoming Commander and Vice Commander and all incoming Area Commanders and District Commanders of their respective Districts shall be automatic at large delegates to the annual National Convention. In the event not enough Area or District Commanders plan to attend any National Convention, those vacant delegate positions may be filled by the incoming Department Commander within thirty (30) days following adjournment of the Department Convention.
- (d) **Past Department Commander:** The Immediate Past Department Commander (or his assigned representative) shall be the Chairman of the Department delegation and the Department Adjutant shall be the Delegation Secretary to the National Convention occurring in the year in which their term expires.
- (e) **Vacancies:** Vacancies in these delegate positions, including Immediate Past Department Commander, occurring between Department Conventions and the National Convention shall be filled by the Department Executive Committee within thirty (30) days following adjournment of the Department Convention.

Section 2. Alternates: When a duly elected Delegate to the National Convention is not present, an Alternate from within that District of the absentee shall be chosen by the Delegation Chairman. Only where there is no one present from a certain District shall the Delegation Chairman be permitted to appoint a substitute from another District.

ARTICLE VII ~ DEPARTMENT OFFICERS~DEPARTMENT EXECUTIVE COMMITTEE

Section 1. Administrative Power of The Department Executive Committee: Between Department

Conventions the administrative power of The American Legion, Department of Utah shall be vested in the Department Executive Committee (DEC), composed of the twenty elected Department officers as set forth in Section 2 (a) of this Article.

Section 2. Elective or Constitutionally Mandated and Appointive Department Officers:

(a) **Elective and Constitutionally Mandated Officers:** The elective or Constitutionally mandated Department Officers of this organization shall consist of one (1) Department Commander, one (1) Department Vice Commander, one (1) National Executive Committeeman, one (1) Alternate National Executive Committeeman, four (4) Area Commanders, nine (9) District Commanders plus the three (3) Immediate Past Department Commanders, all with full voice and vote powers for a total of twenty (20) voting members of the Department Executive Committee. Except as set forth in Article V, Section 11, and Section 3 of Article VII, the above elective officers shall serve a one (1) year term of office except for the three (3) immediate past commanders who shall serve their respective three (3) year declining terms; and the National Executive Committeeman and Alternate National Executive Committeeman whose term of office shall be two (2) years as provided under Article VII of the National Constitution. The Department Commander and Department Vice Commander are not eligible to succeed themselves, unless serving an unexpired term of an immediately prior elected Commander or Vice Commander or as set forth in Article V, Section 11. The Department Commander and Vice Commander may only serve two non-consecutive full terms in said offices in their lifetimes except as set forth above.

(b) **Appointive Department Officers:** The appointive officers of the Department Executive Committee, all of whom shall be appointed by the incoming Department Commander and confirmed by the Department Executive Committee, shall include: one (1) Department Adjutant (a paid position), one (1) Department Service Officer (a paid position), one (1) Department Treasurer, one (1) Department Judge Advocate, one (1) Department Chaplain, one (1) Department Historian and one (1) Department Sergeant-at-Arms (plus other Sergeant-at-Arms as deemed necessary by the sitting Department Commander), all of whom shall have voice, but no voting power on business coming before the Department Executive Committee. The Department Adjutant shall be recommended by the Department Commander for approval of the DEC and may only be removed upon recommendation of the Department Commander and a two-thirds (2/3) vote of the Department Executive Committee. The Department Adjutant shall have the authority to hire, appoint or fire all paid appointive employees (non-officers), and may appoint paid assistants as needed all subject to approval of the Finance and Budget Committee who shall set salary for same, and all to be confirmed by the DEC. All paid appointive positions shall be “at will” employees. The Department Commander shall appoint all other appointive officer positions, including any assistants, with all appointments to be confirmed by the DEC. All appointed officers shall serve until their positions are filled by new appointments to that position made by the current Commander or Adjutant and confirmed by the Department Executive Committee. No appointments to any paid positions shall occur without prior approval of the Finance and Budget Committee. All Department officer job descriptions, elected or appointed, are as set forth in Article II of the Department By-Laws.

(c) **Election Of Department Officers:** The Department Commander, Department Vice Commander, National Executive Committee and Alternate National Executive Committee members and four Area Commanders are to be elected and sworn in at the Department Convention. The election shall be by majority vote of certified delegates represented on the floor by the Post Delegation Chair. The Post Delegation Chair or his representative shall report the vote for his respective post to the Department

Adjutant who shall announce the winner. There shall be no uncertified delegate proxy vote allowed at the Convention. The District Commanders shall be elected at the District Spring Convention held in each District. The District Commanders elected shall be confirmed and sworn in at the Department Convention. The District Vice Commanders shall be elected and sworn in at the District Spring Convention.

Section 3. Other Provisions:

(a) **Successive Terms:** The Department Commander and Department Vice Commander are not eligible to succeed themselves, unless serving an unexpired term of an immediately prior elected Commander or Vice Commander or as set forth in Article V, Section 11. The Department Commander and Vice Commander may only serve two non-consecutive full terms in said offices in their lifetimes except as set forth above.

(b) **Vacancies of Department Commander and/or Department Vice Commander:** In case of death, incapacity, resignation or vacancy of the Department Commander, the Department Vice Commander shall immediately take office as Department Commander for the remainder of that term of office. In case of the vacancy, death, incapacity or resignation of the Department Vice Commander, the Department Commander shall immediately call a meeting of the Department Executive Committee to be held within fifteen (15) days from the date of the occurrence to elect a Department Vice Commander from among the Area or District Commanders who have not previously served more than two (2) non-consecutive terms as a Department Commander or Department Vice-Commander. Such election shall be by majority vote of those DEC voting members then present.

(c) **Vacancies of Other Department Officers:** Vacancies mid-term in the office of National Executive or Alternate National Executive Committeemen shall be filled by a two thirds (2/3) vote of the Department Executive Committee voting members then present at its next constitutionally mandated meeting. Vacancies in Area Commander Offices shall be filled as set forth in Article VII, Section 4. Vacancies in District Officer positions shall be filled as set forth in Article VII, Section 5. Notice of such actions shall be provided to all affected Districts and Posts.

(d) **Appointment, Removal or Vacancy of Department Adjutant:** The Department Executive Committee shall have the authority to appoint, hire or remove the Department Adjutant by a two-thirds (2/3) vote of its total Elective Members. Vacancies in the Department Adjutant position shall be temporarily filled by appointment by the Department Commander and shall remain in temporary status until a permanent Adjutant is appointed and confirmed by the Department Executive Committee.

(e) **Elected Department Officers American Legion Education Institution (ALEI) Obligations:** If they have not already done so, the following Department Officers must complete the latest ALEI Basic Course by October (1st) First of the year of their election: Proof of completion must be provided to the Department Adjutant by October (31st) thirty-first of that same year.

- Department Commander
- Department Vice Commander
- Area Commanders
- District Commanders
- National Executive Committeeman
- Alternate National Executive Committeeman

(f) **Other Department Officers:** If they have not done so, other Department, Area and District Officers and Department Chairmen of Committees must complete the latest ALEI Basic Course within one hundred twenty (120) days of their election or appointment. Failure to complete the course within this

said time may, upon the decision of the Commander, cause the position to become vacant without further action and the Commander may appoint a new officer to that position. Proof of completion must be provided to the Department Adjutant within thirty (30) days of completion of the course.

Section 4. Area Commanders:

(a) **Election Process:** There shall be a total of four (4) Area Commanders who shall reside in and be a member of a Post from within the physical boundaries of that respective Area as set forth in Article III, Section 5. Each shall be nominated and elected at the Department Convention. The nomination must be by a certified delegate from a Post in their respective Area on the floor at the Convention and vote must be by only certified represented delegate members from Posts from their respective area. Area Commanders must continue to reside in their respective Area during their tenure of office. Area Commanders are expected to attend at least two (2), but as many as possible, District meetings in their Area.

(b) **Vacancy of Office of Area Commander:** In case of vacancy, including resignation, illness, incapacity, or relocation outside of the Area boundaries, Area Commanders can be suspended or removed from office by majority vote of the Department Executive Committee then present. They may also be removed for not attending Department Executive Committee meetings without being excused by the Department Commander and recorded in those meetings minutes. The Department Commander shall temporarily fill such vacancy (after conferring with the District Commanders of said Area) until the Area Commander recovers or is permanently replaced by the Department Commander and confirmed by majority vote of the Department Executive Committee voting members then present.

Section 5. District Commanders:

(a) **Establishment:** The Department of Utah consists of nine (9) Districts as set forth in Article III, Section 2. The Department Executive Committee shall have sole power to designate the specific number and boundaries of each District. Districts shall be designated by number and boundaries to serve the best interests and purposes of The American Legion. Any changes of current designations shall be subject to final action and approval by the Department Convention.

(b) **District Spring Conventions and Area Fall Conferences:** Each District shall hold one District Spring Convention each year at the call of the District Commander, the dates of which shall be coordinated with the Department Adjutant. Fall Area Conferences shall occur annually. *Notification of District Spring Convention by the District Adjutant shall be sent to each Post Commander and Adjutant within that District not later than forty (40) days prior to said Spring Conventions. Notification of Area Fall Conferences scheduled by the Department Adjutant shall be sent to each Area Commander and District Commanders of that Area by the Department Adjutant not later than sixty (60) days prior to said Conference, and all District Adjutants shall give notice of said Conference to all Posts in their District within forty (40) days of said Conference.*

(c) **District Spring Convention:** Is for the election of District officers for the ensuing year and other business coming before the District Convention. Within thirty (30) days of election of new District officers, the District Adjutant shall forward a complete listing of all District officers and all Post Commanders and Adjutants within that District to the Department Adjutant. The number and selection of delegates allowed each Post for the Spring Convention shall be as set forth in the Call to Convention issued by the District Adjutant not later than forty (40) days prior to said Convention. The District

Commander and Vice Commander(s) shall be nominated and elected at the District Spring Convention. The District Commander shall be confirmed and sworn in at the Department Convention. The Vice Commanders shall be sworn in at the District Spring Convention. Summary proceedings (minutes) shall be forwarded by the District Adjutant to the Department Adjutant within thirty (30) days after said Convention. In the event of failure or refusal by the District Commander to call a Spring Convention, three Posts in the District shall have the authority to call the convention to be presided over by the District (First) Vice-Commander.

(d) Area Fall Conference: Is for training and the dissemination and discussion of pending National or Department resolutions, including any proposed recommended changes to the Department Constitution & By-Laws which shall be voted on for passage or rejection to send forward to the Department Executive Committee. Area Fall Conferences for each Area shall be scheduled by, and notice sent out as set forth above in Section 5(b).

(e) District Meeting Minutes: Minutes of all District meeting shall be forwarded by the District Adjutant to all Post Commanders and Adjutants within that District.

(f) Eligibility: Each District Commander and other District officers shall be a member of a Post within that District from which elected and shall be a resident of that District. Failure of a District Commander to comply with these provisions shall cause the District Commander's office to be declared vacant by the Department Commander. If the office of District Commander becomes vacant, the district (First) Vice Commander will assume the office and perform the duties thereof until the next District Spring Convention at which time a new District Commander and Vice Commander shall be elected. If the Vice Commander has assumed the position of District Commander a majority of the Post Commanders, then present at the next District Meeting shall elect a Vice Commander who shall serve until the next District Spring Convention. If a District Vice Commander fails to qualify due to not living in the district a majority of the Post Commanders, then present at the next District Meeting shall elect a Vice Commander to serve until the next Spring Convention. Newly elected District Commanders at the District Spring Convention shall be confirmed and sworn in at the next Department Convention and newly elected Vice Commanders shall be sworn in at that District Spring Convention. If elected or appointed other than at the Spring Convention their Oath may be delivered by any current or past Area Commander, Department Commander, National Executive or Alternate National Executive Committeeman.

(g) Presiding Over Meetings: The Area Commander presiding at each Area Fall Conference shall select a District Adjutant from their Area to be responsible for forwarding to the Department Adjutant a certified copy of all resolutions or proposed changes to the Department Constitution and/or Bylaws voted on and recommended to be sent forward for consideration by the Department Executive Committee within thirty (30) days after adjournment of the Conference verifying that they were reviewed, and whether the recommendation is for passage or rejection.

(h) Election and Term of District Officers: All District Commanders elected at the District Spring Conventions, as newly elected members of the Department Executive Committee, shall assume their respective duties at the time of administration of oath at the Department Convention.

ARTICLE VIII ~ POSTS

Section 1. New Posts: Posts shall be formed and chartered as provided under Article IX of the National

Constitution and the Constitution and By-Laws of the American Legion Department of Utah and shall be governed on all matters by the regulation and decisions of the of the Department and of the National Executive Committees. A minimum of fifteen (15) new members are required to charter a new American Legion Post in the Department of Utah. Such new members may include direct mail solicitation (DMS) of members or assignment of members through Department Headquarters Post 8. Each Post must adopt its own Constitution and By Laws which shall not conflict with Department or National Constitutions or By-Laws. When a new post is formed, the physical address of that Post determines the District of that new post.

Section 2: Department and National Dues: No Post shall have the right by resolution or other act to withhold or divert annual Department or National assessment dues collected for the Department or National organizations.

Section 3. Forwarding Funds: All funds collected for the Department and the National Headquarters shall be forwarded to the Department within thirty (30) days of receipt. It is highly recommended each Post within Utah sign onto MyLegion.org in order to process their membership dues.

Section 4. Election of Post Officers: Officers shall be elected at a Post meeting held not less than thirty (30) days prior to the Department Convention, and at the same time delegates and alternates to the Department Convention shall be selected. Post Officers shall be installed not later than the first regular Post meeting following their election, or in accordance with that Post's Constitution and By-Laws. Oaths of office for Post Officers, elected and appointed, may be administered by any present or past Elective Department Officers, or any current Appointed Department Officer and shall conform to the Oath as set forth in Article V, Section 9.

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

Section 6. Proxy Voting: An American Legion Post in the Department of Utah may authorize proxy voting on matters pertaining to the Post if provided for in the Post Constitution and By- Laws; said proxy shall be in writing and in accordance with the Post Constitution and By-Laws. There will be no other proxy voting within the Department of Utah except as set forth in Article VII, Section (2) (c) pertaining to certified delegates to the Department Convention.

Section 7. Post Named Only for Deceased: No Post shall be named after any living person.

Section 8. Cancellation of Post Charters: Permanent charters may be suspended, cancelled, or revoked by the Department Executive Committee, for the following reasonable actions, and consistent with Article III of the National By-Laws and the nationally adopted Uniform Code of Procedures for the Revocation, Cancellation, or Suspension of Post Charters, as from time to time amended.

- Illegal actions
- Inactivity

- Disloyalty, neglect of duty, dishonesty or conduct unbecoming members of The American Legion.

Section 9. Post Constitution and By-Laws:

(a) The Department may prescribe the Constitution for each of its Posts:

(b) **Adoption of Post Constitution and By-Laws:** Existing Posts, if they have not done so, shall adopt Post Constitutions and By-laws within one hundred and eighty (180) days of the adoption of this Constitution, and new Posts shall adopt, within 90 days of receiving their temporary charter, a Constitution and By-Laws not inconsistent with the Department and National Constitutions and By-Laws. If any language in the Post Constitution and By-Laws does conflict, the National and/or Department documents shall prevail. If requested by the Post, the Department Judge Advocate shall review the Post documents for conformity with the Department and National Constitutions and By-Laws. Upon request, a copy of the Post Constitution and By-Laws shall be provided to the Department Adjutant.

(c) **Requirement to Update:** At least every five years, each Post shall review its Post Constitution and By-Laws to ensure it is not inconsistent with the National and/or Department Constitution and By-Laws and, as needed, make appropriate amendments. Upon request, the Amended Constitution and By-Laws shall be provided to the Department Adjutant.

ARTICLE IX ~ REAL ESTATE

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

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

Section 3. Dissolving A Post: Dissolving or closing of any Post in the State of Utah shall be done consistent with Article III of the National By-Laws, the National Uniform Code of Procedure for the Revocation, Cancellation or Suspension of Post Charters, and this Constitution. As an entity chartered by The American Legion Department of Utah, all physical assets and/or finances of any Post within Utah being closed or dissolved shall be deeded to the American Legion Department of Utah. If a Post is closing or dissolving for the purpose of combining with another Post, and the closing Post members have voted to do so, and the receiving Post has voted to receive the closing Post, the Department shall transfer all assets or finances received from the closing Post to the receiving Post upon written request from said receiving Post. No individual, or group of Post members shall retain any of these afore mentioned assets.

ARTICLE X ~ AUXILIARIES

Section 1. American Legion Auxiliary, Unit of Utah:

(a) Recognition of Auxiliary: The American Legion recognizes an auxiliary organization known as the American Legion Auxiliary. Any Auxiliary Unit created in the State of Utah and organized under the provisions of the National Constitution, is a recognized auxiliary organization of The American Legion, Department of Utah.

(b) Eligibility: Eligibility for membership in the American Legion Auxiliary, Department of Utah, shall be the same as that prescribed for membership by Article XIII of the National Constitution as time to time amended.

(c) Governance: The Auxiliary shall be governed in this Department by such rules and regulations as may be prescribed by the National Executive Committee, the Constitution and By-Laws of the National American Legion Auxiliary, Department Auxiliary and Post Auxiliary, and as thereafter approved by this Department of The American Legion.

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

(a) Sons of the American Legion: The Sons of the American Legion is a recognized men's auxiliary program operating under the charter of The American Legion.

(b) Governance: The Sons of the American Legion, Detachment of Utah shall be governed in this Department by such rules and regulations as may be prescribed by the National Executive Committee, as well as the National and Department of Utah Constitutions and By-Laws, and Detachment of Utah Constitutions and By-Laws of the Sons of the American Legion approved by this Department.

(c) Eligibility: All male descendants, adopted sons, and stepsons of members of The American Legion, along with male descendants, adopted sons and stepsons of veterans who died in service during periods set forth in Article IV of the National Constitution, or who died after their honorable discharge from such service, shall be eligible to join the Sons of The American Legion.

Section 3. American Legion Riders, Chapter of Utah:

(a) American Legion Riders {ALR}: The American Legion Riders is a recognized organization operating under the charter of The American Legion.

(b) Governance: The American Legion Riders, Chapter of Utah shall be governed in this Department by such rules and regulations as may be prescribed by the National Executive Committee, as well as the National and Department of Utah Constitution and By-Laws, and Chapter of Utah Constitutions and By-Laws of The American Legion Riders approved by this Department.

(c) Eligibility: Members must hold membership in and be in good standing with The American Legion, American Legion Auxiliary or Sons of the American Legion; must be a legally registered motorcycle owner, or spouse of the legally registered owner within the state of registration, properly licensed and insured, or have given up motorcycle ownership because of age, illness or other reasons outside the member's control (per Resolution number 32 adopted by the NEC on May 4, 2011); and must obey motor-vehicle laws in the state which they are operating a motorcycle or riding as a passenger. Any member of a Post not having an ALR Chapter shall be authorized to join an ALR Chapter of any Post in Utah if permission is granted by the receiving ALR Chapter and may do so without transferring their membership from their home post.

ARTICLE XI ~ DISCIPLINE, REVIEW, APPELLATE COURT

Section 1. Discipline of Members: Upon the Department being advised of any matter of discipline of a member being originated by any Post, the Department Executive Committee shall provide a Department of Utah Uniform Code of Procedure for Disciplinary Actions conformable to Article IV of the National By-Laws and the most current Officers Guide. All Posts are required to follow these procedures in any actions to discipline members of The American Legion.

Section 2. Discipline of Posts and Post members:

(a) Judge of its Own Membership: Each Post of the American Legion shall be the judge of its own membership, subject to restrictions set forth in the National Constitution and By-Laws, except that no person who is a member of an organization which has for its aim the overthrow of the United States Government by force or violence, or who subscribes to the principles of any group opposed to our form of government, shall be eligible to become or remain a member of The American Legion.

(b) Suspended or Expelled Members: Members may be suspended or expelled from the Legion only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, and conduct unbecoming a member of The American Legion. All charges must be made under oath and in writing by the accuser(s), and no member in good standing shall be suspended or lose his membership until given a fair trial by the Post in conformity with Section 1 of this Article and the Post Constitution and By-Laws.

(c) Right to Appeal: Any member who has been suspended or expelled has the right of appeal to the Department Executive Committee, according to the provisions in the Constitution and By-Laws of such Department. The decision of the Department Executive Committee shall be final.

ARTICLE XII ~ BY-LAWS

Section 1. By-Laws will not Conflict with this Constitution: This organization shall be governed in accordance with this Constitution and its By-Laws and Standing Rules adopted at Annual Department Convention, or as set forth in Article VII and VIII of the By-Laws. Said Department By-Laws and Standing Rules shall not conflict with the provisions of this Department Constitution or National Constitution and By-Laws. In the event of conflict, the Department Constitution and National Constitution and By-Laws shall prevail.

ARTICLE XIII ~ AMENDMENTS

Section 1. Procedure to Amend: This Constitution may be amended at any Department Convention by a favorable vote of two-thirds (2/3) of the total certified delegate votes then represented on the convention floor. All proposed amendments to the Department Constitution must be duly processed and in proper resolution form that have been provided to all Posts for review at the Post or at the District Spring Convention or Area Fall Conferences. It is further provided that the proposed amendments shall have been available for reading by any member at such Department Convention at least four hours before being voted upon; that debate shall be allowed, and further provided that a record of the vote and the

amendments shall be preserved. The member proposing the amendment shall provide a written copy [in triplicate] of the proposed amendment, together with written verification that all Posts have had opportunity of review at the Post or at the Area Fall Conference or District Spring Convention, to the Department Adjutant not later than thirty (30) days prior to the starting date of said Department Convention.

ARTICLE XIV ~ SERVICE OF PROCESS/ CONFORMANCE

Section 1: The Department Adjutant shall file with the Secretary of State or other designated official the name and address of the registered agent of this organization on whom legal service of process or demands against this organization may be served. This Constitution and By-Laws is adopted conformably to the National Constitution and By-Laws and Title 36, Chapter 217, Sections 21701-21708 of the United States Code Annotated. If any changes are made to any of the said documents or acts, this Constitution and By-Laws shall be automatically amended to conformance therewith, but subject to all consistent limitations and restrictions in this Constitution and By-Laws.

ARTICLE XV ~ SOCIAL MEDIA AND THE INTERNET

Section 1. Social Media Guidelines: The Department Adjutant shall promulgate Social Media Guidelines that shall set standards for use of social media at American Legion Posts, District, Area, and the Department and shall be applicable to members of the American Legion, the Sons of the American Legion, and the American Legion Riders. All such members are required to abide by those Social Media Guidelines.

Section 2. Ownership of Domain Names and Social Media Account: Applicants for social media accounts and registrants of domain names regarding The American Legion are not owners of those accounts or names but are only acting as agents of the American Legion Posts, intermediate bodies, or The Department of Utah.

ARTICLE XVI ~ PREVALENCE OF THIS CONSTITUTION

Upon adoption of this Department Constitution and attached By-Laws and Standing Rules as indicated by date of adoption and signature of the current Department Commander and Department Adjutant, this Constitution revises and preempts any and all previous versions of the Department of Utah Constitution and together with the revised and attached By-laws and Standing Rules, as from time to time amended, shall be the Governing Documents of this association, The American Legion Department of Utah. If any provision of this Constitution, the attached By-Laws or Standing Rules conflicts with the National Constitution, By-Laws or Uniform Code of Procedures, the National documents prevail.

Date: 06/21/2025

Approved: Department Commander

Joseph E. Gurnard

Attested: Department Adjutant

[Signature]

AMERICAN LEGION DEPARTMENT OF UTAH BY LAWS

ARTICLE I -- DEPARTMENT EXECUTIVE COMMITTEE

Section 1. Elective Officer: The Department Executive Committee elective or constitutionally mandated officers shall consist of one (1) Department Commander, one (1) Department Vice Commander, one (1) National Executive Committeeman, one (1) Alternate National Executive Committeeman, four (4) Area Commanders, nine (9) District Commanders plus the three (3) Immediate Past Department Commanders, all with full voice and vote powers (for a total of twenty (20) voting members). If a member of the DEC holds two (2) elected DEC offices, they shall have only one vote before the DEC. Any member of the DEC holding more than one elective DEC office may only do so until one of the positions is duly filled. In the event an Immediate Past Department Commander is elected to a position that is a qualifying position for holding a DEC seat, the incoming Commander, with majority concurrence of the incoming DEC, shall select a Past Department Commander to fill the position of one of the three Immediate Past Commanders. In the event any Area Commander also holds a District Commander position, the incoming Department Commander, shall appoint a District Vice Commander from that District to fill the unexpired portion of that District Commanders term of office and that appointed District Commander shall be sworn in by appropriate present or past DEC Officer. The District affected shall then elect a new District Commander.

Section 2. Appointive Officers: Appointed Officers of the Department Executive Committee, appointed or recommended by the Incoming Department Commander or Adjutant and confirmed by the DEC, shall include: one (1) Department Adjutant; one (1) Department Service Officer; one (1) Department Treasurer; one (1) Department Judge Advocate; one (1) Department Chaplain; one (1) Department Historian and four (4) Department Sergeant-at-Arms (one Sergeant-At-Arms from each Area), all of whom shall have voice but no vote on matters coming before the Department Executive Committee. The Department Adjutant shall have authority to hire and may fire or remove all paid appointive positions and any assistants thereto. The hiring of paid positions may only occur after approval by the Department Finance and Budget Committee who shall set the salary for same. Any assistants to other appointive offices shall be appointed by the Department Commander. All non-paid appointive officers shall serve in office until replaced by appointment of the incoming Department Commander and ratified by the Department Executive Committee. The Department Adjutant, a paid appointive position, may only be removed or replaced, upon recommendation of the sitting Department Commander, with a two-third (2/3) vote of the Department Executive Committee. All other paid appointive positions shall be "at will" employees.

Section 3. Meetings: All meetings of the Department Executive Committee (unless the chair calls for an executive session) shall be open to any Legionnaire and the minutes of all proceedings shall be furnished to all sitting members of the Department Executive Committee. The Department Adjutant shall prepare the minutes of these proceedings within sixty (60) days for the records of the Department.

Section 4. Quorum: A quorum for DEC meetings shall be a simple majority, eleven (11) of the twenty (20) elective members of the DEC. When the Constitution or these By-Laws set a voting percentage to

approve any item or issue before the DEC, it shall mean a voting percentage of those members then present unless otherwise specifically set forth.

ARTICLE II ~ DUTIES OF OFFICERS

Section 1. Department Commander:

(a) The Department Commander: The Department Commander shall be the Chief Executive Officer (CEO) of the Department. As Chair of the DEC, the sitting Department Commander shall only cast a vote in the event of a tie vote.

(b) Principles Duties: It shall be the duty of the Department Commander to see that the Constitution, By-Laws and Standing Rules of the Department are observed and that the Department Officers properly execute their duties. The Department Commander shall have full power to enforce the provisions of the Department Constitution, By-Laws and Standing Rules and mandates of the Department Convention and Department Executive Committee and shall make a semi-annual report to the Department Executive Committee of the Department Commander's activities and submit an annual report to the Department Convention. The Department Commander shall be an ex-officio member of all standing committees with voice but no vote.

(c) Preside Over Meetings: The Department Commander shall direct the Department Adjutant to notify all members of the Department Executive Committee of the date, time and place of all regular and special called meetings at least five (5) days prior to such meetings and shall preside at the meetings of the Department Executive Committee. The (5) day notice requirement may be waived in case of emergency.

(d) Travel Orders: The Department Commander shall direct the Department Adjutant to review travel orders on which disbursements may be made by the Department Treasurer as approved by the Department Budget and Finance Committee. Department Officers may be eligible for reimbursements for authorized expenses incurred while traveling within their territorial bounds, and to all meetings of the Department Executive Committee only if approved by the Finance and Budget Committee. Payments for travel expenses shall only be paid after submission to, and approval of a travel voucher by the Department Finance and Budget Committee under the direction of that Committee's Chair.

Section 2. Department Vice Commander: The Department Vice Commander shall have the qualifications of Department Commander and be elected during the annual Department Convention. In case of death, resignation, failure, or inability of the Department Commander to serve for any reason, the Department Vice Commander shall assume the office of Department Commander. The Department Vice Commander shall be a member of the Department Executive Committee, shall oversee membership, perform other duties which may be prescribed by the Department Commander, and, when called upon, act as representative for the Department Commander.

Section 3. Department Adjutant:

(a) Chief Operating Officer (COO): The Department Adjutant shall be COO of the American Legion Department of Utah. The Department Adjutant is charged with carrying out the mandates and policies of the Annual Department Convention, Department Constitution, By-Laws and Standing Rules, the Department Executive Committee and the Department Commander. All minutes of the Department Convention or any called Department Executive Committee Meeting are to be drawn up in proper format

and permanently recorded by the Department Adjutant.

(b) Record Procedure: All petitions, resolutions, reports, appeals, returns, and other communications are to be delivered to the Department Adjutant and the Department Adjutant shall see that they are filed in an orderly manner and carefully reserved. The Adjutant is the custodian of the Department books and records.

(c) Attest Documents: No instrument in writing is authentic without the attestation of the Department Adjutant.

(d) Record Distribution: The Department Adjutant is to distribute all documents referred to committees or other officers, according to the orders of the Department Commander, and to notify such committees or other officers of their appointments to any duty.

(e) Committee Member: The Department Adjutant shall be an ex-officio member of all standing committees with voice but not vote except the Adjutant shall be a standing member of the Constitution and By Laws Committee with voice and vote and shall be the Chair of the Department Convention Resolutions and Credentials Committee.

(f) Document Printing: The Department Adjutant shall supervise the printing of all documents, proceedings, and other matters ordered to be printed by the Department Commander or Department Executive Committee.

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

(h) Maintain List of Post Officers: The Department Adjutant shall keep an accurate list of all Posts and its officers within the Department of Utah and shall supply all Department Executive Committee members with a copy of that listing.

(i) Other Duties as Directed: The Department Adjutant shall correspond with Posts and members in the Department and perform such other duties incidental to the Department Adjutant's office as the Department Commander and the Department Executive Committee may direct.

(j) Salary and Compensation: The salary and conditions of employment of the Department Adjutant shall be fixed by the Department Finance and Budget Committee and ratified by the DEC.

(k) Member of Department Executive Committee/Not Entitled to Vote: The Department Adjutant shall be a member of the Department Executive Committee with full voice powers but not entitled to a vote.

(l) Monitor Expenses: The Department Adjutant shall check for correctness and completeness of all invoices and expenses submitted to the Department for payment before they are submitted to the Department Finance and Budget Committee for review and recommendation of payment and then submit same to the Department Executive Committee for approval prior to payment being made. The Department Adjutant may have general authority to expend up to \$200.00 on regular non budgeted department administrative expenses without prior approval of the Finance and Budget Committee. All receipts must be furnished to the Finance and Budget Committee.

(m) Unable to Perform Duties: In the event the Department Adjutant becomes temporarily unable to perform the duties of said office for any reason, the authority, duties, and responsibilities of the Department Adjutant's office shall be assumed by the Assistant Adjutant until the Adjutant is able to

resume those duties or until the position is being vacated by the DEC. In the event the position becomes vacant due to death or prolonged illness not to exceed six (6) months, the position shall be declared to be vacant and in accordance with Article VII, Section 2(b) and 3(d) of the Constitution the Department Commander shall appoint a new Adjutant who shall be confirmed at the next Department Executive Committee meeting. The Commander may appoint a committee to interview applicants for the Adjutant position and make recommendations for the replacement.

(n) Processing of Resolutions: All resolutions going beyond the Post level shall be in accordance with the referenced American Legion Resolutions and Reports manual. This manual is posted on the Department website and is available on the National website. No resolution which changes the Department Constitution, By-Laws or Standing Rules shall be submitted to the Department Adjutant for distribution no less than the date of the March DEC meeting.

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

(p) Hiring, firing, or removing paid positions: The Adjutant may hire, fire or remove any paid Appointive Officer or assistant. The Adjutant has authority to hire, fire or remove any appointee to a paid position, all of whom serve "at will". Hiring of any paid Appointive Officer may only be done upon approval of the Department Finance and Budget Committee who shall set the salary for same.

Section 4. Department Treasurer:

(a) Record Receipt: The Department Treasurer shall receive all funds due the Department from any source, shall maintain receipts thereof, and shall enter same in regular accounts with the purpose for which intended.

(b) Make Disbursements: The Department Treasurer shall make disbursements only on approved budgeted line items and only on orders from the Department Commander or Department Executive Committee. Except as set forth herein all other non-budgeted disbursements must be approved by the Department Finance and Budget Committee (DF&BC) prior to submission for approval of payment to the Department Commander or DEC. The Treasurer may make disbursements of not more than \$200.00 without prior notice to the DF&BC, with notice to the DF&BC of said disbursements provided within thirty (30) days of said action. The maximum annual amount set for necessary Department Officer travel expenses [as set forth in Article II, Section (d)] must be approved and adjusted as necessary by the DF&BC on an annual basis prior to any disbursements by Department Treasurer for authorized travel expenses.

(c) Make Reports: The Department Treasurer shall make a report at each of the four (4) Constitutionally mandated Department Executive Committee meetings, an annual report at the Department Convention, and such other reports as ordered by the Department Executive Committee. The Department Treasurer shall perform all other functions and duties normally appertaining to the status of Treasurer and as directed by the Department Commander or the Department Executive Committee.

(d) Financial Audits: Prior to the March DEC meeting, the finances of the Department shall be

audited annually by an Audit Committee of not less than three (3) Past Department Commanders; not then serving on the Finance and Budget Committee. Members of this committee shall be appointed by the DEC not later than the first DEC meeting after the proceeding Department Convention. Individual committee members may be nominated from the floor of the July DEC meeting. The audit results shall be reported to the DEC at the March DEC meeting and to the Department Convention. Not less than every three years and outside audit shall be performed.

(e) Committee: The Department Treasurer shall be an ex-officio member of the Department Finance and Budget Committee with voice but not vote.

Section 5. The Department Judge Advocate:

(a) Advise Officers: The Department Judge Advocate shall advise the Department officers and the Department Executive Committee on all matters pertaining to the Department Constitution, By-Laws and Standing Rules and shall have final authority on interpretation of the Department Constitution, By-laws and Standing Rules and shall perform such other duties as are usually incident to the office.

(b) Ensure Copies are Available: The Department Judge Advocate shall ensure that a copy of the Department of Utah and National Constitutions and By-Laws of The American Legion are available during all Department meetings.

(c) Committee Chair: The Department Judge Advocate shall chair the Department Constitution and By Laws Committee.

(d) Review Constitution and By-Laws: The Department Judge Advocate will review the Department Constitution, By-Laws, and Standing Rules on an annual basis with the Department Constitution and By-Laws Committee to ensure conformity with the National Constitution, By-Laws and Rules and Regulations.

(e) Review Post and District Constitutions and By-Laws: The Judge Advocate, upon written (or email) request of a Post or District, shall review the proposed Constitution and By-Laws and submit recommended changes to that Post and District as needed to ensure conformity with the Department and National Constitutions and By-Laws. Upon written (or email) request of a Post the Judge Advocate will give assistance in preparing a draft Post Constitution and By-Laws. The Department Judge Advocate may also review and recommend changes and compliance of all ancillary organizations of the American Legion Department of Utah.

Section 6. The Department Historian: The Department Historian shall keep an accurate history of the principal events pertaining to the Department, Districts and Posts, and members thereof, and shall perform such other duties as may be assigned to the Department Historian as approved by the Department Commander and the Department Executive Committee.

Section 7. The Department Sergeant-at-Arms: The four Department Sergeant-at-Arms (one from Each Area) shall be present at all Department Conventions and Department Executive Committee meetings. It shall be the Department Sergeant at Arms duty to carry all messages from the Department Commander to any other officers or members, or vice versa, and to maintain order and decorum in the meeting as provided in the Department Constitution and By-Laws, and as directed by the Department Commander. The Department Sergeants-At-Arms is responsible for the proper layout of Department meetings rooms. The Department Sergeant-at-Arms shall perform such other duties as directed by the sitting Department

Commander and perform such other duties as are normally incident to that office.

Section 8. The Department Chaplain: The Department Chaplain shall be charged with the spiritual welfare of the Department and all its members, attending meetings as required, which shall be opened and closed with nonsectarian prayer. To provide Chaplains workshops for Post and District Chaplains. Further, the Department Chaplain shall be available to conduct the annual Memorial Services at the Convention. The Department Chaplain shall also perform such other duties as may be assigned by the Department Commander.

Section 9. The Department Executive Committee:

(a) Administrative Powers: Between Department Conventions, all executive administrative powers of the Department shall be vested in the Department Executive Committee as outlined in Article V of the Department Constitution.

(b) Time and Place of Meetings: The Department Executive Committee shall hold scheduled meetings at least four (4) times between Conventions. One shall be within thirty (30) days of adjournment of the annual Department Convention. One shall be during the months of December and March; one shall be on the opening day of the next ensuing yearly Department Convention. Other meetings may be held as the Department Commander, or the Department Executive Committee deem necessary. The place and dates of such meetings shall be determined by the Department Commander, except that the first meeting of the Department Executive Committee shall be held within thirty (30) days after the adjournment of the Department Convention.

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

(d) Proxy Vote and Quorum: There will be no Proxy voting allowed at any Department Executive Committee Meeting. A quorum for the transaction of business at any Department Executive Committee meeting shall consist of a simple majority (eleven members) of the voting members of the Department Executive Committee.

(e) Removal and Vacancy:

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

(2) Except as otherwise may be set forth in the Constitution or these By-Laws, in the event of a vacancy, ineligibility, removal for cause, death, resignation, or incapacity of any Department elected or appointed Officer on the Department Executive Committee, the Department Commander shall appoint a qualified person to fill such vacancy for an interim period, subject to ratification by the DEC at its next regular meeting.

(f) Authorized Employees: Upon recommendation of the sitting Department Commander, or

Department Adjutant, the Department Executive Committee shall authorize the paid employment of such personnel as they may deem necessary for the proper execution of the affairs of the Department. The Department Executive Committee shall allow those employees such salaries and expenses as may be necessary and as recommended by the Department Finance and Budget Committee. All Department paid employees shall be screened and hired by, report to, and be under the supervision of the Department Adjutant, except that the Department Adjutant will report to and be under the direction and supervision of the sitting Department Commander and Department Executive Committee. The employment of such employees may be terminated by the Department Adjutant as appropriate. All employees shall be members of The American Legion, The American Legion Auxiliary, or Sons of the American Legion or dependents thereof. All persons who are permanently employed by the Department Adjutant shall have their employment ratified by the Department Executive Committee at their next regular meeting. All paid employees shall be "at will" employees.

(g) Instituted Accounting System: The Department Executive Committee and/or the Finance and Budget Committee shall have instituted such systems of accounting that a detailed account may be obtained at any time, reporting all receipts and disbursements, and shall authorize all necessary forms and vouchers.

(h) Financial Statements: The Department Executive Committee shall cause to be issued at each scheduled Department Executive Committee meeting a financial statement, prepared by the Department Treasurer of the itemized financial accounts of the Department for the preceding period (between DEC meetings), and a copy of this statement shall be furnished to each member of the Department Executive Committee.

(i) Removal or Suspension: Any elected or non-paid appointed member of the Department Executive Committee, a Department Committee or Department subcommittee may be removed or suspended for cause at a Department Executive Committee meeting by a two-thirds (2/3) vote of all voting members present provided that member shall have been served with a written statement of the complaint and specific charges at least thirty (30) days before such vote shall be taken, and shall have an opportunity to be heard at the Department Executive Committee meeting. A District Commander, upon the recommendation of a majority of the Post Commanders of the District, may be suspended pending a hearing by the Department Executive Committee. as outlined above. Paid appointed members or their assistants may be removed or suspended as set forth of the By-Laws, Article II, Section 3(p) and 9(f).

(j) Budget Preparation and Presentation:

(1) Preparation of Budge: The first meeting of the Department Finance and Budget Committee in each fiscal year shall be held immediately following the adjournment of the annual Department Convention. Led by the Committee Chair, the committee shall then begin preparation of a proposed budget for the Department. The net revenues of said proposed budget shall not exceed the sum of the net revenues of the General Fund and/or the total receipts of the Trust Fund as reported in the General Fund, Trust Fund and Income and Expense Statement.

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

Section 10. Fiscal Year: The Fiscal year for the Department of Utah shall commence on July 1 of each

year and run through June 30th of the following year. The budget, when adopted by the DEC, shall remain in full force and effect until changed at a future meeting of the Department Executive Committee.

Section 11. Budget Authorization for National Convention: The Department Finance and Budget Committee at their meeting immediately following the adjournment of the Department Convention shall authorize a sum adequate to cover travel expenses and additional incidental expenses as may be approved by the Department Executive Committee for the incoming Department Commander, National Convention Delegation Chairman, and the Department Adjutant, which funds shall be used to attend the National Convention as representatives of the Department of Utah. Each attendee shall furnish Department Treasurer and Department Adjutant, within thirty days after the National Convention, a written report of their activities and expenditures for the National Convention. A copy of these reports shall be furnished to each voting Department Executive Committee member upon request. Those National Convention attendees who have a National call in shall not get reimbursed from Department above their call-in amounts.

Section 12. Appropriation of Funds:

(a) No Appropriation Shall be Considered: No appropriation shall be considered for final approval or rejection by the Department Executive Committee unless the proposed appropriation has first been submitted to and a recommendation for expenditure made by the Department Finance and Budget Committee.

(b) Non-Budgeted Emergency Expenditure: Except as set forth in Article II, Section 4(b) of these By-Laws, before submission to the Department Commander and DEC for action, all requests for expenditures of Department funds not budgeted for the purpose requested shall be referred to the Department Finance and Budget Committee, which shall render an advisory opinion and recommendation as to the availability of sufficient funds and the impact on the Department of said expenditure.

(c) Requests for Non-Budgeted Expenditures: Requests for non-budgeted expenditures not related to Real Estate shall not exceed 10% of the current budget net revenues of the General Fund and shall require majority approval recommendation of the Finance and Budget Committee and then by a two-thirds (2/3) approving vote of the members of the Department Executive Committee.

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

Section 13. Department Executive Committee Members Expenses: Authorized expenses of members of the Department Executive Committee incurred in the discharge of their official duties shall be allowed when expense account vouchers and receipts have been properly submitted to the Department Treasurer and Department Adjutant within a thirty (30) day period of the occurrence and approved by the Finance and Budget Committee. Said expenses shall be approved and paid consistent with available Department funds to do so.

Section 14. Membership Goals and Awards: No changes shall be made to the annual

membership goals or awards as established by the National and Department Commander after they have been approved, except to correct administrative errors.

ARTICLE III ~ COMMITTEES

Department Standing Committees:

Section 1: Internal Affairs Committee (IA): The Internal Affairs Committee shall be made up of three Past Department Commanders as appointed by the sitting Department Commander. These three committee members shall then elect one member from among those three (3) members to act as Chair of the IA Committee. The Chair will then appoint a secretary. The Department Judge Advocate will be an ex-officio member of this committee with voice but no vote.

(a) The IA Committee: The IA Committee duties are to develop and perpetuate a long-term plan for the Department based on recommendations and resolution presented to it from Department officers, committees and sub-committees and submit recommendations for action to The Department Executive Committee and any other appropriate committees for their consideration; and to review and make recommendation on all incoming resolutions that may affect this Constitution, By-Laws and Standing Rules or may be forwarded to National for action. No resolution shall be presented to the Department Convention without first having been reviewed by the IA Committee.

(b) IA Committee Term of Office: The term of office for each committee member shall be three declining years, with the longest serving member falling off the committee and the then sitting Department Commander appointing a Past Department Commander for a full three-year term. Of the initial three (3) IA Committee members, they shall be seated in order of precedence of the year they served as Department Commander in Utah from oldest to newest.

Section 2: Finance and Budget Committee: The Finance and Budget Committee shall be charged with the duty of preparation of the annual budget, approving the disbursement of all funds under that budget and such other duties as shall be prescribed by the Department Executive Committee. The Committee shall secure and provide for an annual financial audit of the Department finances with cost of same prescribed in the annual budget. The Committee shall consist of five (5) members who shall serve five (5) declining years with one new member to be appointed each year by the incoming Department Commander, subject to approval by the DEC, and the longest serving members term shall expire. No more than one member from any Post may serve on the Finance and Budget Committee at any given time. Vacancies shall be appointed by the sitting Department Commander for the remainder of that term. At the first meeting of this Committee each year the voting members shall elect a Chairman, and the Department Adjutant shall be an ex-officio Secretary for the Committee. This Committee shall meet on the same date as the four (4) Constitutionally mandated DEC meetings and as otherwise called by the Chair of the Committee. Vacancies on this committee shall be filled by

appointment from the sitting Department Commander subject to approval by the DEC. The Department Commander, Adjutant and Treasurer shall be ex-officio members of this committee with voice but no vote.

Section 3: Long Range Planning Committee: The Long-Range Planning Committee duties are to develop and recommend operational plans and improvements for the Department and submit recommendations for action to the IA Committee for its consideration in developing, perpetuating and recommending to the Department Executive Committee the long-term plans and operational standards for the Department of Utah. This Committee shall consist of three (3) Past Department Commanders who shall be appointed to three (3) year declining terms. The incoming Department Commander shall appoint one (1) new committee member each year for a three (3) year term. Each year this committee shall review and amend as appropriate any previous recommended long-range plans submitted to the IA Committee but not adopted. The longest serving committee member whose term of office expires shall exit the committee but may be reappointed by the incoming Department Commander for a single additional term of three (3) years. Vacancies on this Committee shall be filled by appointment from the sitting Department Commander, subject to approval by the DEC, to fill the unexpired term. This committee shall meet as needed four (4) times per year at the discretion of the Committee Chair. At the first Committee meeting each year the voting members of the Committee shall elect a Chairman and Vice-Chairman. The Department Adjutant shall be ex-officio Secretary to serve this Committee. The Department Commander, Department Adjutant and Chair of the Finance and Budget Committee shall serve as ex-officio members of this Committee with voice but no vote.

Section 4 Training Committee: The Training Committee shall be appointed by the Department Commander as set forth herein. The Training Committee shall develop a comprehensive series of training programs that will satisfy the needs for appropriate instruction from the Post level through the Department level, incorporating current courses of instruction, such as the Legion College, Commanders School, and the American Legion Extension Institute courses, but expanded to satisfy more grassroots requirements. The Training Committee will also create the necessary curriculum and standards of instruction to develop a trained cadre that is proficient in both subject matter and teaching skills and can be employed at every level within the Department. Lastly, the Training Committee will ensure that the Department is maximizing the latest and most appropriate training media, consistent with the needs and resources of the Department. The Training Committee shall consist of five (5) members for a five (5) year declining term with a new member each year appointed by the Department Commander. At its first meeting each year the voting members shall elect a Chairman who shall appoint a Vice Chair. The Department Adjutant shall be the ex-officio Secretary for this committee. The Department Commander, Vice Commander and Department Adjutant shall serve as an ex-officio member with voice but no vote. In the event of a vacancy, the Department Commander shall appoint a member to fill the unexpired term. The Committee shall meet four (4) times or more annually as needed, or at the discretion of the Committee Chair or Department Commander.

Other Department Committees:

Section 1: Department Committees: There shall be nine (9) Department Committees consisting of the following: Americanism; Membership; Organization and Post Activities; National and

Homeland Security; Veteran Affairs and Rehabilitation VA&R); Constitution and By-Laws; Legislative; Public Relations and Publications; Department Convention Resolutions and Credentials; and Be The One. Unless otherwise set forth, members of these Department Committees shall consist of the Chairman of each respective Committee appointed by the incoming Department Commander and one member from each Area. The Department Convention Resolutions and Credentials Committee shall consist of the Department Adjutant who shall be the Chair and the four (4) Area Commanders. The Legislative Committee shall consist of the National Executive Committeeman as Chair and Alternate National Executive Committeeman as Vice Chair with nine members of the Legislative Council as set forth in Section 3 of this Article. The Constitution and By Laws Committee shall consist of the Department Judge Advocate as Chair and two members as appointed by the sitting Department Commander. As set forth in Section 2 of this Article, each Department Committee Chair may appoint subcommittees to assist the committee as needed. Members of any subcommittee shall be approved by majority vote of the members of the committee they serve and may come from any Area or District in the Department of Utah. Each Committee Chair shall provide an annual report for the Convention Book of Reports.

(a) Special Discretionary Committees: The Department Commander shall have authority to appoint such special committees to serve for a period not to exceed that Department Commander's respective term of office, and as may be authorized by the Department Executive Committee.

Section 2. Sub-Committees: Within the nine (9) Department Committees there shall be subcommittees of activity which shall be the responsibility of the named Department Committee.

(1) Americanism:

- a. Boys State
- b. Baseball
- c. Scouting America
- d. Children & Youth
- e. Community Services
- f. Junior Shooting
- g. Legion Riders
- h. Oratorical Contest and School Awards
- i. Sons of the American Legion
- j. Citizenship and Naturalization

(2) Membership, Organization and Post Activities:

- a. Membership
- b. Uniformed Organizations
- c. Awards and Trophies

(3) National and Homeland Security:

- a. Military Affairs
- b. Foreign Relations
- c. Aerospace
- d. Law and Order

- e. Disaster Preparedness
- (4) Veterans Affairs and Rehabilitation VA&R):**
 - a. Hospitals and VAVS
 - b. Veterans Preference and Employment
 - c. Homeless Veterans
 - d. Women Veteran Outreach
- (5) Constitution and By- Laws:**
 - a. Constitution, By-Laws and Rules review and revision
- (6) Legislative:**
 - a. Legislative Council (Shall consist of at least one member from each District)
- (7) Public Relations and Publications**
 - a. Promulgate guidelines for social media and internet use by Department, Areas, Districts and Posts
 - b. All Media Use Guidelines
 - c. Enhance public perception and maintain positive image of The American Legion
- (8) Department Convention/Resolutions and Credentials:**
 - a. Convention and credential verification rules
 - b. Review of Resolutions
- (9) Be The One:** The Chair and members of this committee shall be responsible for working with Posts and Districts to ensure the communication and care of veterans in their respective areas with the view to reducing and eliminating veteran suicides. The Department Commander shall appoint the Chair of this committee, and the Chair shall appoint members to this committee.

Section 3. Committee Chairs:

- (a)** Unless otherwise specified and set forth in this Constitution and By-Laws, the Chair of each above Department Committees shall be appointed annually and serve at the pleasure of the Department Commander, subject to approval by the Department Executive Committee; shall come from different Areas or Districts; may be reappointed by the incoming Commander but shall serve no more than four (4) years. The Department Vice Commander shall be the Chair of the Membership, Organization and Post Activities Committee. The Judge Advocate shall be the Chair of the Constitution and By-Laws Committee without term limitations. The Adjutant shall be the Chair of the Department Convention/Resolutions and Credentials Committee without term limitations. The National Executive Committeeman shall be the Chair of the Legislative Committee, without term limitations, overseeing The Legislative Council which shall consist of one member from each American Legion District in Utah.
- (b)** In the event a District member of a standing committee is elected to the Department Executive Committee, they shall, if their term does not expire prior to assuming office, resign their position on the Committee so that the incoming Department Commander may appoint a member to fill the remainder of the unexpired term. They shall not be reappointed until their term on the Department Executive Committee

has expired. Elective, voting members of the Department Executive Committee shall not be appointed to any commission or committee unless such appointment is specifically addressed within this Constitution or By-Laws or approved by a two-third (2/3) vote of the Department Executive Committee.

(c) Duties of the Committees consist of duties normally appertaining thereto and as may be assigned by the Department Commander, or the Department Executive Committee.

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

1. Americanism Committee:

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

(b) The Americanism Committee will consist of the following sub-committees that will report to the Committee: Boys State, Baseball, Scouting America, Children & Youth, Community Service and Education, Junior Shooting, Legion Riders, Oratorical Contest and School Awards, Sons of The American Legion, and Citizenship and Naturalization.

2. Membership, Organization and Post Activities Committee:

(a) Membership, Organization and Post Activities Committee shall recommend Programs to the Department and Posts for the promotion of activities that would stimulate interest in The American Legion and its programs in all communities and promote an increase of membership in the Department by utilizing the Department Membership goals for each Post. The Committee shall review the Department Membership goals on an annual basis and recommend changes and develop and implement Department Retention, Recruiting and Revitalization Teams within the Department and Districts as requested or as needed.

(b) **The Membership, Organization and Post Activities Committee:** Will consist of the following sub-committees that will report to the Committee: Membership, Uniformed Organization, Awards and Trophies.

3. National and Homeland Security Committee:

(a) This Committee shall be responsible for all the National and Homeland Security and Foreign Relations programs of The American Legion within the Department; to organize the members in support of national or civilian defense projects in the communities; to organize the Department and assist in organizing the communities for readiness to meet any emergency; to inform the members of any actions that could have an effect on the security of the community, state and nation.

(b) **The National and Homeland Security Committee** will consist of the following sub-committees that will report to the Committee: Military Affairs, Foreign Relations, Aerospace, Law and Order, and Disaster Preparedness.

4. Veterans Affairs and Rehabilitation Committee (VA&R):

(a) Veterans Affairs and Rehabilitation Committee shall be responsible for all the Veterans Affairs and

Rehabilitation Programs within the Department; to promote the programs of rehabilitation, employment and claims assistance for veterans and their dependents; to promote and coordinate volunteers at the Veterans Administration Hospitals to assist hospitalized veterans; to assist the Department Service Officers in the various locations and Regional Offices of the Veterans Administration to address issues and problems with veterans claim processing and rating; to encourage Posts and Districts to select qualified and able members to serve as Post and District Service Officers and provide assistance to carry out their duties.

(b) The Veterans Affairs and Rehabilitation Committee (VA&R): will consist of the following. Subcommittees who shall report to the Committee: Hospitals and VAVS, Veterans Preference and Employment, Homeless Veterans and Women Veteran Outreach.

5. Constitution, By-Laws and Standing Rules Committee (C&B-SR):

(a) The Constitution and By-Laws Committee will review the Department Constitution, By-Laws and Standing Rules on an annual basis and make any recommendations for corrections or revisions and insure conformity to the National Constitution. Upon request this Committee will review and advise Districts or Posts on proper construction of their Constitution and By-Laws.

(b) The Department Judge Advocate shall be Chair of this Committee.

6. Legislative Committee:

(a) The Legislative Committee shall be Chaired by the Department National Executive Committeeman, shall consist of a Vice-Chair (ANEC) and the four (4) Area Commanders, and will be the representative of the Department of Utah with the State Legislature and shall contact Congress on matters of interest to Utah veterans as long as contact does not conflict with any National American Legion policy. The Committee shall consider legislative matters and make recommendations to the Department Convention and/or Department Executive Committee and in general supervise the legislative program of the Department.

(b) The Legislative Council is the grassroots effort of the Legislative Committee and will be supervised by the committee. It shall consist of nine (9) members. Each District Commander shall make a recommendation to the Department Commander for the appointment of a member from their District to the Department Legislative Council.

7. Public Relations and Publications Committee:

The Public Relations and Publications Committee shall serve as the voice of veterans by enhancing public perception of The American Legion, America's veterans, and their families. It is responsible for maintaining the image of The American Legion by communicating our various messages to the public, promoting and publicizing projects, events, programs, and all accomplishments of The American Legion. The Committee shall provide direct oversight on all Department publications, Department Website, The Legion Times, and all communications media of the Department.

8. Department Convention/Resolutions and Credentials Committee:

(a) This Committee shall be chaired by the Department Adjutant and consist of the four (4) Area Commanders. It shall investigate the facilities of cities placing a bid for a Department Convention and recommend to the Department Executive Committee the city best qualified to hold a Department Convention.

(b) The Committee shall review all resolutions processed by the Internal Affairs Committee that are proposed to come before the Department Convention and ensure compliance with the requirements of

submitting resolutions.

(c) The Committee shall ensure compliance with all credentialing requirements for the Department Convention.

9. Be The One Committee:

(a) This Committee shall coordinate with Districts and Posts to ensure appropriate contact and communication with veterans in their area with the view to preventing and eliminating suicides by veterans. The Committee will provide guidance in proper peer-to-peer contact with veterans who may be at risk. Education about and use of The Columbia Lighthouse Project or any other appropriate tool will be the job of this committee.

(b) The Commander shall appoint the Chair of this committee. The Chair shall appoint all members deemed needed and appropriate to secure the mission of this committee.

ARTICLE IV ~ BONDING OF OFFICERS AND EMPLOYEES

Section 1. Department Officer Bonding:

(a) Any Department officials, handling American Legion money (in any form) shall be bonded with a bonding and surety company in an amount equal to double the average amount of money handled in a single year. The Department Adjutant shall ensure each year that all members handling funds within the American Legion Department of Utah are adequately bonded with an accredited bonding institution

(b) Bonds for Department officials shall be approved by the Department Judge Advocate and the Department Executive Committee.

(c) **Bonds for District:** Officials handling American Legion monies in any form shall ensure each year that all members handling funds within the District are adequately bonded with an accredited bonding institution in an amount determined by the District Executive Committee to be adequate for the protection of the District funds.

(d) **Bonds for Post:** Officials handling American Legion monies shall be bonded with a bonding and surety company in an amount approved by the Post Judge Advocate and the Post Executive Committee.

(e) **Bond for Post with Bars (canteens or clubs):** Any American Legion Post in Utah allowing utilization of the name "The American Legion" as part of a bar, canteen or club shall be bonded with a bonding and surety company in an amount equal to or double the average amount of money handled in a single year.

(f) Bonding information can be obtained at www.legion.org/bonding.

ARTICLE V ~ OPEN MEETING

Section 1. Department Meetings: All meetings of the Department Executive Committee, and all Department committees or, sub-committees shall be open to all members of The American Legion. In the event an executive session of any such committee within the American Legion, Department of Utah shall be deemed necessary, the chair of that committee will then ask all but committee members to depart for the duration of said committee executive session.

Section 2. District Meeting: All meetings of a District shall be open to all members in good standing of that District or as stipulated in the District Constitutions and By-Laws. At any District Executive Committee Meeting, members of the district who are not members of the District Executive Committee

shall have voice but no vote on any item coming before the committee.

Section 3. Post Meeting: All meetings of a Post shall be open to all members in good standing of that Post or as stipulated in the Post Constitutions and By-Laws. At any Post Executive Committee Meeting, members of the Post who are not members of the PEC shall have voice but no vote on any item coming before the PEC.

Section 4. Voice and Vote: Attendees without voice or vote may only speak as provided the opportunity by the presiding officer.

Section 5. Closed Meetings/Executive Session: Notwithstanding Sections 1, 2 and 3 above, the presiding officer can close a meeting and go into executive session to discuss personnel matters; real estate transactions and disciplinary matters. Any action must take place only when the closed session has ended, the meeting has been reopened for all members and the decision/action shall be shared with the membership.

ARTICLE VI ~ INDEX

Section 1. Table of contents or Index. A table of contents or index shall be prepared under the direction of the Department Judge Advocate and attached to this Department Constitution and By-laws.

ARTICLE VII ~ AMENDMENTS

Section 1. Constitution, By-Laws and Standing Rules Amendments: This Constitution, By-Laws and Standing Rules may be amended under guidance provided in subsections (a), (b) and (c) below. Note: *The proper procedure for writing and processing resolutions may be found by accessing legion.org/resolution; "The American Legion Resolutions and Reports booklet" (latest edition), printing that document and following the guidelines provided therein.*

(a) **This Constitution** may only be amended by receipt of a properly written and processed Resolution for Amendment originated at the Post and/or District level, and on approval by that Post and/or District Commander and being attested by that Post and/or District Adjutant. Such Resolutions for Amendment will then be forwarded through the Department Adjutant and provided to the Internal Affairs Committee Chair. The IA Committee will then review the Resolutions for Amendment submitted and take one of the following actions: **1)** Table; **2)** Rejection; **3)** returned to originator for further study/rewrite with specifics as to areas of concern; or **4)** combine with any other submitted Resolutions for Amendment and returned to originators for conformity, or **5)** provisional approval and recommendation that the Resolutions for Amendment be distributed to all DEC members and each Post Commander and Adjutant in Utah for review of their concerns, comments or questions not later than 120 days prior to convening of the next Area Fall Conference. Once those concerns, comments or questions are provided to DEC members, Post's and/or Districts, they have thirty (30) days in which to provide their written concerns, comments or suggested changes back to the IA Committee Chair. Upon receipt of Post and/or District concerns, comments or suggested changes, the IA Committee, together with the Constitution and By-Laws Committee, will update the resolution(s) as appropriate and return them to the Department Adjutant to be placed on the Department Convention Agenda for approval or rejection by the delegates to the next Department Convention.

(b) **These By-Laws** may be amended upon receipt of a properly written and processed Resolution to Amend originating at the Post and/or District level and on approval of that level and being attested to by the Post and/or District Adjutant, the Post and/or District Commander will forward subject resolution to the Department Adjutant to be provided to the IA Committee Chair. The IA Committee will then review each resolution submitted, with one of the actions taken and followed as set forth in Section 1(a) above.

(c) **These Standing Rules** may be amended upon receipt of a proper motion made and seconded at any Department Executive Committee meeting and, after discussion, approved by a (2/3) two thirds vote of members present or if prior notice has been given, by majority vote of members present.

ARTICLE VIII ~ GENERAL ENACTING PROVISION

Section 1. General Provisions:

(a) The provisions of this Department Constitution and By-Laws and Standing Rules of the American Legion, Department of Utah, attached hereto and made a part hereof, and as hereafter may be amended, shall become effective immediately upon adoption. Any pre-existing Department Constitution and By-Laws or Rules are repealed and terminated by the adoption of this Department Constitution, By-Laws, and Standing Rules unless otherwise specifically provided. If any provisions of the Department Constitution and By-Laws and Standing Rules conflict with the National Constitution, By-Laws, Rules and Regulations, the National documents shall prevail. Notwithstanding any other provision in this Constitution, By-Laws or Standing Rules, these documents may be amended or revised by majority vote of the Department Executive Committee if only to conform to changes in the National Constitution, By-Laws or Standing Rules or to correct simple grammatical errors. Notice of any such changes shall be provided to all Districts and Posts within sixty (60) days of occurrence.

(b) Personal appearance at scheduled and properly noticed Department Executive Committee, or any Department Committee meetings, where it may be required in this Constitution or By-Laws, shall include virtual or telephonic appearance.

ARTICLE IX ~ MASCULINE AND FEMININE GENDERS

Section 1. No Distinction Between Male and Female. Wherever in this Constitution, By-Laws, and Standing Rules reference is made to the words "him", "he", "his" and similar shall be deemed to include, as appropriate, "her", "she", "hers", and similar references, to the end that all distinction between the male and female sexes, for purposes of this Constitution, By-Laws, and Rules shall be deemed eliminated.

ARTICLE X ~ TRANSACTION OF BUSINESS BY MAIL, E-MAIL OR TELEPHONE

Section 1. The Department Executive Committee, or any member thereof, without meeting personally together, may transact business by mail, e-mail, telephone, or other electronic means on any matter of urgency, not involving the establishment of any new policy, which cannot be delayed to the next regular scheduled and properly noticed meeting. Provided further that the Department Adjutant shall prepare and preserve a record of the meeting including any motions made and votes taken with said record presented

at the next regular scheduled DEC meeting.

ARTICLE XI ~ INCORPORATION & ADOPTION

Section 1. These By-Laws, together with the attached Standing Rules of The American Legion, Department of Utah, are hereby incorporated and made a part of the heretofore set forth Department Constitution.

STANDING RULES OF THE AMERICAN LEGION

DEPARTMENT OF UTAH

PREFACE: These Standing Rules and regulations for the guidance of an assembly having been adopted by a majority vote of registered members at the Department Convention may, when necessary, be amended or rescinded by a two-thirds vote, or if notice has been given, a majority vote of the DEC. Standing Rules are usually adopted or amended from time to time as they are needed to assist the Department of Utah in its every day operation of the organization and its chartered or other subsidiaries. The rules regulating amendment of Standing Rules are less demanding to better facilitate the recognition that some issues and events that occur require more fluidity in operation and control by the Department of Utah. However, though less demanding, the Department must ensure proper adherence to these requirements to ensure transparency and evenness in fulfilling and upholding these Standing Rules.

Article 1: GUIDANCE FOR DEPARTMENT OF UTAH AMERICAN LEGION POSTS

LICENSED TO SERVE ALCOHOL IN THE STATE OF UTAH

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

7. All persons prior to being served alcoholic beverages shall show proper government pictured ID to ensure that individual meets state age requirements for consumption of alcoholic beverages. No guest under age twenty-one (21) shall be admitted into the club area or be served an alcoholic beverage.
8. Any person walking into the bar from the street uninvited and asking a club member to "sign them in" shall NOT be granted entrance and shall immediately be asked to leave the premises.
9. Any member or unsponsored guest shall immediately leave the premises when requested to do so by authorized club or Post management personnel.
10. The Club manager/his or her assistant(s), hired employee(s) or Post Executive Committee member(s) have the right and privilege of refusing service to anyone who violates posted club rules or supplementary Post's governing procedures and rules.
11. In the event a member or guest refuses to leave the premises upon request, any Post officer, club manager or employee may call upon local police authority for assistance in removing said individual or violator(s).
12. No member or guest shall secure alcoholic beverages or merchandise for any person who has been refused service.
13. No alcoholic beverage of any kind may be taken into or out of the premises as covered by license where State Laws and UABC regulations so provide.
14. There shall be "NO GAMBLING" on the Post premises.
15. No disorderly conduct shall be permitted on the premises. Those who act inappropriately shall immediately be invited to leave the premises of any American Legion Post within the physical boundaries of the State of Utah.
16. There shall be no profane or abusive language used upon the premises.
17. There shall be no drunkenness or lewdness allowed upon the premises. Should any member or guest come into the club intoxicated, or become intoxicated while in the club, or act in any manner of disorder as outlined in the Post Club Operating Rules and Procedures for members and guests, they shall immediately be requested to leave the premises.
18. Any person working the club bar, or who serves or allows to be served for consumption any alcoholic beverages as outlined in paragraphs 12 through 18 above, shall be deemed in violation of posted club rules and may be subjected to suspension of club room privileges and/or termination of employment or suspension of Post membership.
19. Post officers, club managers, assistants or hired employees are charged with maintaining good order, conduct, and discipline at all times.
20. Post officers, club manager or assistants or club employees or any member of the Post may check the membership card of a visiting Legionnaire, Auxiliary or Sons member's card at any time.
21. Any person removing, damaging, or destroying property of The American Legion or the Post shall be subject to making full restorative payment for stolen, damaged, or destroyed property and shall be subject to suspension of club privileges, and/or suspension of Post membership.
22. Any Post doing business as a canteen will arrange for and fund an independent (Certified Public Accountant (CPA) audit not less than every three years. A written report of the audit results will be

forwarded to the Department Adjutant.

Article 2: SANCTIONS FOR VIOLATION OF POSTED CLUB RULES

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

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

a) Shut down any and/or all operations of said club bar room and/or suspend sales of all alcoholic beverages, pending an investigation and proper hearing on violation(s) by the "District Panel" as below set forth.

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

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

d) The decision of the above "District Panel" shall, by majority vote, be to either sustain, or overrule the closing of the club, or impose further written restrictive sanctions upon Post and club management.

e) Should the decision by said panel be to sustain closing, such ruling body shall, as part of its decision, also prescribe the length of time said club shall remain closed. A copy of any such written complaint and written findings and recommendations of said jury shall be submitted to the District and Area Commander (with jurisdiction over the Post) within five (5) days of said decision.

f) Prior to taking any of the above actions recommended by the jury, but in no event more than ten (10) days, the Area Commander shall obtain written approval of the Department Internal affairs Committee Chair to proceed with the recommendations. After taking such action, the Area Commander shall cause a full written report of findings to be provided that shall be submitted within twenty (20) days to the Department Adjutant.

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

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

Article 3: DEPARTMENT CLUB RULES COMMITTEE

1) There shall be a "Department Club Rules Committee" (under the oversight of the IA Committee) appointed by the sitting Department Commander and approved by the Department Executive Committee who shall, if possible, have had some experience in club operation, rules and regulations as established under the Utah Alcoholic Beverage Commission. Said Department Club Rules Committee shall consist of four (4) members from Districts operating bar/club Posts. The Committee shall elect one of their members as Committee Chair. The Club Rules Committee members shall review all Posts who have club operations at least once annually to determine if that Post is operating in accordance with Federal, State, Local, Post and American Legion Department of Utah guidelines. All club operations shall furnish, upon request, copies of all IRS Form 990 reports to determine their financial responsibility during each year of operation.

2. All Department Club Rules Committee members shall serve a four-year declining term of office, except as set forth herein, with the incoming Department Commander appointing one new member based on recommendation from the IA Committee to replace the outgoing committee member each year. Vacancies occurring for any reason shall be filled by the sitting Department Commander with a member from the Area whose member's term is being vacated. The first appointments to the committee shall be for all four (4) members with each being designated as appointment number 1, 2, 3 or 4 as determined by the sitting Department Commander. In succeeding years as the number four (4) appointee reaches the end of his first year he shall drop off and the incoming Department Commander shall fill that position with a four-year appointment. The number three (3) appointee shall drop off at the end of his second year, the number two (2) appointee shall drop off at the end of his third year, the number one (1) appointee shall drop off at the end of his fourth year, and as each member drops off, the incoming Commander shall appoint a member to a four-year term. Outgoing members may be reappointed for one additional four-year term.

Article 4: RULES FOR CONTROL OF AMERICAN LEGION PROGRAMS

MEMORANDUM TO: Department Adjutants & Department Judge Advocate from the National Judge Advocate.

Four Rules of an "American Legion Program": Whether a program is chartered by a Post, District, Department or National, it is incumbent on The American Legion that we control the actions of that program to best meet the needs of our organization, provide oversight and protect the brand. Therefore, when a body sets up a program, whether it's a Sons of The American Legion squadron or an American Legion Riders chapter, (or other subsidiary program) the program itself must be answerable to the body which chartered it.

Rule #1 "Leadership" All elected and appointed leaders must be confirmed by the parent organization after each selection, or as needed.

Rule #2 "Rules" All bylaws, amendments and/or standing rules must be presented to the parent organization for confirmation and approval prior to use.

Rule #3 "Reports" The program will provide to the parent organization: (a) monthly activities reports; (b) quarterly financial reports; (c) an annual financial statement; and (d) any additional report(s) requested by the parent organization.

Rule #4 "Controls" The parent organization may provide the program with the employer identification number (EIN) and the tax-exemption status with the necessary financial controls over their usage. All program financial accounts must have a minimum of two (2) parental signatories appointed by the parent organization. "Parent Organization" denotes an American Legion organization

level as it relates to the program at the post, district, department and/or the national organization. This will alleviate confusion and problems that sometimes occur when a program initiated in good faith by a parent organization gradually falls out of favor and begins to act as an independent body without answering to the parent affiliate. Any programs that use the name "American Legion" must follow these four rules so that national does not have to enforce intellectual property rights against a subsidiary organization using our name.

Mark C. Seavey, J.D. National Judge Advocate

ARTICLE 5: Use of Department Vehicles

Any Vehicle registered to the American Legion Department of Utah must always have appropriate insurance. Its use may only be for American Legion business or interest. Only the following American Legion members may occupy the vehicle as the driver:

- > Department Adjutant
- > One of the nine District Adjutants
- > Department Sgt-at-Arms then in office

Any driver authorized to operate a Department vehicle must be properly licensed and, before operating the vehicle, shall allow their driver record to be checked by the insurance company then insuring the vehicle.